

CITY OF SILOAM SPRINGS PLANNING COMMISSION

Tuesday, January 10, 2017 at 4:00 p.m.
City Administration Building
400 N. Broadway

AGENDA

I. Planning Commission

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of the regular meeting of December 13, 2016
- D. Elections
- E. Development Permit Approval

- 1. Lot Split Development Permit, LS16-11
Tabled from the Nov. 8th Planning Commission
1147 W. Jefferson St.
Owner: Dennis Brown
Agent: Nathan Gunneman

F. Planning Commission Training

Legislative vs. Quasi-Judicial Decisions: How much latitude does the Planning Commission Have?

G. Adjourn the Planning Commission

MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD DECEMBER 13, 2016

The Planning Commission of the City of Siloam Springs, Benton County, Arkansas, met in regular session at the City Administration Building, Tuesday, December 13, 2016.

The meeting was called to order by Chairman Mounger.

Roll Call:

Blakely, Nation, Mounger, Driscoll, Smith, Song – Present.

Engle – Absent.

City Clerk, Renea Ellis; City Planner, Ben Rhoads; City Engineer, Justin Bland; City Attorney, Jay Williams; Community Services Director, Don Clark; all present.

A copy of the November 8, 2016 regular minutes had previously been given to each Commissioner. A motion was made by Smith and seconded by Blakely to accept the minutes. Mounger called for a voice vote. Motion passed unanimously.

The first item on the agenda was a Lot Split Development Permit, LS16-10, 400 Block of N. Progress Avenue, A & H Ravenwood Development, Civil Engineering Inc. – Ron Homeyer, PE. Ben Rhoads, Senior Planner, briefed the item. A Motion to approve with staff conditions was made by Blakely and seconded by Nation. Motion passed unanimously.

The next item on the agenda was a Preliminary Plat Development Permit, PP16-01, 2200 block of N. Carl St. / 23000 block of Lawlis Road, Frank and Randy Roth, Civil Engineering Inc. – Ron Homeyer, PE. Ben Rhoads, Senior Planner, briefed the item. A Motion to approve with staff conditions was made by Nation and seconded by Blakely. Motion passed unanimously. Chairman Mounger announced this will go to the Board of Directors on January 3, 2017.

The next item on the agenda was a Final Plat Development Permit, FP16-02, 1218 W. Jefferson St., Pine Ridge Contracting – Dan Mallory, Civil Engineering Inc. – Ron Homeyer, PE. Ben Rhoads, Senior Planner, briefed the item. Nation asked about the laws governing the distance from a stop sign that parking can begin and that it be clearly marked. A Motion to approve was made by Nation and seconded by Smith. Motion passed unanimously. Chairman Mounger announced this will go to the Board of Directors on January 3, 2017.

The next item on the agenda was a Final Plat Development Permit, FP16-04, 2200 Block of N. Hico St./1200 Block of Canyon Gate Dr., Rob Sample, Civil Engineering Inc. – Ron Homeyer, PE. Ben Rhoads, Senior Planner, briefed the item. A Motion to approve was made by Song and seconded by Blakely. Motion passed unanimously. Chairman Mounger announced this will go to the Board of Directors on December 20, 2016.

The next item on the agenda was a Rezoning Development Permit, RZ16-10, Rezone from R-2 to G-I, 501 W. Elgin St., Siloam School District No. 21, Civil Engineering Inc. – Ron Homeyer, PE. Ben Rhoads, Senior Planner, briefed the item. Mayo Selby, 518 W. Elgin, and Jim Girdner, 902 N. Carl both expressed concerns of the street width; potential of additional traffic congestion, and striping. Don Clark, Community Services Director, said striping isn't required on residential streets. He said overlay is planned, and widening would require obtaining right-of-

way easements. A Motion to approve was made by Nation and seconded by Driscoll. Motion passed unanimously.

Chairman Mounger announced this will go to the Board of Directors on January 3, 2017.

The next item on the agenda was a Significant Development Permit, SD16-12, 501 W. Elgin St., Siloam School District No. 21, Civil Engineering Inc. – Ron Homeyer, PE. Ben Rhoads, Senior Planner, briefed the item. Song asked if these are for more students. Rhoads said yes, and it will increase traffic slightly. Ron Homeyer, 701 S. Mt. Olive, stated there will be up to 80 new students. Jody Wiggins, Assistant Superintendent with Siloam School District, stated they will apply for 40 new slots for pre-kindergarten. A Motion to approve with staff recommendations was made by Blakely and seconded by Driscoll. Motion passed unanimously.

