

<b>General Notes/Comments/Responses for Urban Renewal Agency, December 16, 2019; January 13, 2020 Regular Meeting</b>													
<b>1. Does the Planning Commission (PC) have the authority to impose other conditions on a Conditional Use application, above and beyond those called out in a footnote. Do they always require a site plan at their public hearing?</b>													
Response: PC can add conditions as they desire and that are within the boundaries established in the code													
<b>2. Can there be Permitted Uses with Exceptions?</b>													
Response: PC is a valid use for this scenario. PC means, the use is permitted, but under some circumstances may be conditional.													
<b>3. What are nonconforming use rules?</b>													
Nonconforming Uses - (§ 25-2-941) means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.													
Uses Conforming on MARCH 1, 1984. (§ 25-2-942) The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.													
Per 12th Street NCCD - Current existing uses that are now prohibited, are allowed to continue as legal non-conforming uses as per the Land Development Code, Section 25-2-941.													
<b>Determination of Nonconforming Use Regulation Group (§ 25-2-946)</b>													
This code section begins to set forth the process for determining if a property is conforming or not and what the level of non-conformance means in regard to additions or improvements that are allowed.													
This is spelled out in greater detail in 25-2-946.													
<b>Abandonment of Nonconforming Use (25-2-945)</b>													
A) A person abandons a nonconforming use if:													
(1) the person changes the use of property from a nonconforming use to a conforming use; or													
(2) the person discontinues the nonconforming use for 90 consecutive days.													
(B) A seasonal discontinuance of a use, or a temporary discontinuance of a use for maintenance or repair, is excluded from a calculation of the 90-day period described in Subsection (A)(2).													
(C) A person may not resume an abandoned nonconforming use.													
<b>4. Regarding the question about Kenny Dorham's Backyard and what permitted use it falls under, based on the Temporary Use Permit #2019-008619, its under Article 6- Temporary Uses; 25-2-921-Temporary Uses Described:</b>													
(C) An outdoor public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience may be permitted as a temporary use under this division if:													
(1) for a gathering of not more than 50 persons, the use is located in an SF-4 or less restrictive zoning district;													
(2) for a gathering of more than 50 persons, the use is located in an LO or less restrictive zoning district; or													
(3) for an exhibit, the use is located in a GR or less restrictive zoning district.													
<b>5. Drive Throughs-East 12th Street NCCD</b>													
Drive-through services with the hours of operation between midnight and 6:00 AM, if used for an automated teller machine													
Drive through uses are permitted as an accessory use to a permitted primary use with the following conditions													
1 The primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane													
2 The maximum curb cut for a drive through accessory use must not exceed 30 feet.													
3 Drive through uses are permitted to operate between the hours of 6:00 AM and 12:00 midnight.													
4 A drive through ATM operating between the hours of 12 midnight and 6.00 AM is a conditionally permitted use.													
5 Drive through uses as an accessory use to a restaurant are prohibited.													
<b>6. Are ATM's allowed under Financial Services outside/attached to a building?</b>													
An ATM machine in a building, is allowed as an accessory use as long as it occupies less than 10% if the site area.													
<b>7. How can "Save and Except" language be written into the Urban Renewal Plan and NCCD?</b>													

URB can state the intent of just allowing this use in one place and nowhere else. For the NCCD, the regulations regarding a specific address would be tied to a specific site.						
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