

MEETING NOTES

Zoning Update-Technical Committee Meeting
Metropolitan Planning Commission
Mendonsa Hearing Room
December 19, 2007
3:00-5:00 PM

- I. **Review November Minutes**
The notes from the November 28, 2007 meeting were approved.
- II. **Update on Planning Session Presentation**
The committee discussed the Special Planning Session that was held by the MPC board on December 11.
- III. **Component II (Administration)**

A. Rezoning, Planned Development

Because of the large-scale nature of planned developments, it was suggested that we consider expanding the notification radius for neighborhood meetings associated with Planned Development Rezoning.

B. Zoning Text Amendment (Revised Version)

The discussion on zoning text amendments was continued from the previous meeting. Staff presented a revised text amendment process whereby text amendments are brought before both governing bodies, but each body maintains the authority to act independently. Any differences between the versions that are approved by the two Governing Bodies will be reflected in the text itself. The committee expressed approval of this new approach, and the draft UZO will be updated accordingly.

C. Special Use Permit

Committee members made the following observations and suggestions:

- The line between "major" and "minor" amendments is not sufficiently clear in the draft.
- It seems appropriate for Special Uses to be reviewed by MPC and the Governing Bodies rather than the ZBAs. This change will also bring us into conformance with state law.
- The two-year expiration date for Special Use approval seems too long. This should be changed to one year.
- Staff should consider adding an annual process to review Special Uses to ensure that they are in compliance with the ordinance and any special conditions that were tied to the approval.

D. Temporary Use Permit

Committee members made the following observations and suggestions:

- The County has a Special Event Permit that regulates some of the uses that are covered by the Temporary Use Permit section. It can serve as a reference as we work on the Temporary Use section.
- The term “small scale fundraising events” needs to be defined.
- Enforceability is a key issue for Temporary Uses, especially where food sales are involved. There is no point in creating a regulation that cannot be enforced.
- In addition to limiting outdoor sales and services to one event per month, we could set a time limit for the length of the event, such as 3 or 4 days. This would eliminate the need for other time restrictions, such as weekends or holidays.

E. Temporary Placement Permit

Committee members made the following observations and suggestions:

- The County is currently working on revising the Building Regulations to include the temporary placement of structures or storage facilities, such as PODS. This new language may need to be revised or repealed if the UZO’s Temporary Placement provisions are enacted.

F. Sign Permit

Committee members made the following observations and suggestions:

- The sign plan requires several technical elements, such as method of attachment, that have little impact on the appearance of the sign. These items should be required in the application, but not on the sign plan itself.

G. Certificate of Appropriateness for Local Historic Districts

Committee members made the following observations and suggestions:

- Should historic boards have variance powers? It would make the review process faster and more efficient, but we would need to ensure that board members were appropriately trained. Also, it may make sense to limit their authority to only certain types of variances, such as lot coverage and height. It was also pointed out that historic boards may not have the legal authority to make variance decisions because of the quasi-judicial nature of the Board of Appeals.
- Whatever variance process we settle on, it needs to account for situations where a proposal does not meet a code requirement, but nonetheless is historically appropriate.
- A reference to the State Housing Code should be added to this section.

H. Certificate of Appropriateness for Landmark Historic District

Committee members made the following observations and suggestions:

- To the extent possible, material changes that are subject to review need to be specifically defined.
- Why can't the Historic Review Board continue a public hearing at its discretion? The answer is that State law says that historic review boards must render a decision on an application within 45 days. Because our local board meets only once per month, any continuances mean that the 45 day time limit will be exceeded. Therefore, our local policy is that applications can only be continued if the applicant consents, thereby waiving their right to a decision within 45 days.

I. Demolition by Neglect

Committee members made the following observations and suggestions:

- A reference to the State Housing Code should be added to this section.
- The penalty for non-compliance needs to be stated clearly.

J. Variance

The committee ran out of time and did not review this section. It will be discussed at the next meeting.

IV. Next Meeting

The next Technical Committee meeting is scheduled for Wednesday, January 16, 2008 at 3:00 PM.