



## Legislation Text

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**File #:** 19-138, **Version:** 1

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**TO:** Mayor and Town Council

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

**DATE:** March 28, 2019

**CONTACT:**

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**AGENDA TITLE:**

Discussion of Draft Ordinance No. 2019-04; Amendments to the Town Zoning Ordinance, Article XI, regarding Changes to the Process for 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 (attached) 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 recommended action. The Planning Commission held a Citizen Review meeting on February 19, 2019, and held a Public Hearing on Tuesday, March 5, 2019. On February 8, 2019, notices were sent to all SUP property owners and the draft ordinance and meeting dates were posted on the Town website. No comments from the public were made at the Citizen Review Meeting or the Public Hearing held by the Planning Commission. The Commission unanimously recommended that the Council adopt Ordinance No. 2019-04.

**Draft Ordinance No. 2019-04**

Because the Commission has now made its recommendation, the Town Council can also hold a public hearing and take action on Draft Ordinance No. 2019-04. The main changes that would be instituted through adoption of the draft changes reviewed and recommended by the Commission 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 the 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.

It is recommended that the Council conduct a final review of Draft Ordinance No. 2019-04 (attached) and provide comments to staff on any change needed prior to final adoption. The draft ordinance has been advertised for a public hearing on April 11, 2019.

### **NEXT STEPS**

Discussion of proposed changes to Article XI, regarding Changes to Process for Approval of Managerial Amendments and final comments on the draft ordinance to implement such changes; and scheduling the draft ordinance for a public hearing on April 11, 2019.

### **ATTACHMENTS:**

Town Council Resolution No. 2018-27  
Draft Ordinance No. 2019-04