



## Legislation Text

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**File #:** 19-088, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Andrew Miller, Town Attorney  
Jeremy Knapp, Community Development Director

**DATE:** March 5, 2019

**CONTACT:**

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**AGENDA TITLE:**

**Public Hearing** for recommendation to the Town Council for amendments to the Town Zoning Ordinance, Article XI, regarding changes to process for approval of Managerial Amendments

**RECOMMENDATION**

It is recommended that the Planning Commission forward to the Town Council a recommendation of approval of Ordinance 2019-04, proposed amendments to Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance regarding the approval of Managerial Amendments.

**BACKGROUND:**

Recently the Council determined that some changes to the processes related to the approval or denial of Managerial Amendments to Special Use Permits (hereinafter "Managerial Amendments") should be made. The Council held work study sessions on September 27, 2018, and October 25, 2018 to discuss such changes and reviewed the terms of current Town Zoning Ordinance (at Section 1102.8). The Council then requested that the Town staff prepare draft language to change the terms of Section 1102.8 to reflect the Council input made during the two study sessions.

The Council then reviewed and adopted Resolution No. 2018-27 at its November 1, 2018 meeting, said resolution referring certain draft changes to Section 1102.8 of the Zoning Ordinance to the Planning Commission for review and action. A copy of the draft ordinance that contains the changes to Section 1102.8 is attached to Resolution No. 2018-27 as Exhibit A. Additionally, Resolution No. 2018-27 requires the Planning Commission to make a recommendation to the Council regarding the proposed changes to Section 1102.8 by February 6, 2019.

The main changes that would be instituted through adoption of the draft changes reviewed and suggested by the Council would be:

- To have the Town manager transmit all determinations approving a Managerial Amendment to the Town Council within two (2) business days of making the determination.
- The Town Manager's decision be final unless within seven (7) calendar days after the Town Manager's written determination at least three (3) members of the Town Council submit a written request to the Town Manager to appeal the determination approving the Managerial

Amendment application.

- The Town Council would then have the authority to decide appeals from Town Manager's approval of a Managerial Amendment application and first affirm whether the Town Manager's decision meets the criteria for a Managerial Amendment; and if so, then there shall be no further appeal and the Managerial Amendment is final.
- However, if the Council decides that the criteria have not been met, the Town Council may, by a majority vote, deny the Managerial Amendment, in whole or in part, or reclassify the application to a different category of Special Use Permit amendment.

Due to some delays in getting this matter scheduled for review and discussion by the Commission, it will not be possible to have the Commission complete the review and recommendation of the draft ordinance changes by February 6, 2019, but the Commission should endeavor to move the draft ordinance changes through in as timely a manner as the current Commission schedule will permit. Because draft changes to the Zoning Ordinance require a citizen review meeting, the staff would recommend that the citizen review meeting be set for the Commission's February 21, 2019 meeting.'

Pursuant to the terms of Section 2-5-2(G)(3) of the Town Code regarding "Text Amendments to the Zoning Code" notice of the citizen review session shall be given to landowners and other citizens potentially affected by the proposed text amendments at least 10 days prior to the Planning Commission work-study session scheduled for the citizen review of the proposed text amendments with the form of notice to take one of 3 forms, as determined by the Town, which staff would recommend in this case consist of: 1) posting at official Town posting locations; and 2) posting on the Town's web site.

It is recommended that the Commission review the draft ordinance attached as Exhibit A to Resolution 2018-27 (see attached) and provide comments to the staff in advance of the citizen review meeting.

### **NEXT STEPS**

After Planning Commission recommendation, Town Council will discuss and act on the proposed amendments.

### **ATTACHMENTS:**

Town Council Resolution #2018-27

Exhibit A to Resolution 2018-27 (draft Ordinance No. 2019-04)