Chairman Mounger announced this will go to the Board of Directors on January 3, 2017.

The next item on the agenda was a Lot Line Adjustment Permit, LA16-05, 855 N. Dogwood St., Chris Prater. Ben Rhoads, Senior Planner, briefed the item, and said this item does not require a vote.

There being no further business, a Motion was made by Blakely and seconded by Smith to adjourn. A voice vote was taken. All ayes. Meeting Adjourned.

APPROVED:

ATTEST:

Karl Mounger, Chairman

Renea Ellis, City Clerk

{Seal}



STAFF REPORT

TO: Planning Commission
FROM: Ben Rhoads, AICP, Senior Planner 
Cc: Don Clark, Community Services Director
DATE: January 3, 2017
RE: Lot Split Development Permit/ Lot Split, LS16-11

Recommendation: Approve LS16-11 (Lot Split Development Permit).

Background:

APPLICATION REVIEW DATES

1st Planning Commission review: November 8, 2016

2nd Planning Commission review: January 10, 2017

Board of Directors review: Not Applicable

The agent requests to table this permit to the February 14, 2017 regular Planning Commission

APPLICANT AND AGENT

Applicant/Owner: Dennis Brown

Agent: Nathan Gunneman

SUBJECT PROPERTY ADDRESS

1147 W. Jefferson St.

INTERNET MAP INFORMATION

Planning staff has created a map made with Google My Maps.

Attribution: Map data ©2016 Google Imagery ©2016, Arkansas GIS, DigitalGlobe, Landsat, State of Arkansas, USDA Farm Service Agency, Washington County.

Please click on the following link to access. This link will only operate if reading this report digitally.

<https://drive.google.com/open?id=1Qs2fA3CxcNUZ-zFOQNsLmbjD6oQ&usp=sharing>

PROJECT INTENT

The applicant desires to split Lot 2 of the Chattering Heights Addition, a 0.68 acre lot, and adjust the acreage of Lot 1, of the same addition, a 0.64 acre lot. Lot 2 being split into two lots; Lot 2A at 0.174 acres and Lot 2B at 0.248 acers; with additional acreage from Lot 2 being added to the adjusted Lot 1R.

EXISTING LAND USES AND ZONING

<i>EXISTING LAND USE</i>		<i>EXISTING ZONING</i>	
Single-family, residential and yard		R-2 (Residential, medium)	
<i>SURROUNDING LAND USE</i>		<i>SURROUNDING ZONING</i>	
North:	Residential, single-family	North:	R-2 (Residential, medium)
South:	Residential, single-family	South:	R-2 (Residential, medium)/ R-4 (Residential, multi-family)
East:	Residential, single-family	East:	R-2 (Residential, medium)
West:	Residential, single-family	West:	R-2 (Residential, medium)

PROJECT ANALYSIS AND APPROVAL CRITERIA

The following criteria are shown to indicate if this proposal meets the minimum criteria for approval:

I. LOT STANDARDS CONSISTENCY

The minimum R-2 zone standards are compared with the subject property's tracts below.

<i>MINIMUM (R-2) ZONING REQUIREMENTS</i>	<i>SUBJECT PROPERTY PROPOSAL</i>
Lot 1R Lot Area: 7,000 sq. ft.	40,205 sq. ft. or 0.923 acres
Lot 1R Lot Width: 60 ft.	173.7 ft.
Lot 2A Lot Area: 7,000 sq. ft.	7,600 sq. ft. or 0.174 acres
Lot 2A Lot Width: 60 ft.	76 ft.
Lot 2B Area: 7,000 sq. ft.	10,813 sq. ft. or 0.248 acres
Lot 2B Width: 60 ft.	141.2 ft.
Average Lot Size: 0.4483 acres	

II. STAFF TECHNICAL REVIEW

City staff met to review the project. The proposal meets or exceeds all City standards and all technical comments have been addressed by the applicant.

