ZONING ORDINANCE REWRITE
Module 1: General Provisions &
Development Review

Plan Commission
February 14, 2013

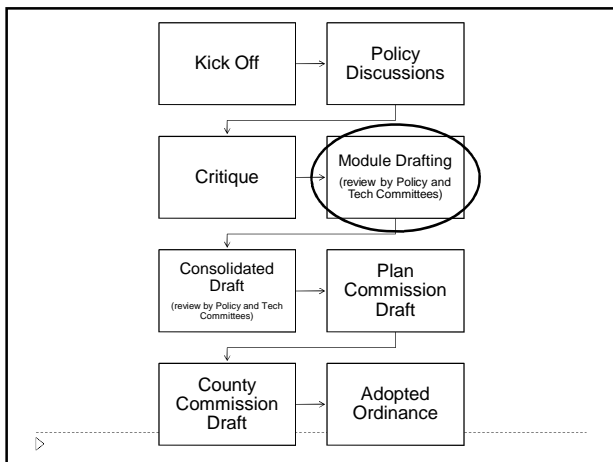Kick Off → Policy Discussions

Critique → Module Drafting (review by Policy and Tech Committees)

Consolidated Draft (review by Policy and Tech Committees) → Plan Commission Draft

County Commission Draft → Adopted Ordinance

Editing Marks

Existing Text	Text from the existing Zoning Ordinance that has not been modified.
Added Text Deleted Text	Text that has been added to or deleted from the existing regulations
COMMENTARY/QUESTON/NOTE	Poses questions and provides commentary to the draft reviewers. Boxes marked as "COMMENTARY" are intended to remain in the adopted document. Questions and Notes should be addressed and deleted prior to adoption.
Sec. XXX	Notes within the margin that show the location in the Zoning Ordinance of text that is existing, modified or deleted. The reference in the call-out applies to all subsequent text in the draft until the next call-out appears in the margin.
Draft E – Sec. XXX	Shows where language from Draft E has been copied over to this draft. A citation is provided.
☆	Idea brought up in Zoning Ordinance Critique

Module 1 – First 3 Articles of Ordinance

▸ Article 1, General Provisions
  ▸ Establishes mundane but important provisions that apply to entire Zoning Ordinance

▸ Article 2, Development Review Bodies
  ▸ Lists out the review and final action responsibilities of each development review body

▸ Article 3, Development Review Procedures
  ▸ Explains process for each type of review procedure

Article 1 – General Provisions

▸ Sec. 1.2 Purpose (P. 1-2)
  ▸ May remove or add to
  ▸ Many decisions based on Purpose of Ordinance

▸ Sec. 1.5 Rules of Construction (P. 1-2)
  ▸ Sets rules for terms used later in Ordinance

▸ Sec. 1.7 Conflict or Inconsistency (P. 1-4)
  ▸ Internal or external conflicts
  ▸ Stricter regulations control

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Procedure	Building Commissioner	Zoning Administrator	Plan Director	Technical Review Committee	Hearing Officer	Board of Zoning Appeals	Plan Commission	Brd. of County Comm. or Other Legislative Body	Reference
Building Commissioner									
Building Permit	D	R							Sec. 3.12
Sign Permit	D	R							Sec. 3.13
Certificate of Occupancy	D	R							Sec. 3.14
Zoning Administrator Action									
Administrative Adjustment		D							Sec. 3.8
Written Interpretation		D							Sec. 3.9
Improvement Location Permit		D							Sec. 3.10
Temporary Use Permit	R	D							Sec. 3.11
Hearing Officer Action									
Special Use Permit (Mobile Home)		R			<D>				Sec. 3.6
Variance		R			<D>				Sec. 3.7
Board of Zoning Appeals Action									
Special Use Permit (Mobile Home)		R				<D>*			Sec. 3.6
Special Use Permit (Non-Mobile Home)		R				<D>			Sec. 3.6
Variance		R				<D>*			Sec. 3.7
Appeal of Administrative or Hearing Officer Decision						<D>			Sec. 3.15
Board of County Commissioners or Other Legislative Body Action									
Zoning Ordinance Text Amendment		R					<R>	<D>	Sec. 3.2
Zoning Map Amendment (Rezoning)		R					<R>	<D>	Sec. 3.3
General Planned Unit Development		R	C				<R>	<D>	Sec. 3.4
Detailed Planned Unit Development		R	C				<R>	<D>	Sec. 3.5

