

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C2O-2011-036 Land Use Determination

Description:

Amend City Code Chapters 25-1 (General Requirements and Procedures) and 25-2 (Zoning) to: (A) establish appropriate requirements for the issuance, notification, and appeal of zoning use determinations; and (B) require that use determinations be made either concurrent with issuance of a development approval or as part of a pre-permitting review process that provides for public notice.

Staff Recommendation:

Staff has prepared a draft proposal to meet the intent of the Council resolution, and recommends approval

Discussion:

The proposed ordinance would increase notification for land use determinations, and define when such notification is required to be made.

Informal discussions will still occur. Staff will still provide information to customers about land uses and other planning matters without any additional notification requirements.

If a site plan is filed that includes a use that requires significant interpretation as to its classification, staff will notify residents and property owners within 500 feet of the property. This will inform the interested parties as to the land use determination that has been made by staff and outline their options for appeal, including deadlines.

If an appeal is filed, approval of the site plan would be suspended until the appeal is resolved. If no appeal is filed, the approval process would continue once appeal period of 21 days had expired.

If a use determination is requested that is not associated with a site plan or other permit, notification will be made within 500 feet of the property if the request is associated with an address, as above. If the request is not associated with an address, notification of the determination will be sent to all registered community organizations.

Board and Commission Actions

Planning Commission

January 17, 2012: The Planning Commission Committee on Codes and Ordinances forwarded this to the Planning Commission for public hearing and consideration without a recommendation.

January 24, 2012: Planning Commission postponed the public hearing and action until February 14, 2012 at the request of a business representative group.

February 14, 2012: Planning Commission sent the item back to the Codes and Ordinances committee and help open the public hearing, postponing action until February 28, 2012.

February 21, 2012: The Planning Commission Committee on Codes and Ordinances forwarded this to the Planning Commission for consideration with a recommendation for approval

February 28, 2012: Planning Commission approved the item on a vote of 9-0.

City Council Action

December 15, 2011: City Council adopts resolution 20111215-059 (attached) directing staff to prepare and ordinance amending City Code regarding zoning use determinations and to bring the ordinance back for their consideration within 90 days.

March 8, 2012: The City Council is scheduled for public hearing and possible action on this item.

Ordinance Number:

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