

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, APRIL 4, 2023**

Commissioners Present:

Jamie WilsonChairman
Michael Hennigan. Vice Chairman
George Mortimer..... Commissioner
Daryl Cowart..... Commissioner
Becky Westmoreland Commissioner
Robert Vigil..... Commissioner
Tiffany Bell..... Commissioner

Commissioners Absent:

None

City Council Members Present:

Brad Childs

City Council Members Absent:

Larry Spears, Jr.
Paul Burch
Caroline Hennigan
Mary McKenna
David Bailey
Terrie Salter

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
Marvin Benoit, Building Official
Divon Williams, Deputy Director of Planning & Community Development
Hillary Gravett, Assistant EDC Director
Alison Clary, Communications/Marketing Coordinator
Guy Goodson, City Attorney

Chairman Wilson called the Planning & Zoning meeting to order at 5:30 p.m.

CITIZEN COMMENTS

None

WORKSHOP

- a. Conduct a workshop on Zoning

Mr. Knauf stated before I start the workshop, I'd like to introduce, Divon Williams who is our new Deputy Director of Planning and Community Development. You will see her at our meetings. If you remember we did a workshop on planning. Planning is future oriented, where do we want to build? What kind of community do we want? What kind of issues are we going to encounter and how are we going to address those issues? We went over that a couple months ago. Tonight, we're going to talk about zoning and then after the legislature adjourns then we'll have a workshop on platting. There's some bills in the legislature that can significantly affect cities' authority in platting so we will wait until after the legislature adjourns so we can have the updated information on what that means for us. But, planning and zoning and platting are all related. They look like identical triplets but they each have their own personality. They all deal with land use and development and social issues but they do kind of relate to each other but are not the same. Actually, this commission will be dealing with all 3.

(Power Point Presentation on Zoning)

What is zoning?

- The delineation of geographic areas within a city for which specific standards (along with building codes and other codes) are applied to govern land use, site size, structure size and placement.
- Determining what kinds of land uses are compatible near each other.

Why do we have zoning?

- Protection of property values
- Control of nuisances
- Provide information to investors as to what can be built on a particular piece of property, near their property and the standards by which the development can occur
- Health, safety and aesthetics
 - Population density
 - Setback requirements to assist in firefighting and public safety
 - Provide/protect a quality of life
- 1867-San Francisco passes first ordinance regulating location of Chinese laundries
- 1916-first comprehensive zoning ordinance adopted by New York City
- 1924-Department of Commerce Standard State Zoning Enabling Act
- 1926-Village of Euclid (OH) v. Ambler Realty Company – Supreme Court rules that zoning is legal

Who is involved in the zoning process?

- Planning and Zoning Commission
- City Council
- Applicants – may or may not be local residents
- City Staff
- Public
 - Property owners – may or may not be local residents
 - Media
 - Special interests
- Federal and State Courts

Where does zoning occur?

- Zoning applies to any property within the city limits
- When a property is annexed to the City, then a zoning district is assigned
- Zoning does not apply to property in the City's extraterritorial jurisdiction

When does zoning or re-zoning occur?

- A zoning ordinance and zoning map is adopted by the City Council
- When the City Council determines that a change to the zoning ordinance or zoning of a parcel of property is desired
- When a property owner desires to use land that is not compatible with the zoning ordinance and requests that the zoning for the property be changed

What are the sections of the zoning ordinance?

- Article 12.100 Introduction
- Article 12.200 Official Zoning Map
- Article 12.300 Administration
- Article 12.400 Amending the Zoning Ordinance or Zoning Map, Variances, Special Exceptions and Appeals
- Article 12.500 Definitions
- Article 12.600 Zoning Districts and Other Regulations
- Article 12.700 Enforcement of Violations to the Zoning Ordinance
- Article 12.800 Bed and Breakfast Regulations
- Article 12.900 Communication Towers
- Article 12.1000 Sign Regulations
- Article 12.2000 Recreational Vehicle Parks

What are the zoning districts?

- Residential
 - R-1 Low Density (6000 sq. ft. lots minimum)
 - R-2 Medium Density (5000 sq. ft. lots minimum)
 - R-3 High Density (apartments)
 - R-4 Manufactured housing
- Commercial
 - C-1 Light Commercial
 - C-2 Commercial
 - C-S Commercial Special
 - C-S Cove Commercial Special-Cove
 - OTC Old Town Center/Waterfront
 - IDC Interstate Development Corridor
- Industrial
- Mixed Use Zoning District
- Historical Overlay Zoning Districts

What is the zoning map?

What is the land use matrix?

