



Legislation Text

File #: 19-3113, **Version:** 3

Ordinance -Third and Final Reading of an Ordinance Amending Section 8600.A of the Zoning Ordinance to Revise the Regulations for Issuing or Revoking Specific Use Permits by City Council (OA#19-001)

To consider the proposed Zoning Ordinance amendment.

The Planning and Zoning Commission held a public hearing on April 1, 2019, and voted 6-0 to recommend approval. Chairman Wilshire was absent.

First Reading

Based on recent direction by the City Council, Specific Use Permits (SUP) are now approved by City Council at one meeting after a recommendation by the Planning & Zoning Commission. Previously, SUPs were approved by ordinance with three readings. The purpose of the proposed amendment is to clarify the approval procedure for SUPs.

A zoning change on a property requires the passage of an ordinance amending the Zoning Ordinance. A SUP is not a zoning change and does not require an ordinance for its approval. To reflect this, staff proposes an amendment to Section 8600.A to separate the provisions for zoning changes and SUPs and to clarify that only one meeting is required.

The proposed amendment will revise Section 8600.A to read as follows:

A. Authority to Amend: The City Council may, from time to time, on its own motion or on the petition of an interested property owner or owners:

1. Amend, supplement, or change by ordinance the zoning classification of any property or the regulations herein established; or
2. Issue or revoke Specific Use Permits. Issuance or revocation of a Specific Use Permit shall only require the approval of City Council at one (1) meeting.

Second Reading

The City Council held a public hearing and first reading on April 22, 2019, and voted 6-1 (with Councilmember Moore voting no) to approve. Some members of Council had requested more information and additional language be added to clarify the SUP process, which the City Attorney provided. Section 8600.A of the Zoning Ordinance is now proposed to read as follows:

A. Authority to Amend: The City Council may, from time to time, on its own motion or on the petition of an interested property owner or owners:

1. Amend, supplement, or change by ordinance the zoning classification of any property or the regulations herein established; or
2. Issue or revoke Specific Use Permits. Following the receipt of a report from the Planning & Zoning Commission on any application for a Specific Use Permit, the Council may:

- a. Authorize the issuance of the permit.
- b. Attach conditions relating to use limits, duration of the permit, time of operation, or other appropriate conditions to the proposed permit and then authorize its issuance.
- c. If the Council approves a Specific Use Permit that authorizes specialized construction of improvements that may only be utilized under the terms of the Specific Use Permit, the Council will not consider revocation of the permit unless evidence is presented showing that the property owner/operator is in direct and knowing violation of a specific performance condition attached to the Specific Use Permit when issued.
- d. The Council may consider the revocation of any Specific Use Permit if after a properly noticed hearing in which any interested party has an opportunity to present evidence and be heard, the Council makes a determination that a performance condition attached to the original permit has been violated by the owner/operator of the permitted activity, or if the original permit was issued with an expressly stated condition that the permit was for a limited period of time and was subject to periodic review to determine impact on adjoining properties or activities. If a permit is issued for a limited duration, the applicant undertakes the permitted activity with the knowledge that the permit may be revoked or not renewed by future Council action.
- e. Specific Use Permits issued for a limited time duration may be extended for additional increments of time following a properly noticed hearing.
- f. All Specific Use Permits shall be approved, conditioned, modified or revoked following a public hearing in a single meeting action of the City Council. Specific Use Permits do not constitute a change in zoning and, therefore, do not proceed through a three reading ordinance amendment requirement as would be required for a change in zoning classification.

3rd Reading:

The City Council held a public hearing and second reading on May 13, 2019, and voted 7-0 to approve. No further changes have been made to the proposed amendment to the Zoning Ordinance.

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