

CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING
CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND
LEAST COST FASHION

AGENDA

KEIZER CITY COUNCIL
SPECIAL WORK SESSION

Monday, October 9, 1995
5:30 p.m.

Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on matters not on the agenda.

4. **DISCUSSION**

a. Keizer Development Code

5. **OTHER BUSINESS**

This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

6. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

7. **ADJOURN**

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services, please contact us at 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.

KEIZER DEVELOPMENT ORDINANCE OUTLINE

I. BACKGROUND INFORMATION

- A. Ordinance Format. The new Development Ordinance is completely different in look and substance from the existing Zoning Ordinance. The new code was written as if it were a book to be read from beginning to end. Every attempt was made to logically construct the code so like material would be found in the same section or chapter. Where appropriate, existing language was kept or clarified as to intent; where necessary new language was included to address changes in state law and planning philosophy.

The first part introduces the intent and purpose of the Development Ordinance and establishes special terms and phrases used throughout. The second part establishes the various zones as well as the general and specific rules governing their development. Finally, the Ordinance concludes with the procedures in administering the development regulations. From a citizen's standpoint the Ordinance addresses three fundamental questions: what is the Ordinance all about; what are the rules governing my property; and, what approvals do I need to development my property?

The basic outline for the chapters, and sections, is as follows:

1. Chapter 1. (What is the Ordinance all about?)

This chapter introduces the purpose of the Ordinance and its basic terms and phrases. This Chapter is divided into two sections:

Section 1.1 - This is the general administration section of the Ordinance. It discusses purpose, interpretations, violations and other administrative type issues. The zoning districts are introduced and their relation to the Comprehensive Plan is established. The final portion discusses boundary interpretation.

Section 1.2 - This section is devoted entirely to definitions; the special terms and phases used throughout the Ordinance. Some of the terms found in this section are re-introduced in other sections (e.g., sign code terms). Some terms have a corresponding diagram or sketch for clarification.

2. Chapter 2. (What are the rules governing my property?)

This chapter establishes the rules and regulations governing the actual development of land in Keizer. It includes property zoning as well as development requirements.

Section 2.1 - This section contains information regarding the zones. Each zone includes information on uses, dimension standards, develop requirements and similar material. This section includes zones that apply to individual properties (e.g. RS - Single Family Residential) as well as the zones which are known as "overlay" zones which have additional restrictions or development requirements (e.g. Floodplain Overlay Zone).

Section 2.2 - Development requirements or situations that apply to all property regardless of zoning are found in this section. Examples include public street access requirements and non-conforming uses.

Section 2.3 - Section 2.3 identifies the requirements for specific types of development such as parking or sign regulations. For example, each zone indicates new development must provide parking; this Section establishes the amount of parking, its location and the improvement requirements.

Section 2.4 - Each zone has special types of uses which are permitted outright (e.g. Manufactured Homes in the residential zones) but which are subject to special development requirements. Quite often the use may be allowed in several zones. Instead of repeating the requirement, these development standards are found in this section.

3. CHAPTER 3. (What approvals do I need to develop my property?)

Administrative procedures are found in this Chapter.

Section 3.1 - This Section includes the application requirements and the specific review criteria for each type of land use action.

Section 3.2 - The basic administrative "nuts-and-bolts" are found in this Section: notice requirements, public hearing procedures, fees, appeals and similar items.

B. Outline Format. The following outline is divided into two parts and addresses the following concerns:

1. *What does this Section do?* This part of the outline briefly describes what the particular section is about - its purpose, relevant subsections, important requirements, applicability and so forth.
2. *How does it differ from the current Code?* As noted, the format of the new Ordinance is completely different from the existing Zoning Ordinance. For this reason, submitting an outline which identifies deleted passages and inserts new language was impossible. Therefore, this part of outline briefly identifies where the proposed code differs from the existing code, including any new sections.

C. Final Notes. All matters related to Chapter 1 will be found on the yellow sheets; Chapter 2 - green sheets; and, Chapter 3 - blue sheets.

SECTION 1.1

• *What does this Section do?*

This is the general administration section of the Ordinance. The legal requirements (severability, conflicting ordinances) are placed in this section.