R = Review and Recommendation
D = Decision
C = Determination of technical correctness or incorrectness
<> = Public Hearing Required
* Referred to the BZA by the Zoning Administrator, Hearing Officer, petitioner or remonstrator in accordance with Sec. 2.03 of the Board of Zoning Appeals Rules of Procedure

Sec. 3.1 – Common Review Procedures

▸ General
  ▸ Most significant in Module
  ▸ Sets out review provisions that apply to many or all Development Review Procedures
▸ 3.1.4.C Forms and Fees (p. 3-2 thru 3-3)
  ▸ No need to list submittal requirements
▸ 3.1.4.D Application <u>Sufficiency</u> Review (p. 3-3)
  ▸ <u>Sufficiency</u> = application has what is needed to be reviewed by Staff
  ▸ Staff has 2 days to review for sufficiency
  ▸ Applicant has 2 days after deadline to make sufficient

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Sec. 3.1 – Common Review Procedures

▸ 3.1.4. E Technical <u>Correctness</u> Review (p. 3-3 thru 3-4)
  ▸ <u>Correctness</u> = application complies with regulations or policies that Tech Committee members oversee
  ▸ Makes sure the Plan Commission can make an informed decision on the request
  ▸ Chair makes overall determination based on correctness determinations from each Committee member
  ▸ If still not complete, then the application goes to next Tech meeting with more time to submit corrections and review

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Sec. 3.1 – Common Review Procedures

▸ 3.1.10 Modification of Approved Site Plan (p. 3-6)
  ▸ Applies to SUPs, Variances, DPUDs
  ▸ Sets parameters for administratively approvable minor modification

▸ 3.1.11 PUDs Without Site Plan (P. 3-7)
  ▸ Older PUDs – no adopted Site Plan Support Drawing
  ▸ Allow single-family without rezoning or Detailed Site Plan / Detailed Development Plan

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Remainder of Article 3

- Standard Parts for each Procedure
  - Applicability
  - Review Process
  - Review Criteria
  - Duration
- Sec. 3.3.3 New Additional Rezoning Criteria (P. 3-11)
  - Standard five state-mandated criteria PLUS
    - Proximity to other public facilities such as schools, libraries, fire stations and parks
    - Other proposed criteria were removed by Policy Committee

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Remainder of Article 3

- Sec. 3.4 & 3.5 GPUD and DPUD (P. 3-12 thru 3-31)
  - Streamlined – material covered in common review procedures and submittal requirements stricken
  - Detailed Site Plan, Detailed Development Plan, Ordinance
  - Made clear that the PC can recommend and the legislative body can require enhancements to site related to landscaping, signs, access, etc.
  - Struck provisions related to Corridor PUD
- Conditional Industrial Unit Development (P. 3-32)
  - Stricken
  - May rely on Special Use Permit and/or commitments

Remainder of Article 3

- Sec. 3.6 Special Use Permit (P. 3-33)
  - Special Uses will be identified in use table
  - Retained existing Review Criteria

- Sec. 3.7 Variance (P. 3-36)
  - Technical Committee proposed removing Use Varainces
  - Policy Committee voted to keep Use Variances
  - Technical Committee proposed some additional criteria for Developmental Variances but research showed this would be outside the norm for the area and state
    - The conditions that create the need for the Variance are not the result of the applicant's own actions.
    - The applicant's reasons for the Variance request are not solely economic in nature.

Remainder of Article 3

▸ Sec. 3.10 Improvement Location Permit (P. 3-43)
  ▸ Required for paved areas over 539 square feet
  ▸ Required for new nonresidential land use or change from one use category (Established in Module 2) to another
    ▸ Residential
    ▸ Retail Sales and Service
    ▸ Vehicle-Oriented
    ▸ Overnight Accommodations
  ▸ ILP not needed for some improvements

Remainder of Article 3

▸ Sec. 3.11 Temporary Use Permit (P. 3-47)
  ▸ Required for temporary uses listed in Article 5 (Module 2) such as circuses, special sales events, food stands
  ▸ Building Commissioner Review and Zoning Administrator final action
  ▸ 90 day duration

Remainder of Article 3

▸ Sec. 3.14 Certificate of Occupancy (P. 3-52)
  ▸ Building Permit approval required prior to C of O approval
  ▸ For a new nonresidential building, as-built drawings that comply with all previously approved plans and permits must be prepared by a licensed Surveyor and submitted prior to issuance of C of O
  ▸ This is needed due to consistent problem of projects not being built according to approved plans

Discussion