



# Land Use Management Ordinance Text Amendment Special Use Permit Modifications

June 26, 2019

# Text Amendment Process

**Staff Review**



**Planning  
Commission  
Review  
5/7/19**



**Council  
Public  
Hearing  
5/22/19**



**Council  
Action  
6/26/19**

# RECOMMENDATION

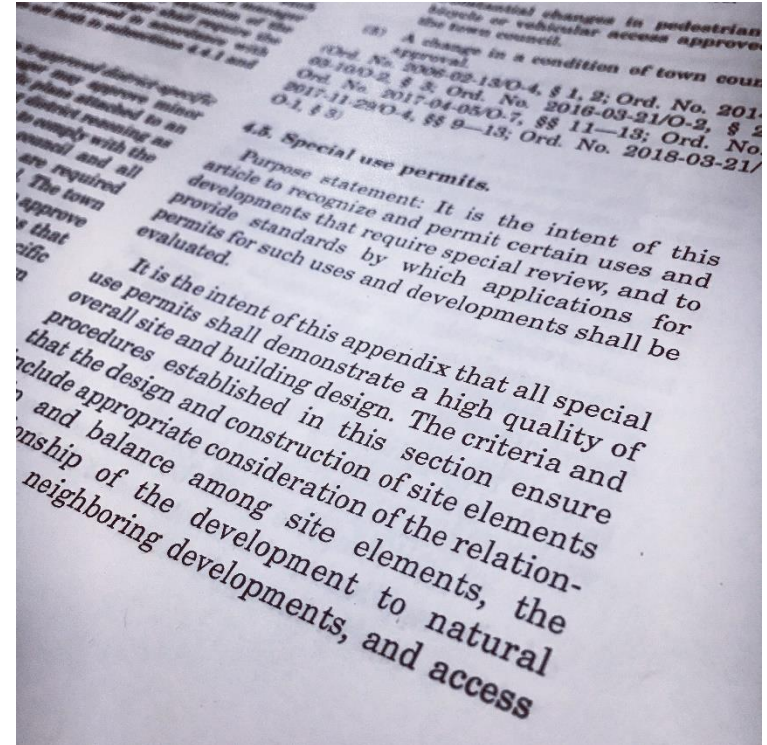
## Staff recommends:

- Close the public hearing
- Adopt the Resolution of Consistency
- Consider enacting Ordinance A or Alternative Ordinance A



# Updates Since Public Hearing

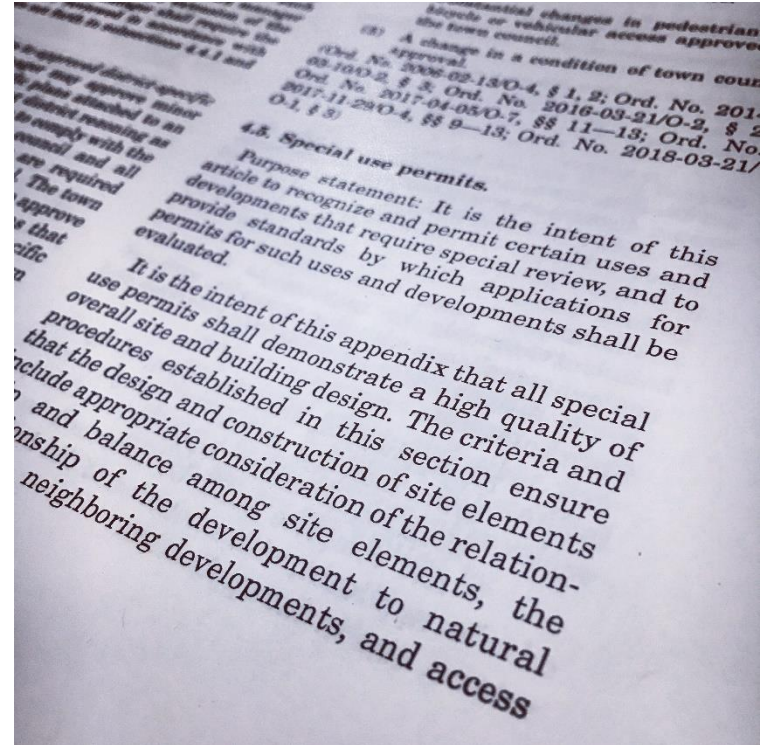
- Expanded notification boundary from 100' to 500'
- Included determination by Town Manager
- Refined language to further narrow applicability



