


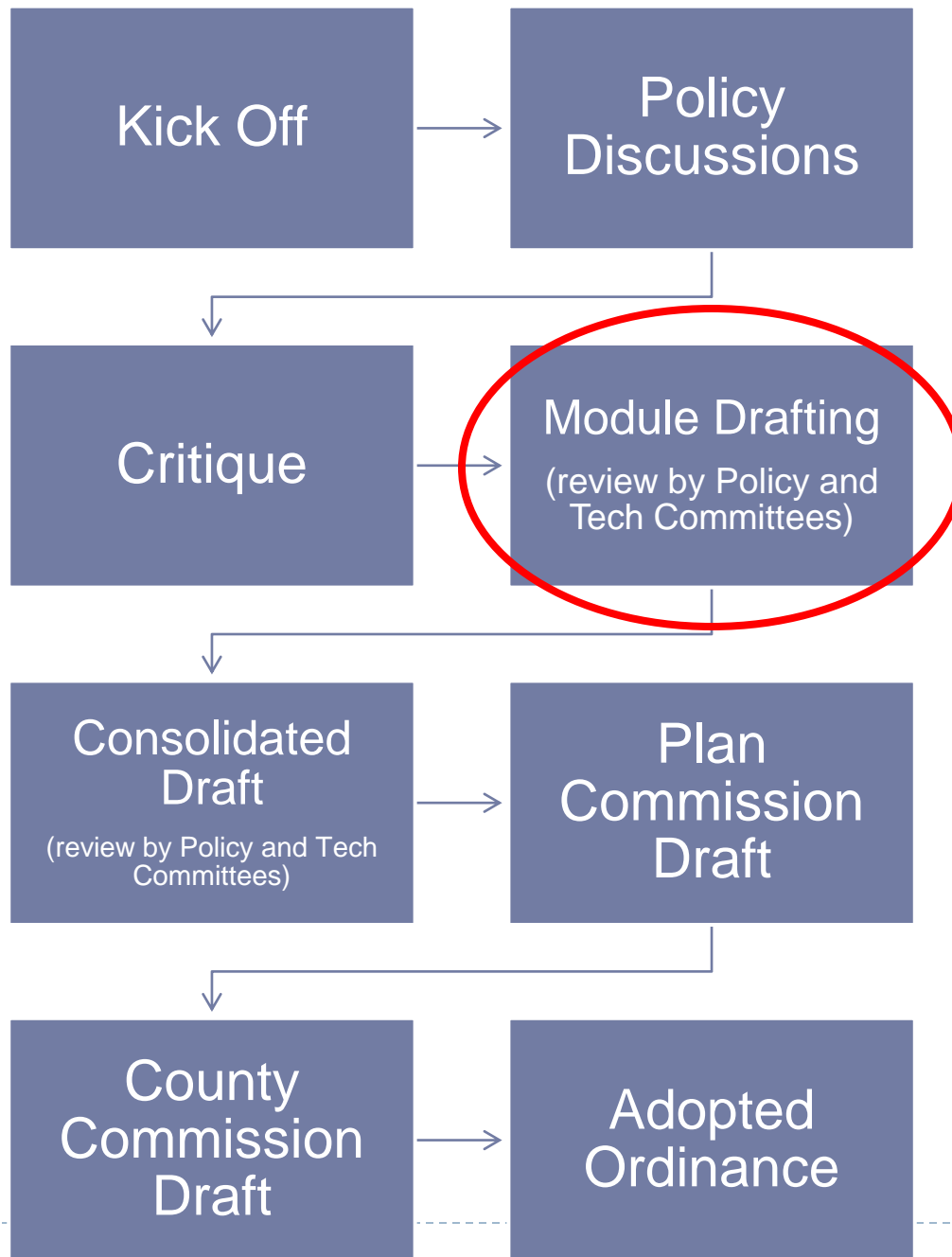


ZONING ORDINANCE REWRITE

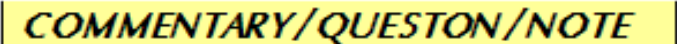

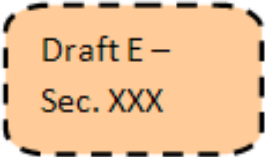

Module 1: General Provisions & Development Review



Policy Committee
January 8, 2013



Editing Marks

Existing Text	Text from the existing Zoning Ordinance that has not been modified.
<u>Added Text</u> Deleted Text	Text that has been added to or deleted from the existing regulations
	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.
	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 <u>draft</u> until the next call-out appears in the margin.
	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
- ▶ Lots of underlined new text, but the content is the same or similar to existing responsibilities of each development review body