◦ *How does it differ from the existing Code?*

This Section essentially mirrors Chapter 1, of the existing Keizer Zoning Ordinance (KZO). The relevant changes are as follows:

- Title: Keizer Development Ordinance (KDO)
 - Zoning Administrator was replaced with "Community Development Director."
- Purpose: Establishes purpose; implements Plan, administer provisions of Ordinance; promote health, safety and welfare
 - A new section on "interpretations" was created, allowing the director to confer with the Council, the Commission or Legal Counsel to interpret Ordinance regulations.
- Conformance required: Land uses must conform with Ordinance
- Administration: Administered by Community Development Director; unless otherwise prohibited, Director may delegate authority
 - The Violations section was more clearly defined, with reference to the Nuisance Code for enforcement.
- Interpretation: Ordinance contains minimum requirements; Director may request interpretation from Council, the Commission or Legal Counsel
 - The title was changed from Zoning Ordinance to Development Ordinance to more closely reflect the scope of the document.
 - Comprehensive Plan designations and zones which were in Chapter 4 (KZO) were moved to this Section.
 - Boundary interpretation was moved from Chapter 4 (KZO) to this Section.
- Effects on Other Regulations: No intent to interfere with other laws, deed restrictions or covenants
- Violations: Violations subject to Nuisance Abatement Ordinance
- Savings Clause: Each clause is separate and severable
- Conflicting Ordinances: Conflicting ordinances are repealed
- Districts: Establishes zoning districts and overlay zones
- Plan Designation - Zone District: Identifies which zones correspond to what Comprehensive Plan designations
- Boundaries: Establishes zoning map as an official document; establishes boundary interpretation

SECTION 1.2

• *What does this Section do?*

This is the definition Section. It includes the terms and phrase that will be used throughout the Ordinance as well as special terms that apply only to certain sections (e.g. sign regulations or flood plain development). For ease of reference, these special terms are repeated in their respective section.

- **General Provisions:** Indicates difference between general terms, which apply to entire Ordinance, and, specific terms, which apply to specific Sections of the ordinance; if there are two definitions the one most applicable to the situation will apply
- **Interpretation:** Masculine includes feminine; singular includes plural; unless specifically defined, the common meaning in Webster's Dictionary applies
- **Diagrams:** Diagrams are provided for certain words so noted by two asterisks (**)
- **Definitions:** Terms and phrases listed alphabetically and grouped where appropriate (e.g. see items under "lot" and "street")

◦ *How does it differ from the existing Code?*

This Section essentially mirrors Chapter 2, of the KZO. The relevant changes are as follows:

- This Section includes all ordinance definitions, whether they apply throughout the Ordinance or are terms and phrases which only apply to a specific section.
- Several terms were updated from the existing Code to reflect changes in state law (e.g. "residential facility" and "residential home").
- Terms and phrases which apply to specific sections are so noted (e.g. see the term "awning").
- In some cases there are two definitions (e.g. "area"). One term will usually apply to the general case while the second definition has a more specific meaning. For the word "area," one definition involves parcel size, the second, the size of a sign. The planner uses the definition most appropriate to the situation.
- The Ordinance also permits the planner, where appropriate, to apply specific terms to general situations. For example, "building face" is a term which is specific to the sign regulations; however, the definition could also apply to building orientation in general.

SECTION 2.1

• *What does this Section do?*

This is the largest Section in the Ordinance (over 100 pages) and is devoted to the establishment of zones within the City. The Section includes all "underlying zones" which govern the general development of the property (e.g. Single Family Residential - RS) as well as "overlay" zones which impose additional development requirements or restrictions due to unique circumstances on the property (e.g. Floodplain Overlay Zone).

