



TO: Planning Board Members

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RE: Amendment to Chapter 22 - Zoning
Board of Adjustment

BOARD DATE: September 17, 2019

STAFF REPORT

The proposed Text Amendment seeks to modify multiple sections of the Code of Ordinances in reference to the Board of Adjustment. To this end, the following text amendment modifies existing language regarding the structure and standards of the review process. More specifically, the text amendment proposes the Board be comprised of five members appointed by the Mayor and each City Commissioner, subsequently eliminating the two additional “alternate” positions currently in place. The text amendment would also enable aggrieved parties to appeal decisions of the Board of Adjustment to the City Commission rather than the current process which dictates that an unsuccessful party must file an appeal with the appellate court to have the decision reviewed. Additionally, a concurring vote of a majority of the Board or Commission members will be needed to approve a Variance.

The following sections of the Code of Ordinances would be affected by the proposed text amendment:

- Sec. 5-303. - Setback variances.
- Sec. 11.5-33. - Variances prohibited.
- Sec. 22-59. - Design review.
- Sec. 22-102.1. - Nonconforming structure as special exception.
- Sec. 22-105.1. - Duplex as special exception.
- Sec. 22-107. - Authorization to grant or deny variances.
- Sec. 22-109. - Variances for FH zone provisions.
- Sec. 22-110. - Application for a variance.
- Sec. 22-111. - Stay of proceedings.
- Sec. 22-112. - Variance procedure.
- Sec. 22-114. - Time limit for variances.
- Sec. 22-115. - Limitations of refile of application.
- Sec. 22-117. - Notice requirement for certain structures in FH zones.
- Sec. 22-118. - Appeals (*new section*)
- Sec. 22-140. - Appeals from rulings of administrative officer. (*now Planning Director*)
- Sec. 22-147. - Board of adjustment.
- Sec. 22-182. - Variances and administrative appeals.
- Sec. 22-218. - Concurrency assessment.
- Sec. 22-310. - Appeals and variances. (*sidewalks*)

In addition to the above, through the text amendment, staff also seeks to correct the Planning Director's title and the Planning Department's name within the Code of Ordinances.

Attachments:

Proposed Text Amendment