- Established what land uses are allowed, prohibited or allowed only by special exception in each zoning district
 - (P) Permitted – allowed “by right” (pre-approved)
 - (X) Prohibited – not allowed
 - (SE) Special Exception – the use may be appropriate for some areas within a zoning district but not other areas of the zoning district – it just depends on what is near the location. The Board of Adjustment determines whether or not to grant the special exception.
- Standard Industrial Code (SIC Code) is used to determine what land use fits into which zoning district
Standard Industrial Classification (SIC) System Search / Occupational Safety and Health Administration (osha.gov)

What are the regulations applicable to some districts or all districts?

- Lot sizes
- Building setback lines
- Height
- Density
- Open Space
- Signs
- Site Design
- Landscaping
- Flood hazard
- Fencing
- Home occupations
- Recreational vehicles
- Temporary outdoor sales
- Sexually oriented businesses
- Commercial vehicle storage
- Storage of unlicensed vehicles
- Childcare facilities
- Family day care homes
- Group homes
- Prohibited accessory storage buildings
- Searchlights or beacons
- Bed & Breakfast
- Cell towers
- RV Parks

How can the way zoning affects a parcel of property be changed?

- Option 1 – Change the zoning on a parcel of property
- Option 2 – Change the zoning ordinance itself
 - Verbiage/definitions
 - Land Use Map
 - Zoning district regulations
- Be careful of spot zoning

What is the process for changing the zoning on a parcel of property?

- Application to re-zone property unless is City-initiated
- Schedule public hearing and meeting
- Publish notice of public hearing at least 15 days before the meeting date
- Send letter notifying property owners within 300 feet of the subject property about the public hearing
- Conduct public hearing. After public hearing P&Z votes on a recommendation.
- City Council approves re-zoning on first reading of ordinance OR disapproves re-zoning
- If Council approves re-zoning on first reading, a second vote on the ordinance is done at a future Council meeting.
- Note: a $\frac{3}{4}$ vote (6 of the 7 members) of the City Council is necessary to approve a zoning district map amendment where the proposed amendment is opposed by 20% or more of the property owners whose lands are lying within 300 feet of the site being considered.

What is the process for changing the zoning ordinance itself?

- Schedule public hearing and meeting
- Publish notice of public hearing at least 15 days before the meeting date
- Conduct public hearing. After public hearing P&Z votes on a recommendation.
- City Council approves re-zoning on first reading of ordinance OR disapproves re-zoning
- If Council approves re-zoning on first reading, a second vote on the ordinance is done at a future Council meeting.

What issues arise in zoning?

- How much regulation is enough or too much
- Economic development at any cost?
- Timing of regulations
- Evolving trends
- P&Z and Council have a lot of discretion in making zoning decisions but there are restrictions:
 - Case laws
 - Takings – if a regulation goes too far, it can be considered a taking
 - Protected classes & group living quarters
 - Churches - RLUIPA
- Ugly can be legal
- NIMBYs, LULUs, BANANAs, and CAVE people – often based on emotions, not facts

How does planning, platting and zoning relate?

- Planning (Future Oriented)
 - Comprehensive Master Plan (no deadlines)
 - Future Land Use Map (no deadlines)
 - Subdivision Ordinance and State laws (deadlines)
 - Zoning Ordinance and Court Cases (no deadlines)

A final word on planning, platting and zoning

- A balancing of interests:

- Property owner's interests
- Surrounding property owners' interests
- Community's interests

Mr. Knauf asked for any questions or comments.

Council Member Childs stated many years ago before all of us there was a restaurant wanting to come to I-10 and the way I understand it was zoned C-2 and it needed to be C-1 for the restaurant and so the city had said they had to study it. Well, the restaurant said no problem this other town wants us so they left. Is that a problem that can happen? Can we be over zoned for a restaurant? Mr. Knauf stated yes it could happen. It depends on the location and what is that zoning. The restaurant needs C-2 but the area is zoned C-1 and the area around that location is C-1. Council Member Childs stated I might have had that backwards. It might have been zoned C-1 and it needed to be C-2 for the restaurant. It was long before all of our time. We really don't know what happened but maybe a landowner contested it. Council Member Childs stated well from what I was told they backed off because the city said let's see what we can do. I think with this crowd we would say we're going to figure this out. Mr. Knauf stated yes some businesses are like that and they will go someplace else. They're going to make the city bow down to their wishes. We have to be careful. Is that business really good for the city? Council Member Childs stated yes it was way before our time and back when I-10 wasn't really being developed like it is now.

Chairman Wilson stated thank you Kelvin for providing us with this information that is so valuable for our city and our board.

PLANNING & ZONING APPROVAL OF MINUTES

- a. **Consider the minutes of the March 7, 2023, Planning and Zoning Commission meeting.**

Vice Chair Hennigan motioned to approve
Commissioner Vigil 2nd

Vote: 7 – 0

Motion Carries

Chairman Wilson adjourned the Planning and Zoning Commission meeting at 6:40 p.m.