III. LAND USE CODE REQUIREMENTS

According to the Land Use Code, a lot split permit shall only be authorized when the applicant has convincingly demonstrated that the proposed split:

- (1) Process. No development permit for a lot split shall issue except upon finds by the planner commission that:
 - a. The lot is in a commercial zoning district, or has not been split in the preceding 12 month:

The applicant's proposal is zoned residential and has not been split in the last 12 months.
 - b. The new lots, and any improvements or use of the land, conform with this Municipal Code, and that

- c. The building lots:
- i. Will each abut a public street, or
 - ii. Will, by permanent easement of record, which easement shall run with the burdened and benefited land, and by construction approved by the administrator, provide full access to a public street, for free occupancy by public utilities and for free transit by public safety equipment; and
 - iii. Will have all infrastructure required by law.

The applicant's proposal is shown to conform with all applicable aspects of the Zoning Code, see Criteria I.

Both proposed lots will have access to a public right-of-way. All lots are adequately serviced by infrastructure. Water lines are to the south along W. Jefferson St. and also along N. Prospect St. Sewer is parallel to the water lines on the same streets.

(2) Notice, Notice of each lot split development permit:

See legal notice section of this report (below).

LEGAL NOTICE

- Site posted: October 4, 2016.
- Newspaper legal notification: October 09, 2016 (Herald-Leader).
- Letter legal notification: October 12-14, 2016.
- Staff received two phone calls of a questing nature, staff answers to callers' questions. Staff received one office visit in opposition to the request on the grounds that the proposed lots do not conform to the size of the lots in the area. Staff received no correspondence on the request.

UPDATED STAFF DISCUSSION (Dec. 21st)

On December 13, 2016, the agent requested to table this permit to the February 14th, 2017 regular meeting of the Planning Commission. The reason for this is that he needs more time to finalize his suggested changes to the neighborhood restrictive covenants.

ORIGINAL STAFF DISCUSSION (Nov. 8th)

The applicant is requesting to split a 0.643 acre lot (Lot 2) in the Chattering Heights Addition into two lots. In addition to this split, the applicant is proposing to adjust the acreage of an adjacent Lot 1 in the same addition. The planning process for this request is a lot split and a lot line adjustment, however since the lot line adjustment is approved through internal review only, the request is being processed solely as a lot split application—this is being done to avoid two duplicate applications on the same request. By Code, a lot split is defined as the action of “re-platting or subdivision of one or more lots which produces no more than two lots, both meeting the zoning district’s requirements for building construction.”

As shown in the project analysis and approval criteria section of this report, all lots proposed meet the minimum standards for the R-2 zone. As of writing this report, the City has not received any applications for construction on either lot, but the zoning only allows single-family housing. Access to Lot 1R will be from W Jefferson St., with Lot 2A and 2B accessible from S. Prospect St. The driveway access for Lot 2A must be off of S. Prospect due to driveway spacing criteria on W. Jefferson St. The exact driveway placement design will not be determined until a building

permit is submitted. Staff will ensure that the drive meets the correct spacing criteria on the building permit approval.

Compared to the previous lot split/lot line adjustments, this request appears to create three lots. This is actually not the case because the existing property already sits on two lots; Lots 1 and 2. The existing house is currently bisected by the lot line separating these lots. In earlier times, the City permitted new construction on shared lot lines if both lots were held under common ownership, now the City requires that these be formally combined through a lot consolidation process. The effective result of the proposal is to add more acreage to Lot 1 by mostly dissolving the existing east/west property line between Lots 1 and 2, this line is not deleted but shifted to a north/south orientation, making the east lot lines for Lots 2A and 2B. The important thing to keep in mind is that there are two existing lots and the proposal is seeking to make three lots, so it is considered a lot split and lot line adjustment. All necessary easements are provided.

