

**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
11/19/08

**ITEM NO. 12: AMENDMENTS TO COUNTY ZONING REGULATIONS (MKM)**

**TA-08-16-08:** Consider comprehensive revisions to the Douglas County Zoning Regulations and general revisions to the County Zoning Map. Initiated by the Planning Commission in 2006.

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments [TA-08-16-08 to Chapter 12, Article 3 of Douglas County Code (Zoning Regulations for Unincorporated Territory of Douglas County) and the associated rezoning map] to the Douglas County Board of County Commissioners.

**Reason for Request:** This text amendment is the progression of work which began after Duncan and Associates developed a Diagnostic Review of the Zoning Regulations in 2000.

**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 the 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**

- None to date.

**KEY POINTS**

- This is a proposed amendment to the Douglas County Zoning Regulations.
- The amendment proposes to reformat the organization and numbering scheme of the Regulations.
- The amendment proposes to reformat the Regulations and add a Permitted Use Table and Use Specific Standards as recommended in the Duncan Diagnostic.
- The amendment also proposes revisions to the zoning map and portions of the text.
- Additional amendments may be initiated in early 2009 to include other revisions which have been identified.

**OVERVIEW OF REVISIONS PROPOSED**

**September Draft**

The proposed amendments were initiated by the Planning Commission in 2006 to incorporate recommendations in the Duncan Diagnostic Review. The following changes were proposed with the revisions proposed in the September draft:

- 1) Update and consolidate the permitted uses into general use groups, which are defined, rather than listing each use individually.
- 2) Create two new Zoning Districts, CCI (Civic, Community and Institutional) and LDI (Low Demand Industrial), and consolidate the two Heavy Industrial Districts into one district.
- 3) Rename some of the Zoning Districts rather than using the letter number combination.

- 4) Retain the A-1 (Suburban Home) and R-1 (Single-Family Residential) Zoning Districts and include an explanation that no new lands may be rezoned to those Districts.
- 5) Consolidate the standards relating to height, area and bulk restrictions into the Height, Area and Bulk Section, 12-305. Add standards for private airstrips and heliports, and included the language from the City Development Code requiring independent review of co-location options for tele-communication towers, as directed by the County Commission.
- 6) Consolidate the use standards into the Use Specific Standards Section, 12-306.
- 7) Transitional provisions were added to allow permits and applications which were submitted prior to the adoption of these revised regulations to continue under the existing regulations.
- 8) Included reference to Residential Development Parcels.
- 9) Placed the standards for the 3 types of Home Occupations in the Use Specific Standards Section, 12-306 and listed the registration procedure in the Procedure Section, 12-307. The names of the Home Occupations were revised.
- 10) Standards related to signage were consolidated in Section 12-306, the Use Specific Standards
- 11) A pre-application meeting requirement was added to the procedure for applications in Section 12-307, Development Review Procedures. The application and notification procedures were clarified and a procedure for requesting written interpretation of the Regulations was included.
- 12) Section 12-308, Nonconformities, was revised to separate the different types of nonconformities: uses, structures and lots.
- 13) Section 12-309, Board of Zoning Appeals, was revised to remove the provision that some Temporary and Conditional Use Permits must be approved by the Board of Zoning Appeals.
- 14) Minimal changes were made to the Section 12-311, Floodplain Management Regulations. The regulations regarding mobile homes in the Floodplain were moved from the definitions to this section.
- 15) Definitions were updated and revised in Section 12-314.

### **November Draft**

The County Planning Resources Coordinator provided comments from County Staff, including the Director of Zoning and Codes, the County Health Authority and the County Counselor, regarding the proposed revisions on September 22<sup>nd</sup> as a communication to the Planning Commission and provided several additional sets of comments to Planning Staff since then. Staff reviewed the comments and incorporated the following non-substantive changes:

- 1) Reformatted numbering of the Regulations, to number it as Article 3 of Chapter 12 of the County code. *This will allow the Zoning Regulations to be included on the County web site as a part of the County Code, rather than being incorporated by reference.*
- 2) Updated the introductory language regarding the adoption of the Zoning Resolution and Zoning Maps. These were written with the original adoption of the Zoning Regulations and were out of date.
- 3) Revised wording throughout the Regulations to maintain consistency. 'This Resolution' or 'This Article' was replaced with 'These Zoning Regulations' or 'these Regulations'. The County Commission is referred to the Board of County Commissioners throughout the Regulations, the BZA is referred to as the Board of Zoning Appeals, the term 'County Zoning Administrator' was updated to the 'Director of Zoning and Codes', and numbers are referred to as numbers only for instance a number would be listed as '6' rather than 'six (6)'.