# Updates Since Packet

Option for additional process for public engagement

- Public Information Meeting
- Courtesy Review by Community Design Commission
- Information item to Council



# RECOMMENDATION

## Staff recommends:

- Close the public hearing
- Adopt the Resolution of Consistency
- Consider enacting Ordinance A or Alternative Ordinance A







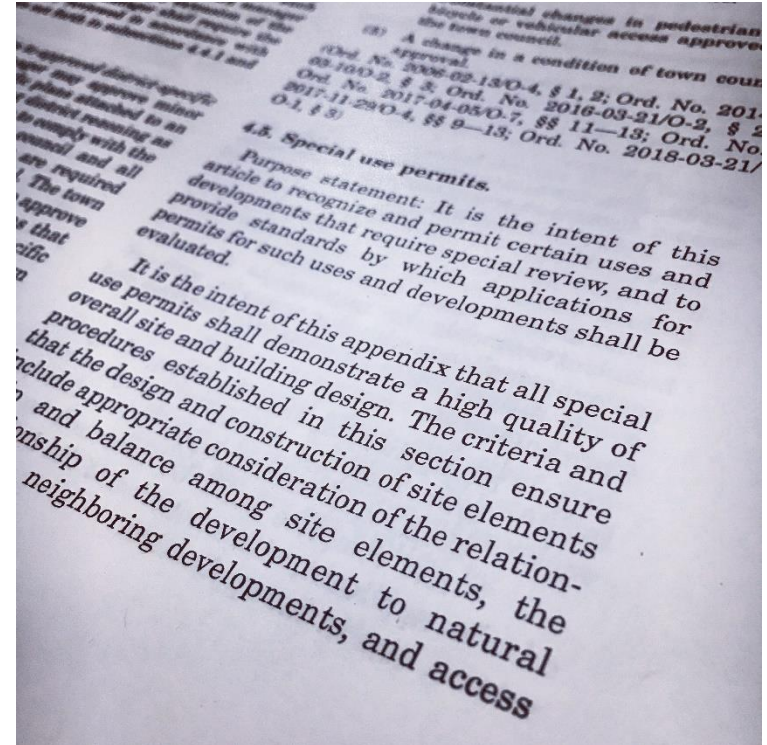
# Special Use Permit Modifications Amendment

## Section 4.5. Special Use Permits

### 4.5.4. Modifications

- (a) Minor – administrative
- (b) Major – the following shall constitute a major modification:

#### ...9. Changes to a site that...





# Ordinance A

“(9) Changes to a site that constitute a modification of the special use permit under the above subsections 1-8, and demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures from the floodplain, shall be considered minor changes, provided the changes do not:

- a) increase the intensity of the development, including increases to floor area or impervious surface, or allowing more intense uses, or
- b) make nonconforming or increase a nonconformity with the development’s existing special use permit or other standards of this Appendix.

Prior to issuance of a Zoning Compliance Permit for a minor change under this subsection 9, owners of property within 500 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.”

# Alternative Ordinance A

“(9)

(a) Changes to a site that constitute a modification of the special use permit under the above subsections 1-8, and are necessary to address an imminent and substantial threat to public health or safety, as determined by the Town Manager, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures from the floodplain, shall be considered minor changes, provided the changes do not:

(i) increase the intensity of the development, including increases to floor area or impervious surface, or allowing more intense uses, or

(ii) make nonconforming or increase a nonconformity with the development’s existing special use permit or other standards of this Appendix.

(b) Prior to the issuance of a Zoning Compliance Permit for a minor change under this subsection 9, the following shall occur:

(i) a public information meeting, and

(ii) a courtesy review by the Community Design Commission, and

(iii) notice of such meetings shall be mailed to owners of property within 500 feet at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the meetings, and

(iv) the Community Design Commission shall forward comments to the Town Manager within 15 days from the date of the meeting at which it first considers the proposed change, after which the Manager shall make a determination regarding a project’s eligibility under this subsection 9, and

(v) the Manager shall inform the Council of each manager’s determination made pursuant to this subsection.”