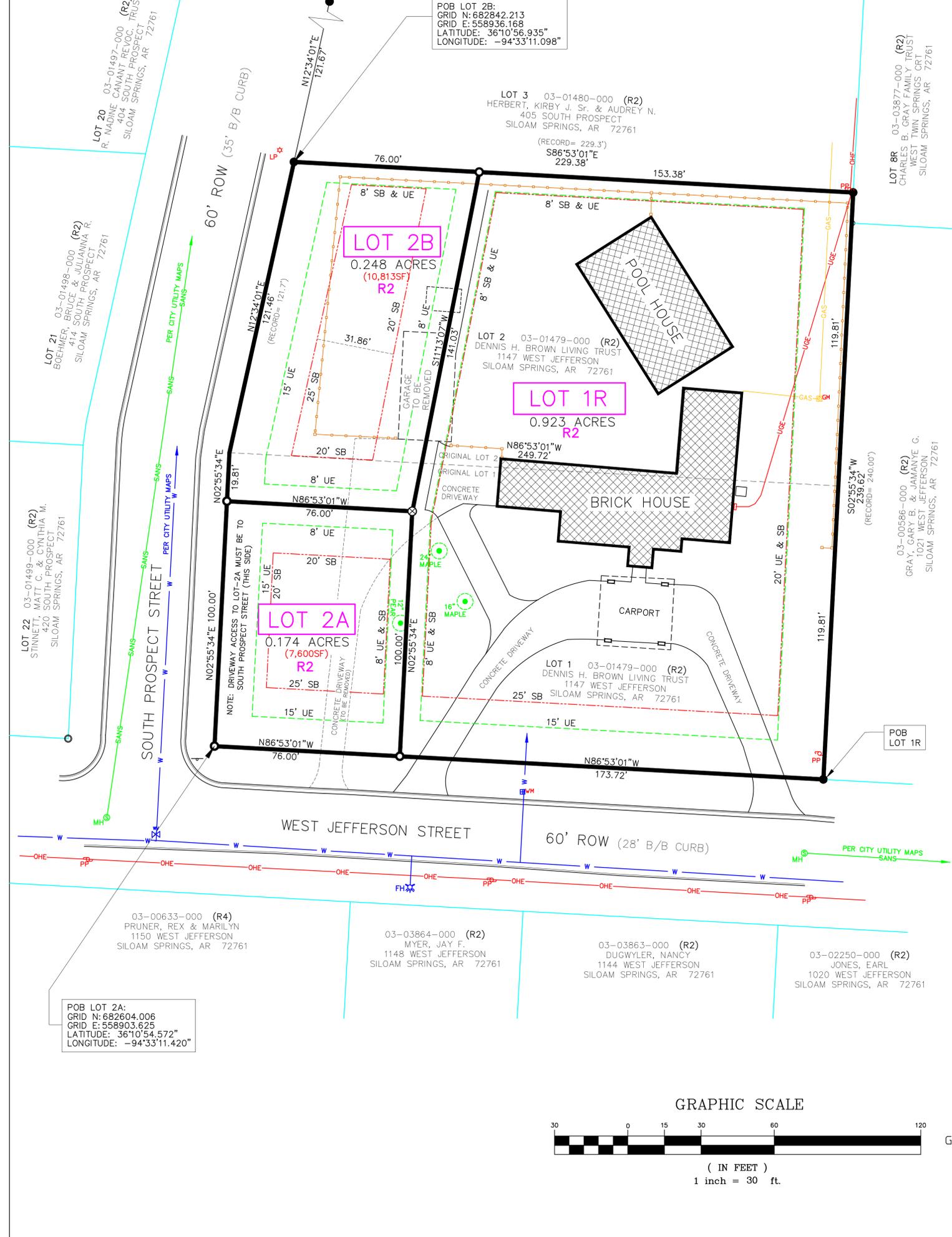
Finally, concerns were raised by one of the neighbors that the proposed lot size is inconsistent with the neighborhood and that the house setbacks would not align with the setbacks of the existing house on the subject property. Staff looked into this concern, and while the proposed lots are smaller than the parent lot (Lot 1R) the homes to the south of the subject property (900 to 1000 block of W. Jefferson) are of comparable size to what would be allowable on Lot 2A. It appears that future construction on the proposed lots will be of similar character with portions of the existing neighborhood. The R-2 zone does not require setback alignment with neighboring structures (as required in the H-1 Dist.). Staff could not locate any covenants for the Chattering Heights Addition that would govern a minimum lot size beyond the minimum zoning requirement. As detailed in this report, the request meets all approval criteria.

Fiscal Impact:

None anticipated

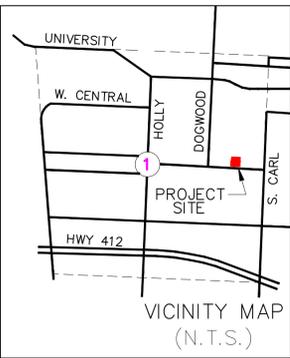
Attachments:

- Site Specific Proposal
- Bird's Eye View of the Property
- General Area Map



LEGEND:

- FOUND IRON PIN
- SET IRON PIN
- ⊗ MASONRY NAIL
- PRIVACY FENCE, CORNER
- SANITARY SEWER MANHOLE
- GAS METET
- WATER METER
- WATER LINE, FIRE HYDRANT
- LIGHT POLE
- POWER POLE
- BUILDING SETBACK LINE
- UTILITY EASEMENT LINE