- 4) General Rules for Interpreting the Regulations were added to Section 12-301, Introductory Provisions, similar to the general rules which are included in the City Development Code.
- 5) The term 'on-site sewage management system' replaced the previous term 'septic tank or laterals system'.
- 6) The District Names which were similar to the City Zoning Districts had been differentiated from the City Zoning Districts with a U in the September draft; for instance the Heavy Industrial District was recommended to be 'U-IH'. County Staff indicated a preference to eliminate the use of the 'U', to differentiate the unincorporated zoning district. Therefore new designations were developed for the final draft, LI (Light Industrial), HI (Heavy Industrial), LDI (Low Demand Industrial), and CCI (Community, Civic, and Institutional). The zoning map was revised with the new zoning district names and a chart showing how the districts will convert. There are currently no properties zoned as LDI or CCI.
- 7) A sub-section explaining how the Permitted Use Table is to be read was added with language similar to that in the Development Code.
- 8) The uses 'Value Added Agricultural Business' and 'Temporary Business Uses' were added to the Permitted Use Table.
- 9) The Nonconformity Section, 12-308, and the Violation, Penalties and Enforcement Section, 12-313 were rewritten based on recommendations from County Staff.

**Changes proposed by County Staff which were not included this amendment:**

- 1) Removal of the V-C (Valley Channel) District and rezoning of the land to the A District. *This is a substantive change which may be considered with the next amendment to the Regulations.*
- 2) Renaming the 'Height, Area, and Bulk' section, the 'Density and Dimensional' section. *There is very little discussion of density in the Regulations. Only single family homes are permitted and the size of the lot or eligible parcel is based on the Sanitary Code.*
- 3) It was suggested that the Director of Zoning and Codes should be responsible for drafting the written interpretations to the Regulations. *The Planning Director is responsible for drafting the written interpretations to the Subdivision Regulations and the Development Code. As there are several similar provisions in the Development Code and the Zoning Regulations, consistency would be better served by having one entity responsible for drafting the written interpretations.*
- 4) Changes were suggested to the standards for Mining and Excavation uses. *Standards for mining and excavation activities, including quarries and sand dredging will require input from industry experts and environmental agencies. Revised standards will be included in a future amendment to the Regulations.*

**Other changes which were included in this amendment:**

- 1) The definition of 'Value Added Agricultural Business' was revised and added to Section 12-314, Definitions.
- 2) Use Specific Standards which explain when a Value-Added Agricultural Business is permitted by right or requires a Conditional Use Permit or registration as a Home Occupation were added to Section 12-306.
- 3) The proposed AR (Agricultural Residential) Overlay District was removed from the amendment. This overlay district was intended to show where land divisions had occurred which were more indicative of residential development rather than agricultural uses. As no restrictions or provisions were included for this district, it could not be included as a zoning

district. This may be revisited with a future revision.

- 4) The Base Setback Line, Section 12-305, was revised to simplify the term and create language which was compliant with the adopted definition of 'Base Setback Line'.
- 5) A new term, 'eligible parcel', was created to include lots, Residential Development Parcels, parcels with vested rights to a building permit and parcels which are eligible for a building permit by virtue of being exempt from the Subdivision Regulations.
- 6) One Type III Home Occupation remains in operation and would be made nonconforming by the removal of the Type III Home Occupation; therefore, the use was retained in the Regulations but the language regarding registration was removed.
- 7) The Parking Requirements were updated to reflect the current permitted uses. The requirements were based on a survey of other parking requirements across the nation which are included in Parking Standards, edited by Michael Davidson and Fay Dolnick.

The draft text amendment is included on the November Planning Commission agenda in two formats: one showing the changes made since the September Draft and one with the changes incorporated. The changes since the September Draft are shown in red print, deleted text is struck-through, and relocated text is highlighted. The September Draft of the Revised Regulations is also included on the agenda for reference.