

## **PLANNING COMMISSION REPORT**

### **Regular Agenda -- Public Hearing Item**

#### **ITEM NO. 5      AMENDMENTS TO DEVELOPMENT CODE; COMMUNICATIONS (SMS)**

**TA-10-21-09:** Consider Text amendments to various articles to correct inconsistencies regarding the uses identified as 'Communications' and 'Communications Service Establishments.' *Initiated by Planning Commission on 8/24/09.*

**RECOMMENDATION:** Staff recommends approval of the revised text for Sections 20-402, 20-403 and 20-506 to remove references to the use *Communications* and standards for *Communication Service Establishments* and forwarding of the proposed text amendment to the City Commission for approval and adoption.

**Reason for Request:** The Planning Commission initiated this amendment on August 24, 2009 following staff review of Use Tables and Parking Standards and finding inconsistencies in terminology.

#### **RELEVANT GOLDEN FACTOR:**

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is zoning regulations, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan.

#### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- No written comments received to date.

#### **OVERVIEW OF PROPOSED AMENDMENT**

During the review of the Use Tables and Parking Tables staff identified a number of 'clean up' inconsistencies within the existing code. The use *Communications* is listed in the Retail Sales & Service category [but is not a defined term] and the use *Communications Service Establishment* is listed in the Communications Facility category. This second term is defined in Article 17 and appears to be the appropriate term to be listed and appropriately located in the Communications Facility category. When the code was originally drafted, the term *Communications* [as placed in the Retail Sales & Service category] may have been intended for sales or service of cellular communication equipment. This use is not significantly different from other general retail sales uses; therefore it is not necessary as a separate use.

The second part of this text amendment addresses the development standard identified for *Communications Service Establishment* uses. The use table lists a standard reference to 20-506 which implies the use requires a Special Use Permit in some districts. However, this use is listed as permitted by right in each of the districts that it is allowed. Therefore, it appears that 20-506 is a section that can be deleted.

## CRITERIA FOR REVIEW & DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition.**

**Staff Response:** The proposed amendment addresses an inconsistency that currently exists in the Development Code. The Use Tables include two uses, one of which has not been defined in the code. *Communications* as listed under the Retail Sales and Service category seems to overlap with *Business Equipment Sales and Service, Business Support Service or General Retail Sales*. The use *Communications Service Establishment* has been defined and is permitted in all of the districts which had listed *Communications*, therefore this type of use is not being removed from any district. The text amendment strikes the undefined use from the Use Tables. It was not included in the recently updated Parking Tables in Article 9.

The second portion of this amendment strikes the standard outlined in Section 20-506. It makes reference to *Communications Service Establishments* being subject to a Special Use Permit in some districts and not in others. Staff assumes that in an earlier draft this was the case, but through revisions before adoption it was determined that this use would be a permitted use in all of the districts where listed. Therefore, the standard is not needed and can be removed from the Use Tables.

- 2) **Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

**Staff Response:** The comprehensive plan does not specifically address the amendment. The amendment helps to carry out the plan's goal of using zoning standards to create clear development standards and efficient review processes.

**PROPOSED LANGUAGE:** The proposed revisions to Articles 4 & 5 are provided in the attachment.

Text to be deleted is shown with ~~strikeout~~ and proposed text is shown in **bold italic underlined red font**.

The definition of Communications Service Establishment is not proposed to change, but is provided below for information purposes.

### 20-1716 COMMUNICATIONS SERVICE ESTABLISHMENTS

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "Major Utilities and Services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.