• *How does it differ from the existing Code?*

The general frame work of the existing Code was used; however, there are a significant number of changes:

- Within each zone, uses not specifically identified a permitted, special permitted, conditionally permitted or allowed through interpretation are considered prohibited.
- The Urban Transition (UT) and Commercial Office (CO) zones were eliminated. UT zoned property will be rezoned to a zone appropriate for the Plan designation. The CO zone was combined with the Commercial Retail (CR) zone to form a new Commercial Mixed Use (CM) Zone.
- Redevelopment plans are required in the residential zones if a proposed use involves only a small portion of a property. This is to ensure the remaining parcel can be developed in a manner consistent with the zone.
- Partitionings and subdivisions are specifically identified as permitted activities, subject to the provisions found elsewhere in the Ordinance.
- Where possible, uses were identified by, and grouped according to, the Standard Industrial Classification (SIC) Manual.
- The RS Zone has a minimum density requirement of 4 units per acre for single family subdivisions. Farm uses are allowed for land north of Parkmeadow Drive. These lands also have a larger minimum lot size if public sewer and water is not available.
- The RL and RM Zones have specific minimum and maximum density requirements; no more reliance on the Comprehensive Plan.
- The underlying zones are generally divided into the following sections:
 - Purpose - Identifies the intent and purpose of the zone
 - Permitted uses - uses which are permitted outright; generally only a building permit is required
 - Special permitted uses - Uses permitted outright but subject to special design regulations (e.g. manufactured homes on in-fill lots)
 - Conditional uses - Uses generally allowed but requiring a staff review and decision to ensure compatibility with surrounding area
 - Dimensional standards - Minimum lot size, setbacks, building height, etc.
 - Development standards - references other sections which govern development within the zone (e.g. parking)
- Single Family Residential (RS): Essentially designed for single family homes on individual lots; dwelling density: 4 to 8 units per acre; special provisions for property north of Parkmeadow Drive (Clearlake area) to permit continued use of farm animals
- Limited Density Residential (RL): Primarily duplexes and smaller apartment complexes; dwelling density 6 to 10 units per acre for Medium Density Designation, 8 to 14 units per acre for Medium-High Density Designation

SECTION 2.1

- Medium Density Residential (RM): Higher density development, primarily apartment complexes; dwelling density 6 to 10 units per acre for Medium Density Designation, 8 to 24 units per acre for Medium-High Density Designation
- High Density Residential (RH): Highest density residential development, larger high-rise apartment complexes; minimum 16 units per acre, no maximum dwelling density
- Residential Commercial (RC): New zone permitting commercial development in residential areas; restricted as to type of business, lot size and location
- Mixed Use (MU): Designed to allow a mixture of residential and commercial uses with emphasis on residential uses; residential density similar to RM zone
- Commercial Mixed Use (CM): New zone combining existing Commercial Office (CO) and Commercial Retail (CR) zones; allows residential and commercial uses with emphasis on commercial development
- Commercial General (CG): Heavy commercial uses or uses involving bulk items (e.g. truck repair, lumber yards)
- Industrial Park (IP): Designed for warehousing, fabrication secondary processing; associated with "light" industrial uses
- General Industrial (IG): The City's "heavy industrial" zone; most industrial uses permitted outright; uses with particular concerns (e.g. chemical plants) require a conditional use
- Agricultural Industrial (IA): The IA zone applies to the Special Policy Area associated with the Sewage Treatment Facility

The Residential Commercial (RC) zone is a new zone designed to place low-intensive commercial businesses in residential areas. The business are primarily designed to be neighborhood oriented and are limited in number and location as not to create a commercial district.

The Commercial Mixed Use (CM) Zone is also a new zone which combines the existing Commercial Office (CO) and Commercial Retail (CR) zones. This zone allows a combination of residential, office and retail uses with an emphasis placed on commercial activities. It is hoped by opening up the development options, developers can begin filling in the empty spaces along River Road.

Conditional use approval for certain automotive uses was eliminated and replaced with Special Permitted Use requirements governing development of the site. The CM zone also allows minor manufacturing and assembly, usually in association with retail activities.

The Flood Plain Overlay (FPO) zone was modified to comply with recent minor changes in federal law; otherwise, there are no significant changes.

The Resource Conservation Overlay (RCO) zone originally governed development on property located within the floodplain adjacent to Claggett Creek. Current language effectively prohibited development within this area. This Section was modified, restricting the RCO to the floodway adjacent to the Creek.

This Historic Landmark Overlay zone replaces Section 17.43 of the existing Code. It follows a "user friendly" code adopted by Yamhill County. Except for the old elementary school, this Section has little impact.

