



Land Use Management Ordinance Text Amendment: Conditional Zoning

Town Council Meeting
February 19, 2020

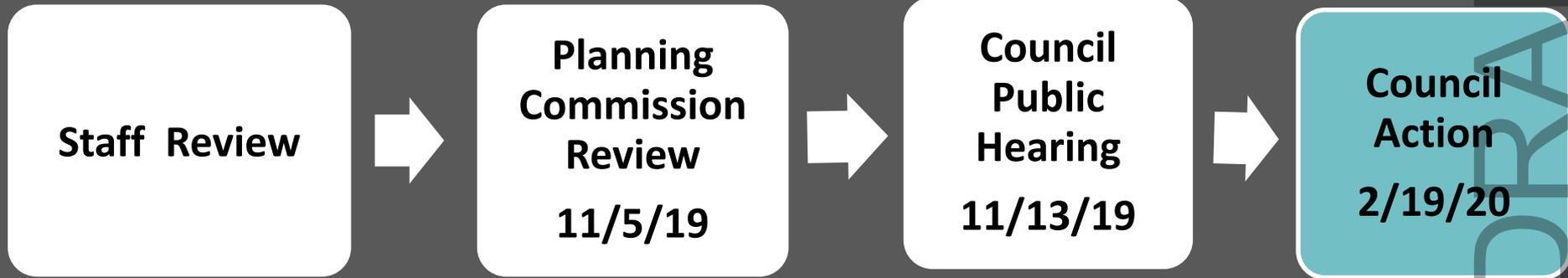
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RECOMMENDATION

- Close public hearing
- Adopt Resolution of Consistency
- Enact Ordinance A

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Text Amendment Process



Conditional Zoning Text Amendment Background

November 2017: Conditional zoning added to LUMO

Eligible districts: R-5, R-6, HR-X, TC-1, TC-2, TC-3, CC, N.C., OI-3, OI-2, OI-1, and MU-V

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Conditional Zoning Background

Conditional Zoning: a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment

- Creates a new, parallel zoning district
- Conditions are mutually agreed to by applicant and Town
- Accompanying site plan

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Conditional Zoning Background | Notification & Participation

- Notifications same as conventional rezoning and special use permits
 - Mailed notices to 1000' of property, newspaper, website, property sign
- Public Information Meeting, Advisory Board Meetings, Council Meetings

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Conditional Zoning Background

Conditional Zoning	Special Use Permit
Legislative	Quasi-judicial
Discretionary	Findings of fact
Communication outside of public hearing allowed	No ex-parte communication
Anyone	Parties with standing or witnesses
Fact or opinion based information	Fact-based evidence only

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Conditional Zoning | Decision Points

Winter 2020

- Provide consistency for Concept Plans
- Allow multi-family development over 7 dwelling units as conditional zoning applications

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Conditional Zoning Text Amendment Background

Current multifamily over 7 units approval paths:

Commercial and office districts 20/40 Rule →	Special Use Permit
Planned Development →	
Conditional Use Zoning →	
Some office/institutional districts	Site Plan
Development Agreement	

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Path for multifamily development through Conditional Zoning

Conditional Zoning Text Amendment | *Section 3.7.2 Use Matrix*

- Multifamily developments with >7 dwelling units generally require SUP
- Proposed amendment adds “CZ” to the R-6 district in the use table
- Would allow use as a principal use in an R-6-CZ district without requiring SUP

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- Different review thresholds contribute to confusion
- Proposed amendment would make thresholds consistent for all types of development approvals
- All conditional zoning requests reviewed and decided by Council

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- Housekeeping of LUMO
- Reference to conditional zoning as approval process in other development application procedure sections:
 - Subdivision
 - Site Plan
 - Zoning Compliance Permit

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