

MEETING NOTES

Zoning Update-Technical Committee Meeting
Metropolitan Planning Commission
Surrency Conference Room
October 17, 2007
3:00-5:00 PM

I. Introduction

The minutes of the September 19, 2007, meeting were approved. MPC Commissioner Robert Ray attended the meeting in the absence of MPC Chairman Jon Todd.

II. Introduction of New MPC Planner

Jack Butler was introduced as a new addition to the MPC staff. He will serve as a Comprehensive Planner. Jack previously worked as a planner for City of Savannah Community Planning and Development. He was the Zoning Administrator in Bryan County and the Planning Director for the City of Pembroke. He also published the *Bryan County Times* and worked for the *Washington Post*. He received a Bachelor's degree in History from the University of Maryland.

III. The November meeting of the Technical Advisory Committee is scheduled for November 28, 2007, from 3:00 - 5:00PM at the Jerry Surrency Room at the MPC.

IV. Component 2 (Administration)

A. Overview of Meeting - A short PowerPoint presentation provided an overview of the meeting and the status of related sections of the ordinance. The tasks outlined for the meeting were: discussion of Developments of Regional Impact (DRI); local historic district designation; local historic property designation; administrative adjustment; variance; written interpretation; and appeals. The presentation will be posted to the Zoning Update webpage to keep the public informed of the committee's work.

B. Section 3.6 Development of Regional Impact

The Committee questioned whether a rezoning request and a DRI could be submitted at the same time and whether the rezoning request could proceed while the State was reviewing the DRI.

The DRI and the rezoning request can be submitted at the same time, but no decision on the petition can be made until the DRI process is completed. MPC staff can begin to process a rezoning (only if all required information has been provided), but cannot forward it to the Planning Commission for a recommendation until comments are received from the State.

It would seem that a developer would wait to receive comments from the State before submitting an application that will trigger a DRI review; however, there is no prohibition against submitting an application.

The Unified Zoning Ordinance will not identify the State's threshold requirements for the DRI because of their potential to be changed. Instead, the Ordinance will reference the DCA administrative section to guide readers.

C. Section 3.20 Local Historic District Designation

The Committee focused on the proposal to require proposed projects to conform to the U.S. Secretary of Interior Standards for Rehabilitation in the interim between the time an *application* for historic designation is submitted and an overlay district creating the district and design standards is adopted (approximated 9 - 12 months). There was general agreement that this requirement was preferable to a moratorium. However, the Committee suggested a time limit of 12 months for interim standards to be in force.

Demolition by neglect would be covered in a different section of the Ordinance.

The pre-application conference for historic district designation should include the building officials so that they would be aware of restrictions on the issuance of building permits.

D. Section 3.21 Local Historic Property Designation

There was general agreement on the procedures in this section.

E. Section 3.24 Administrative Adjustment

The Committee determined that a property survey should accompany a request for an administrative adjustment because a sketch plan may not accurately reflect the property lines.

The Committee suggested that "after-the-fact" fees be high enough to discourage property owners from proceeding with construction without first obtaining a permit.

The time limit of 24 months was satisfactory for a building permit but was insufficient for a plat.

F. Section 3.26 Written Interpretation

The Committee suggested that a form be developed to document consultation between the Planning Director, the Building Officials, and the County and City Attorneys, and that each be required to sign off on the interpretation to show agreement.

The Committee suggested that a reference mechanism be instituted to identify provisions of the ordinance that have been formally interpreted.

G. Section 3.27 Administrative Appeals

The Committee determined that Section 3.27.8(b) should read "If new or different evidence is presented, the Zoning Board of Appeals **may** refer the matter back to the administrative official, etc..." rather than "**shall** refer" in order to preserve the Board's right to rule on the matter immediately. The Committee also suggested that an appeal of the Zoning Board's decision go to the governing body prior to the Superior Court, but that the appeal be based solely on procedure rather than be a de novo review. The governing body should be required to apply the same criteria as the Zoning Board.

F. Section 3.25 Variance

The Committee agreed to discuss this section at the next meeting. Ms. Moore requested that members consider whether the Historic Review Board and Historic Planning Commission should be given the authority to grant some variances that relate to compatibility.

The next meeting is Wednesday, November 28, 2007 at 3:00 PM at MPC.