SURVEY DESCRIPTION - LOT 1R: ((ADDRESS= 1147 WEST JEFFERSON STREET))
 PART OF LOT 1 AND 2, CHATTERING HEIGHTS ADDITION, SILOAM SPRINGS, BENTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT AN IRON PIN AT THE SOUTHEAST CORNER OF THE ORIGINAL LOT 1, POINT BEING IN THE NORTH RIGHT-OF-WAY LINE OF WEST JEFFERSON STREET, THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N86°53'01"W 173.72 FEET TO AN IRON PIN, THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N02°55'34"E 100.00 FEET TO A MASONRY NAIL, THENCE N11°13'07"E 141.03 FEET TO AN IRON PIN IN THE NORTH LINE OF THE ORIGINAL LOT 2, THENCE ALONG SAID NORTH LOT LINE S86°53'01"E 153.38 FEET TO AN IRON PIN, THENCE S02°55'34"W 239.62' TO THE POINT OF BEGINNING CONTAINING 0.923 ACRES MORE OR LESS, AND SUBJECT TO ALL EASEMENTS OF RECORD.

SURVEY DESCRIPTION - LOT 2A: ((ADDRESS= 1149 WEST JEFFERSON STREET))
 PART OF LOT 1, CHATTERING HEIGHTS ADDITION, SILOAM SPRINGS, BENTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT AN IRON PIN AT THE SOUTHWEST CORNER OF THE ORIGINAL LOT 1, POINT BEING IN THE NORTH RIGHT-OF-WAY LINE OF WEST JEFFERSON STREET AND THE EAST RIGHT-OF-WAY LINE OF SOUTH PROSPECT STREET, THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE N02°55'34"E 100.00 FEET TO AN IRON PIN, THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S86°53'01"E 76.00 FEET TO A MASONRY NAIL, THENCE S02°55'34"W 100.00 FEET TO AN IRON PIN IN THE NORTH RIGHT-OF-WAY LINE OF WEST JEFFERSON STREET, THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N86°53'01"W 76.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.174 ACRES MORE OR LESS, AND SUBJECT TO ALL EASEMENTS OF RECORD.

SURVEY DESCRIPTION - LOT 2B: ((ADDRESS= 415 SOUTH PROSPECT STREET))
 PART OF LOT 1 AND 2, CHATTERING HEIGHTS ADDITION, SILOAM SPRINGS, BENTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT AN IRON PIN AT THE NORTHWEST CORNER OF THE ORIGINAL LOT 2, POINT BEING IN THE EAST RIGHT-OF-WAY LINE OF SOUTH PROSPECT STREET, THENCE ALONG THE NORTH LOT LINE OF THE ORIGINAL LOT 2 S86°53'01"E 76.00 FEET TO AN IRON PIN, THENCE S11°13'07"W 141.03 FEET TO A MASONRY NAIL, THENCE N86°53'01"W 76.00 FEET TO AN IRON PIN IN THE EAST RIGHT-OF-WAY LINE OF SOUTH PROSPECT STREET, THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N02°55'34"E 19.81 FEET, THENCE N12°34'01"E 121.46 FEET TO THE POINT OF BEGINNING, CONTAINING 0.248 ACRES MORE OR LESS, AND SUBJECT TO ALL EASEMENTS OF RECORD.

OWNER'S CERTIFICATION AND DEDICATION: We, the undersigned, do hereby certify that we are the sole owners of the hereon platted and described property, and do hereby dedicate streets and easements, if any, for the installation of utilities and use of the general public.

STATE OF _____, COUNTY OF _____.

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public _____ My Commission Expires _____

PLANNING COMMISSION APPROVAL: This plat is hereby approved this _____ day of _____, 20__, by the City of Siloam Springs Planning and Zoning Commission.

 Planning Commission Chairman

BASIS OF BEARINGS: State Plane Coordinate System - Ark North Zone - NAD 83
SCALE FACTOR (Ground to State Plane): 0.9999400
CERTIFICATION: I hereby certify that on Oct. 15, 2016 the hereon platted and described survey was completed as shown to the best of my knowledge, and is for the sole use of the party stated hereon.
 This property DOES NOT LIE in a designated flood Zone according to F.E.M.A. Map #05007c0370 J, Dated September 28, 2007.