▶ Article 3, Development Review Procedures

- ▶ Explains process for each type of review procedure



Article 1 – General Provisions

- ▶ Partly from Draft E
- ▶ 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
- ▶ Sec. 1.9 Transitional Provisions (P. 1-5)
 - ▶ Applications submitted prior to adoption of new Ordinance



Article 2 – Development Review Bodies

- ▶ Not in Draft E
- ▶ Sec. 2.2 Board of County Commissioners (P. 2-1)
 - ▶ Final Action on Legislative Decisions
- ▶ Sec. 2.3 Plan Commission (P. 2-1)
 - ▶ Review and Recommendation on Legislative Decisions
- ▶ Sec. 2.4 Board of Zoning Appeals (P. 2-2)
 - ▶ Final Action on Special Use Permits, Some Variances and Appeals of Administrative & Hearing Officer Decisions
- ▶ Sec. 2.5 Hearing Officer (P. 2-4)
 - ▶ Final Action on Variances and Special Use Permits for Mobile Homes



Article 2 – Development Review Bodies

- ▶ **Sec. 2.6 Technical Review Committee (P. 2-5)**
 - ▶ Determination of Application Correctness
 - ▶ General Planned Unit Development
 - ▶ Detailed Planned Unit Development
 - ▶ Plan Director is Chair
 - ▶ All current members with additional members as needed
- ▶ **Sec. 2.7 Plan Director (P. 2-5)**
 - ▶ Review and recommendation on legislative decisions



Article 2 – Development Review Bodies

- ▶ **Sec. 2.8 Zoning Administrator (P. 2-6)**
 - ▶ Review and Recommendation on BZA / Hearing Officer Decisions
 - ▶ Final Action
 - ▶ Administrative Adjustment
 - ▶ Written Interpretation
 - ▶ Improvement Location Permit
 - ▶ Temporary Use Permit
- ▶ **Sec. 2.9 Building Commissioner (P. 2-8)**
 - ▶ Review and Recommendation
 - ▶ Temporary Use Permit
 - ▶ Final Action
 - ▶ Building Permit
 - ▶ Sign Permit
 - ▶ Certificate of Occupancy



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. 2.05 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
- ▶ Not in Draft E
- ▶ 3.1.2, 3.1.3 Decision Categories (p. 3-1 thru 3-2)
 - ▶ Legislative decisions come first, then quasi-judicial, then administrative
- ▶ 3.1.4.C Forms and Fees (p. 3-2 thru 3-3)
 - ▶ No need to list submittal requirements



Sec. 3.1 – Common Review Procedures

- ▶ 3.1.4.D Application Sufficiency Review (p. 3-3)
 - ▶ Make sure the application has what is needed to be reviewed
 - ▶ Staff has 2 days to review
 - ▶ Applicant has 2 days after deadline to correct
- ▶ 3.1.4. E Technical Correctness Review (p. 3-3 thru 3-4)
 - ▶ 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
 - ▶ Correctness = application complies with regulations or policies that Tech members oversee
 - ▶ If still not complete, then the application goes to next Tech meeting with more time to submit corrections and review



Sec. 3.1 – Common Review Procedures

- ▶ **3.1.8 Revocation of Permit or Approval (p. 3-5)**
 - ▶ Review body that issues a permit or approval may revoke based on:
 - ▶ Misrepresentation on application
 - ▶ Violation of Ordinance, site plan or commitments/conditions
 - ▶ Uncorrected projects that were not built to an approved plan or permit are subject to the enforcement provisions in Article 9.