SECTION 2.1

- Public (P) - The P zone is used for public and semi-public purposes; most activities require conditional use approval
- Flood Plain Overlay Zone (FPO) - Governs development within identified flood hazard areas
- Greenway Management Overlay Zone (GMO) - Governs development within the Willamette River Greenway
- Limited Use Overlay (LUO) Zone - Allows the restriction of uses as part of a zone change request; certain uses are allowed outright, the remainder require conditional use approval
- Activity Center Overlay Zone (ACO) - Applies to the McNary and Chenawa Interchange Activity Centers; development requires a site design review to ensure consistency with the Comprehensive Plan and any adopted design plan
- Resource Conservation Overlay (RCO) Zone - Governs development along the floodway adjacent to Claggett Creek
- Historic Landmark Overlay (HLO) Zone - Governs buildings or sites identified as historical resources

SECTION 2.2

◦ *What does this Section do?*

This Section addresses general land use provisions that apply to all properties regardless of zoning.

- **General Standards:** This section establishes the need for a building permit and the completion of a structure; clarifies lot of record; requires access to a public street (easement are acceptable); establishes regulations for solar energy devices; allows improvements to unsafe buildings; permits common wall housing, condominiums and the placement of a home on 2 or more lots
- **General Exceptions:** Building height exceptions are outlined; expanding a building which does not meet setback requirements is permitted under certain circumstances; building and structure setback exceptions are outlined
- **Permitted Uses Generally:** Identifies uses permitted in all zones, residential zones and non-residential zones; identifies permitted temporary uses
- **Non-Conforming Uses:** Identifies when a non-conforming use is terminated; establishes rules for continuing or expanding a non-conforming use; special rules for non-conforming residential uses in commercial and industrial zones; general non-conforming regulations on repairs, maintenance, status of zone changes

◦ *How does it differ from the current Code?*

The proposed revisions generally follow the current Code; however, the material was reorganized and clarified to represent current practice and staff experience. Notable changes include the following:

- Building permits are now specifically required; the current Code has no such provision.
- Lot of record provisions are new clarifying when older lots are recognized.
- Access to a public street was modified to allow the use of an easement.
- Past practice allowed the combining of lots to for one parcel; this is now in the new Ordinance.
- Buildings which do not meet setback requirements may be expanded without a variance; provided, the setback distance is not decreased; combined expansions will be less than 50% of the first floor area; and, the expansion conforms to all remaining development requirements.
- All permitted activities and uses were combined under one section (Permitted Uses Generally).
- Experience indicates non-conforming uses rarely convert to conforming activities. The language was modified to reflect this reality. A reasonable expansion or change is conditionally permitted provided the expansion or new use causes no greater impact. Residential uses in commercial and industrial zones may effectively continue, or expanded without a land use action. This recognizes there are industrial areas which are predominately residential and will likely remain so.

SECTION 2.3

• *What does this Section do?*

Section 2.3 is the second largest section of the Ordinance at 77 pages. This Section includes all development requirements.

• **General Provisions:** Requires all new development to comply with the development standards in this section and specifically indicates what is required for public facility improvements

• **Street Standards:** Establishes minimum right-of-way widths, street improvements and design considerations for public streets, private streets and easements

• **Off-Street Parking and Loading:** Establishes standards for off-street parking and loading requirements including vehicle parking, bicycle parking, surfacing and location, and general design considerations

• **Building Orientation and Pedestrian Circulation:** Integrates transportation and pedestrian design issues through building location, pedestrian access, pedestrian circulation and other related issues

• **Transit Facilities:** Requires the construction of transit related facilities under certain development situations

• **Storm Drainage:** Specifically requires a storm drainage plan for new development; plans must comply with Public Works standards

• **Utility Lines and Facilities:** Requires adequate public and private utilities to serve new development; plans must conform to Public Works standards

• **Signs:** Regulates the placement of signs

• *How does it differ from the existing Code?*

This Section was designed specifically to place all development requirements under one heading. Some of the new sections address requirements of the Transportation Planning Rule (TPR). Other new sections place into language current planning practices such as requiring connections to public sewer and water. Major changes are as follows:

• Specific public facility improvements are required of all new development. While the current Code does not clearly require these improvements, the new Ordinance identifies the level and timing of the required improvements.

• Street standards consolidate language related to public streets, private streets, easements and design issues related to TPR. Street widths and improvement requirements are clearly spelled out.