PARCEL# 03-01479-000
LOT SPLIT PLAT
LOTS 1 and 2, CHATTERING HEIGHTS SUBDIVISION PHASE 1

Survey By: JAMES CALDWELL, PLS #1310 609 South Oakhill Siloam Springs, AR 72761 (479) 238-4069	Survey For: Dennis Brown 1147 West Jefferson Siloam Springs, AR 72761	Plat Code: 500-17N-34V-0-01-120-04-1310	Date: Oct. 15, 2016	Job #: 216022
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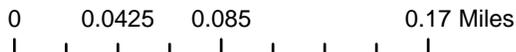
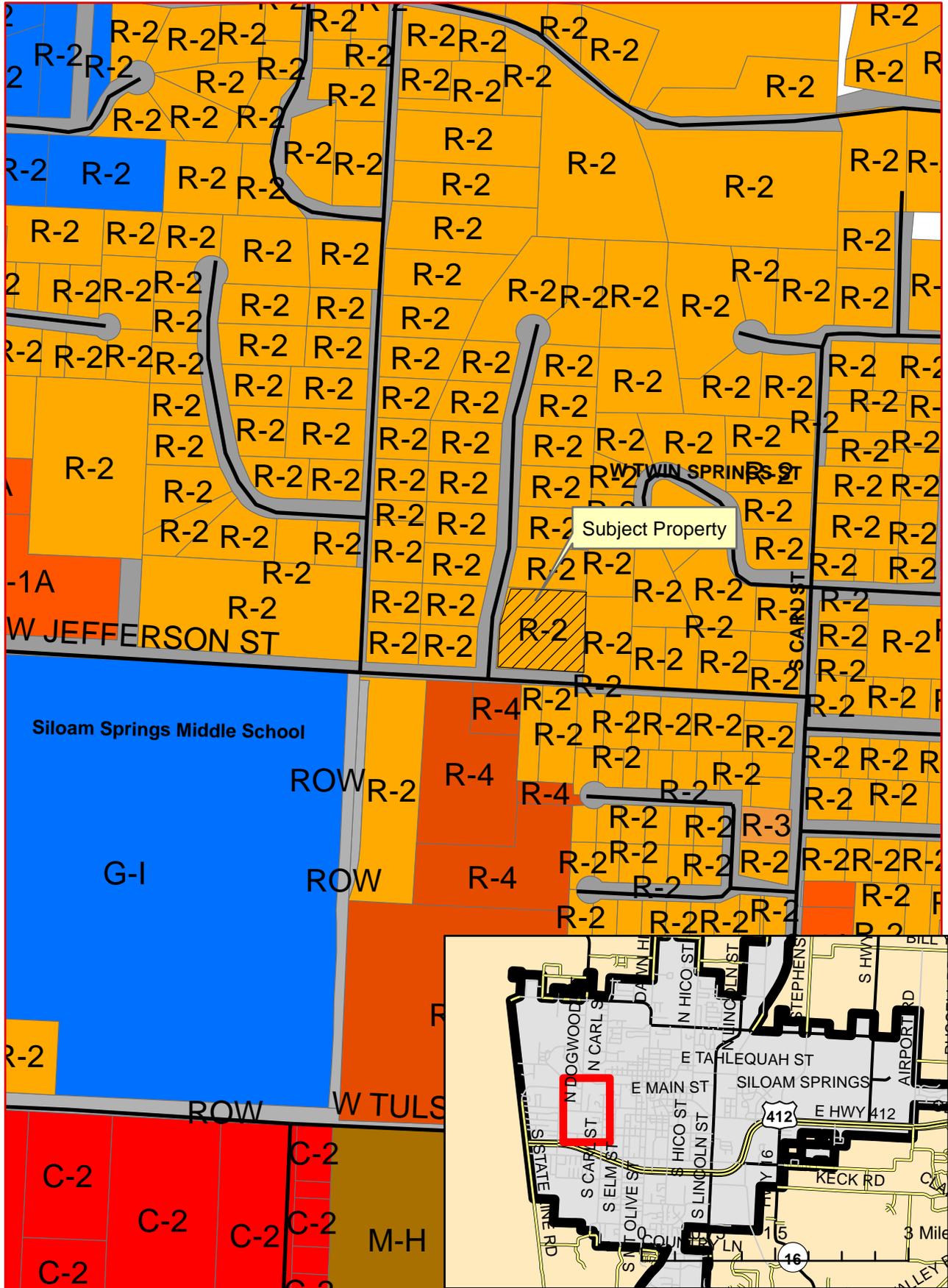
LS16-11 – Brown

Bird's Eye View



GENERAL AREA MAP

Lot Split Development LS 16-11





January 10, 2017

PLANNING COMMISSION

Planning Commission Training

Legislative vs. Quasi-Judicial Decisions

- How Much latitude does the Planning Commission have?