- ▶ **3.1.10 Modification of Approved Site Plan (p. 3-6)**
 - ▶ Applies to SUPs, Variances, DPUDs
 - ▶ Sets parameters for administratively approvable minor mod
 - ▶ **Policy Committee:** Other criteria?



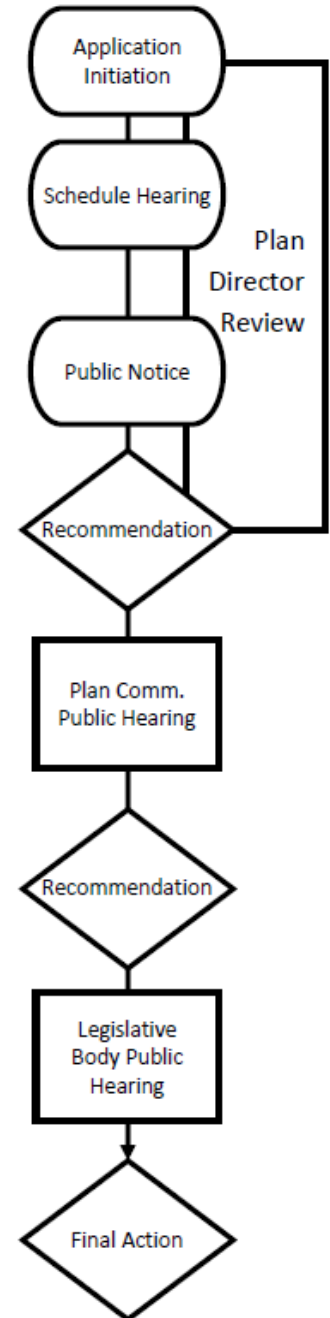
Sec. 3.1 – Common Review Procedures

- ▶ 3.1.11 PUDs Without Site Plan (P. 3-7)
 - ▶ Older PUDs
 - ▶ **Policy Committee:** Allow single-family without rezoning or detailed site plan / development plan?
- ▶ 3.1.13 Appeals (P. 3-7)
 - ▶ Fire Prevention and Building Safety Commission, BZA or Court of Competent Jurisdiction



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 vacant or underutilized properties already designated with the requested zoning district
 - ▶ Proximity to the Urban Growth Area of incorporated Towns
 - ▶ Proximity to other public facilities such as schools, libraries, fire stations and parks



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)**
 - ▶ Use Variances removed
 - ▶ Rely instead on SUPs, by right with limitations, or prohibited uses
 - ▶ Existing Review Criteria remain except:
 - ▶ There are extraordinary or special conditions affecting the subject property such that the strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property.
 - ▶ The conditions that create the need for the Variance are not the result of the applicant's own actions. (new)
 - ▶ The applicant's reasons for the Variance request are not solely economic in nature. (new)



Remainder of Article 3

- ▶ **Sec. 3.8 Administrative Adjustment (P. 3-40)**
 - ▶ Going to January County Commissioners
 - ▶ Allows Zoning Administrator to approve setback deviations 10% or less of setback
- ▶ **Sec. 3.9 Written Interpretation (P. 3-42)**
 - ▶ Zoning Administrator writes interpretations that annually may be codified into the Ordinance



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
 - ▶ ILP not needed for some improvements (Draft E)
 - ▶ Project must start within 6 months of ILP approval and must be finished within 24 months
 - ▶ Zoning Administrator may approve 2 extensions of 30 days each



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
- ▶ **Sec. 3.12 Building Permit (P. 3-48)**
 - ▶ Put existing practice in writing
- ▶ **Sec. 3.13 Sign Permit (P. 3-51)**
 - ▶ Sign face change only does not require Sign Permit
 - ▶ Incorporates by reference any Town's standards



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
- ▶ **Sec. 3.15 Appeal of Administrative or Hearing Officer Decision (P. 3-54)**
 - ▶ BZA final action
 - ▶ Appeal within 14 days of decision



Next Steps

- ▶ Plan Commission Meeting on Module 1 on January 10th
- ▶ Provide Technical Committee Module 2 on January 28th





Discussion