• Off-street parking and loading requirements were modified to include bicycle and carpool parking requirements consistent with TPR. Parking can be reduced by 10% if transit related facilities are provided; in no case can the required minimum number of spaces be increased by more than 50%. For the first time the Ordinance includes requirements for disabled parking spaces.

• Building orientation and pedestrian circulation relate to the new TPR requirements. In general, the buildings must be designed and orientated to allow reasonable pedestrian access from a transit stop or adjacent walkway. This pattern must be consistent throughout the development.

• Consistent with TPR requirements transit facilities must be sited as part of new development along transit related streets. The extent of the improvement is a function of the peak hour traffic.

SECTION 2.3

- Site and Landscaping Design: Establishes landscaping and landscaping improvement requirements including type of landscaping, screening and buffering requirements and maintenance requirements
- Land Divisions: Design requirements for partitionings and subdivisions, including the type and timing of required improvements
- Planned Unit Development: Development requirements for planned unit developments, including design standards, density, common open space requirements, recreational facilities and allowable uses
- Yard and Lot Standards: Standards for yards and lots including coverage, projections, special setbacks, and fencing regulations
- Accessory Structures: Development standards for accessory buildings
- Single Family Dwellings: Designs standards applicable to all single family homes (required in order to implement design standards for manufactured homes on in-fill lots)

Landscaping requirements are more exact as to type of planting, the timing of the improvement and continual maintenance requirements. Screening and buffering standards (where applicable) are more defined.

The new Ordinance effectively eliminates the Keizer Subdivision and Partitioning Ordinance (KSPO). Basic requirements of the KSPO were incorporated into the Land Division and Planned Unit Development portions of Section 2.3.

Land division standards include new language regarding lot depth to width ratio (no greater than 3:1), flag lots, traffic circulation requirements, pedestrian/bicycle paths, and the establishment of transit facilities. Specific partitioning and subdivision improvements are identified. Improvement procedures, including plan review, inspections and other engineering requirements, are also specifically identified.

Planned unit developments requirements were modified to be more clearly defined, allow maximum flexibility, and ensure minimum amounts of open space and recreational facilities. Density bonuses are allowed based on an increase in the amount of open space.

Yards and Lots section consolidated several random sections in the current Code. Exclusive of driveways, parking or storage of vehicles, trailers or boats is prohibited within the front yard or yards adjacent to a street. An 8 foot fence may be placed along a property line adjacent to a street provided there is no street access.

Accessory structures for residential homes were reduced in height, scale and number. The exterior trim of the structure must be residential in character. The new language essentially eliminated the placement of "pole barns" on residential property.

SECTION 2.4

• *What does this Section do?*

This Section establishes development standards for special uses such as home occupations and used merchandise stores. Special uses are usually permitted outright but require special design consideration due to possible off-site impacts.

- **General Provisions:** Special use standards apply to permitted uses; if a special use is listed as a conditional use the development standards are considered as guidelines and may be modified; special uses are subject to the requirements of the underlying zone
- **Manufactured Homes:** Requirements for "in-fill" manufactured homes - size, energy efficiency, foundations, etc.
- **Shared Housing Facility:** Two-family shared housing (small apartment) within a single family home; duplexes on corner lots in RS zone; accessory residential home ("granny flats")
- **Zero Side Yard Dwellings:** Unlimited number attached housing allowed as type of single family home
- **Manufactured Home Parks:** Governs development of manufactured home parks - streets, space requirements, facilities, setbacks, etc.
- **Temporary Hardship Mobile Home:** The use of a mobile home as a temporary residence under certain medical hardship situations - duration, mobile home size, location, setbacks, etc.
- **Home Occupations:** Reviews hours of operation, area and use standards; vehicle repair is prohibited
- **Bed and Breakfast:** Hours, number of units, etc., for bed and breakfast establishments; no longer limited to historic homes

• *How does it differ from the current Code?*

This Section generally follows Chapter 12, of the current Ordinance, with the following significant changes:

- **Shared Housing:** Facilities is a new section which combines elements of the existing duplex and shared housing requirements and adds provisions for accessory homes. Duplexes are no longer required to be on corner lots created after January, 1987; any existing corner lot in the RS zone is acceptable. Accessory homes "granny flats," are apartments above the garage or located in a separate structure in the rear yard.
- **Zero sideyard dwellings** were formally limited to groupings of three; this restriction is now eliminated.
- **Manufactured home park requirements** are essentially the same as the existing requirements. Public facility requirements and park boundary setbacks are more clearly defined.
- **The minimum lot size requirement** for a temporary hardship dwelling was reduced from 1/2 acre to 8,000 square feet.
- **Vehicle repair is now prohibited** as a home occupation; day care facilities are exempt from home occupation requirements.
- **Bed and breakfast provisions** were refined to require owner occupancy of the business. They are no longer limited to historical homes and have a limit as to number of rooms.
- **Recreational vehicle storage** for single family homes is a new section. Vehicle storage is limited to the side or rear yard with provisions for screening and setbacks.

SECTION 2.4

- Residential Sales Office: Standards for establishing a separate sales office as part of a subdivision or a manufactured home park
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- Public Golf Course/Membership Clubs: Standards for membership clubs, primarily concerned with setbacks for swimming pools, tennis courts, etc.
 -
- Boat and RV Storage: Storage standards as part of a planned unit development, apartment complex or similar residential development
 -
- Recreational Vehicle Parks: Standards and requirements for RV parks - location, space size, hook-ups, etc.
 -
- Recreational Vehicle Storage - Single Family Homes: New section; places RVs in side or rear yard with provisions for screening and setbacks
- Veterinary Services: Must operate indoors; outside run permitted
- Funeral Service: Lot area, height, screening requirements
- Accessory Commercial Uses: Commercial activities (e.g. barber shop) permitted as part of a large residential development - location, size, percentage of development, etc.
- Use Merchandise Stores: Business must be conducted within a building (MU, CM zones) or within an enclosed area (CG zone)
- Adult Entertainment Business: Regulates location, essentially prohibited from locating near schools, churches, etc.
- Service Stations: New section, area requirements, setbacks, vision requirements, restrictions on outdoor storage
- Automotive Services: New section; storage, screening and operation requirements
 - Automobile services is a new section. Storage and major vehicle repair cannot be conducted outdoors. Screening is also required.
 - Manufacturing and assembly facilities is a new section. Where allowed they are limited in area, prohibit outdoor storage and prohibit primary processing and facilities requiring DEQ discharge permits.
 - Churches are now required to be located along collector or arterial streets.
 - Elementary and secondary schools can expand by 25% without the need for additional land use actions. However, the expansion and the base area includes portable classrooms.

SECTION 2.4

- Manufacturing and Assembly Facilities: New section; use of minor manufacturing facilities in CM and CG zones; limits area, prohibits outdoor storage; non-polluting firms only
- Scrap and Waste Materials: Waste material processing, screening and operation restrictions
- Churches: Limits church to collector or arterial streets; special setback and screening requirements; parking restrictions
- Elementary and Secondary Schools: Parking restrictions; 25% expansion permitted without a conditional use
- Energy Facilities: Establishes standards for transmission lines, wind energy systems, biomass facilities and geothermal facilities
- Electrical Substation: New section; additional setback requirements, height restrictions, screening requirements and outdoor storage limitations for electrical substations

SECTION 3.1

• *What does this Section do?*

Section 3.1 outlines all application requirements and decision criteria. The type of procedures are identified and the requirements for each type are clearly established. The decision criteria is remains essentially unchanged.

◦ *How does it differ from the current Code?*

This section is close in content to provisions in Chapters 4 to 8 of the current Ordinance and portions of the Subdivision and Partitioning Ordinance. The material was essentially reorganized for clarity. Major revisions include the following:

- **Summary:** Identifies four application types: Type I-A and Type I-B are reviewed by staff, "A" requests are administrative (e.g. sign permits) while "B" request require a formal review and notice (e.g. conditional use); Type II actions are decided by the hearings officer (e.g. subdivision); Type III actions require a City Council review and decision (e.g. Zone Change); Type IV applications are legislative actions (e.g. text changes) requiring Council approval
 - Land use applications were divided into four categories for the purpose of establishing consistency in the application process (Section 3.2).
 - A chart was devised which outlines the type of procedures and the decision making authority.
- **Administrative Land Use Procedures:** Clearly establishes requirements on how floodplain, greenway, temporary use and sign permits are to be processed; allows applicant to appeal a denial of the permit to the hearings officer
 - Requirements for administrative actions (e.g. sign permits) were identified. These actions may be appealed to the hearings officer if a permit is denied.
- **Site Development Review:** New section; establishes formal procedure to review complex site plans; site plan review only required for activity center overlay; appeal to Planning Commission
 - A new section was created for site development reviews. This is currently limited to proposals within the Activity Center Overlay zone but can be expanded to other types of development. Appeal is to the Planning Commission instead of the hearings office; conversely, an applicant may apply directly to the Commission.
- **Conditional Use (Type I-B):** Reviews proposal to ensure compatibility with adjacent land uses; floodplain, greenway and sign code conditions use sections identified
 - Variances were divided into minor and major categories. Any change less than 20% requires a minor variance, otherwise a major variance is required. The minor variance is equivalent to the current adjustment process.
- **Variance (Type I-B):** Divided into minor and major; minor equivalent to current "adjustment" application; floodplain, greenway and sign code variance sections identified
 - Partitionings, subdivisions and planned unit developments now have specific decision criteria to evaluate the request.
- **Partitioning (Type I-B):** Separate review criteria established for first time; final plat requirements identified
 - Annexations is a new section. It establishes the procedures and criteria for an annexation including options for a public vote or Council ordinance. Island annexation by referendum is also allowed.

SECTION 3.1

- Subdivisions/Planned Unit Developments (Type II): Separate review criteria established for first time; final plat requirements identified
- Comprehensive Plan Map Amendment (Type III): Reviews amendments to Plan map (often a part of zone change); final decision by Council with hearings officer recommendation
- Zone Change (Type III): Reviews a zone change request; allows conditions to be placed on zone change; final decision by Council with hearings officer recommendation
- Text Amendments (Type IV): Action initiated by City Council or Planning Commission to change Plan or Development Ordinance text; public can suggest changes but may not initiate; final action by Council with Commission recommendation
- Annexation (Type IV): New section; establishes criteria for annexation decision and method to accomplish; Council has option to require a public vote of request

SECTION 3.2

• *What does this Section do?*

This is the "nuts and bolts" section for administration; it identifies who does what, when and how.

- **General Provisions:** Multiple application are allowed; "area-wide" applications are allowed which involve different land use actions on several adjacent properties
- **General Procedures:** The procedure for each type of land use application is identified; includes information on decision authority, application completeness, notice, appeals and final decision; Council may call-up application facing 120 day time limit; performance guarantees established to complete of improvements
- **Type IV Actions:** Text changes; final decision by City Council
- **Public Notice:** Establishes notice requirements for each type of land use application; City posts property on public hearings
- **Public Hearing by Hearings Officer and Planning Commission:** Establishes procedures for public hearings including appeals, continuance, open record provisions, final decision, LLBA appeal requirements, evidence, testimony, hearing record and exhibits
- **Public Hearings by City Council:** Similar to preceding item, except for Council; Council has option to review appeals based on the record or hold a new hearing
- **Appeal Provisions:** Establishes appeal periods, appeal form and notice requirement
- **Fees:** Fees by resolution; rules on refunds and waivers
- **Revocation:** Decision can be revoked under certain circumstances

• *How does it differ from the current Code?*

The existing code is often confusing regarding the processing of a land use application. While the basic code procedures remain, the format was revised to increase clarity and provide a step-by-step application process. Major changes include the following:

- An area-wide application is permitted, which combines requests from several owners and properties, if it can clarify a development proposal for a specific area. Each request is granted a separate decision and is appealable individually.
- The limitation on applying conditions of approval is clearly defined. The City may impose bonding or other forms of guarantee to ensure the completion of a condition.
- Applications which may not be completed within the 120 day time limit may be called up by the City Council for an expedited review.
- A notice, posted on the subject property, is required for all applications involving a public hearing.
- The Council may hear an appeal based simply on the record (no new testimony), or, allow a new hearing allowing additional testimony (de novo).
- Rules and procedures for the hearings officer, Commission and Council are made a part of the Ordinance.
- Prior decisions (except for zone changes) may be revoked if an applicant submitted misleading evidence or false testimony, or, violates conditions of approval. Action is conducted as a Type II hearing.