Planning Commission Training

- The question refers back to the Planning Commission's role and responsibilities.
- The Planning Commission is a body of appointed community representatives whose purpose is to review land development applications and provide recommendations on approval to the legislative body. In the City's organization this is the Board of Directors.
- When evaluating permit applications, the Commission employs quasi-judicial decisions, meaning that the decisions are prescriptive based off of measurable criteria set out in the City Code.

Planning Commission Training

- Most of the work that comes before the Planning Commission involves quasi-judicial decision-making.
- Legislative decisions, on the other hand, are those that involve a city-wide plans, or the adoption of new regulations, such as Code amendments. These decisions allow for the Commission to do research based on subjective reasoning as to if the proposed plans, Code amendments, or other regulations meet the City's best interest.

Planning Commission Training

- Drilling down deeper into quasi-judicial decisions, the City Code requirements are primarily prescriptive (or objective), they are not administered through opinion, but through a defined measurable criteria. For example, lot size, building height, number of parking spaces, etc.
- The Code does, however, have subjective quality of life provisions in Chapter 54. This criteria tests if the proposal meets “sound planning”. In Ch. 54, there is latitude for subjective judgements, but they must be tied back to one of these criteria.

Planning Commission Training

- So what does the Commission take into consideration for their recommendation when using quasi-judicial decision-making?
 - Recommendations for planning permits, other than rezoning and variances, needs to be clear, well thought out, and non-biased.
 - Why? The main reason has to do with zoning regulations. If a project meets the City's minimum zoning criteria, there are no solid, measurable, grounds to deny the application unless it can be clearly shown that the application will cause undo harm to the surrounding neighborhood (Ch. 54 requirements).

Planning Commission Training

- When a new application is submitted for review, the City staff reviews it first. This process is called technical review.
- Technical review generally takes 5 weeks before it comes before the Planning Commission.
- In the staff report memo, staff lays out the approval criteria as outlined in the zoning ordinance. Staff will then compare the projects development limits to these set criteria, so that the Commission can see if it complies. If it does **not** comply, staff will normally suggest a condition to remedy the issue, or in extreme cases, recommend denial of the application.

Planning Commission Training

- Staff will also include in the staff report a discussion on the quality of life provisions of the Land Use Code, Ch. 54. This is shown after the zoning criteria section in the report
- If a project meets the zoning criteria, but City staff has shown it to cause problems to drainage down stream, or increase traffic beyond the planned capacity of the roadway, the Commission may take these factors into account and recommend denial, or tabling, until the project is re-designed to lessen unacceptable impacts. These issues are brought forth using the Land Use Code criteria.

Planning Commission Training

- So why is quasi-judicial decision-making important?
- The City can be sued by the developer if a project is denied and it meets the Code's minimum criteria.
- This happened in Little Rock. Richardson. vs. City of Little Rock Planning Comm'n. 295 Ark. 189 (1988). Ruling by Arkansas Supreme Court.
 - “The Planning Commission may not disregard the regulations set forth in the subdivision ordinance and substitute its own discretion in lieu of fixed standards applying to all cases similarly situated.”

Planning Commission Training

- So why have a Planning Commission if decisions are primarily objective/ quasi-judicial– or automatic?
 - The State Zoning Enabling Act and the City Code requires a Planning Commission for the purpose of confirming the City staff's findings on if a project meets the minimum zoning and or subdivision standards.
 - The Commission also oversees major plan making, i.e. the City's Comprehensive Plan, and votes to adjust or confirm them.
 - The Commission can also set up special task forces and review committees to look into specific issues. This is the legislative decision.
 - However, there are areas where more subjective evaluation is appropriate: Primarily for rezoning and partially for variance applications.

Planning Commission Training

- Rezoning:
 - Rezoning applications require a broader review. The Future Land Use Map, as shown in the City's Comprehensive Plan, is the primary guide. The Commission has a greater latitude to deny rezoning requests if the proposed zone would unduly hinder sound planning and growth of the City.
 - For example, if a large rural tract was requested to be rezoned to industrial and it was next to single-family homes, this may be grounds for denial based on potential quality of life degradation, i.e. noise, odor, traffic impacts, etc., even if the rural tract meets the minimum prescriptive criteria, lot size, width, etc.

Planning Commission Training

- When rezoning, the Commission must take into account all possible allowed uses in that zone, not only what is planned when the proposed zone is put forward by the applicant.
- As is often the case, property can be sold and plans shelved. A new property owner will take a fresh look at the property for the maximum development possibilities allowed within that zone. So the corner lot that was promised to be a sandwich shop may end up as a gas station, as these uses are **both allowed** in the same zone.
- The Code provides a guide to the range of uses allowed within that zone within the use unit section.

Planning Commission Training

KEY	
	PLANNED USE (P)
	SPECIAL USE (S)
	PROHIBITED USE

ALLOWED USE UNITS BY ZONE

LAND USE CLASS	ZONE DISTRICT	USE UNITS																								
		1	2	3	4	5	6	7	8	9	10	10.1	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Agricultural	A-1	P	P	P			P		S					S	S											
	R-E		P	P					S			S		S												
	R-1		P	P					S			S		S												
	R-2		P	P					S			S		S		S										
	R-3		P	P	P				S			S		S												
	R-4		P	P	P	P			S			S		P	S	S										
	M-H		P	P				P	P	S		S		S	S											
Residential Overlay	R-O		P	P	P				P	S	S	S	S	S												
	H-1	Base Zoning Use Units Apply																								
	H-1DT	Base Zoning Use Units Apply																								
Commercial Zones	C-1A		P	S	S	S			P	P	P	P	P	P	S	P										
	C-1		P			P			P	P	P		P	P	S	P	P	S	S	P	S					S
	C-2		P						P	P	P		P	P	S	P	P	P	P	S	S	S				S
Industrial	I-1														P					S	P	S	P	P	P	S
	I-2		P						P	P	P		P	P	S	P	P	P	P	S	P					
Mixed Use	P-D		P	P	P	P			P	P	P		P	P	S	S	S									
Other	P-K	S	P																							
	G-I		P	S	S	S								P	P	P									S	

D. U. = DWELLING UNITS

USE UNIT DEFINITIONS (See Code Sec. 102-41 for more details)

1	AGRICULTURAL
2	PARKS
3	SINGLE-FAMILY
4	TWO-FAMILY
5	MULTIPLE-FAMILY
6	MANUFACTURED HOME
7	MANUFACTURED HOME PARK
8	SMALL OFFICE
9	SMALL IMPACT RETAILER
10	SMALL MOTEL
10.1	BED AND BREAKFASTS
11	SMALL SERVICE STATION (MOTOR VEHICLE)
12	SMALL INSTITUTION
13	UTILITIES
14	LARGE GOVERNMENT, RELIGIOUS, OR HEALTHCARE FACILITY
15	MEDIUM IMPACT COMMERCIAL OR OFFICE FACILITY, RETAIL BEVERAGES
16	LARGE IMPACT COMMERCIAL OR OFFICE FACILITY
17	RECREATIONAL VEHICLE PARK; COMMERCIAL PARKING LOT
18	LARGE SERVICE STATION, MOTOR VEHICLE
19	ANTENNA TOWER OR MAST
20	LIGHT INDUSTRY
21	GENERAL INDUSTRY
22	ADULT BUSINESS
23	SEX-ORIENTED BUSINESS
24	RETAIL CONTROLLED BEVERAGE SALES

Planning Commission Training

- Variances:

- A variance require that the Board of Adjustment must determine if there is a **unique hardship** impacting the property that is not caused by the applicant.
- The merits of a variance is not evaluated on prescriptive zoning criteria, but rather on the hardship presented.
- An example of a textbook variance is if someone desires to add an addition to their house, but the lot has sub-standard soil. In this case, the applicant cannot control the factors limiting the development of his lot, therefore making it an unique limitation.
- While staff will provide all relevant data, the Board of Adjustment makes the final call as to if the evidence and testimony is compelling to grant the variance.
- This is a quasi-judicial decision based on if the Code criteria for approving a variance has been met. Variance approvals are **not** based on legislative or subjective determinations.

Planning Commission Training

Questions?

