

Legislative Action Memorandum

Date: April 9, 2004

To: City Council Members

From: Council Member Dave Buhler

RE: Legislative Action – request that the Administration examine the City’s zoning ordinance to include processing time frames once completed information is filed by the petitioner with the City to when it will be scheduled before the Planning Commission, and the time frame after it is voted upon by the Planning Commission and forwarded to the City Council.

CC: Rocky Fluhart, Sam Guevara, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Janice Jardine, Diana Karrenberg, Barry Esham, Gwen Springmeyer, and Annette Daley

I would appreciate the Council’s consideration of a Legislative Action item requesting that the Administration examine the City’s zoning ordinance to include time frames and processing once a completed application is filed with the City by a petitioner. The intent is to address time frames for when the issue is reviewed by the Planning Commission and advanced to the City Council for consideration or in the case of conditional uses final action by the Planning Commission.

During my tenure on the City Council, I am aware of several land use petitions that have been in the City process for a considerable length of time.

As I recall, Frank Gray, planning consultant, pointed out to the City the importance of making the planning process as predictable as possible. In the past, I have heard from developers and individuals who have expressed frustration and concern about not knowing how long it will take to complete the planning process. Often times, when a petition process involves an extensive time frame prior to reaching the Planning Commission and the City Council, financial impacts and impacts to construction plans are experienced. Time frames will help a developer or an individual to be aware in advance of the time involved in the planning process and hopefully help alleviate unnecessary impacts to a construction project. This approach would be consistent with an action the City took in the recent past to establish a maximum response time of thirty (30) days for business licensing to complete its review.

Below are a few examples from other cities that have identified time frames in their zoning/text amendment review process.

City of Pittsburgh:

For zoning map and text amendments, Pittsburgh City Code requires the Planning Commission to recommend approval or denial of the application within 90 days of the receipt of the completed application. The City Council is required to hold a public hearing on the zoning text or map amendment within 120 days of the Planning

Commission's action on the application. Where the Commission fails to enter its decision within the required time period, the decision is considered to have been rendered in denial of the application unless the applicant has agreed in writing or on the record to an extension of time.

City of Reno:

- Rezoning: The Planning Commission is required to provide a recommendation to the City Council within 60 days from the Planning Commission's public hearing.
- Variances: The Planning Commission is required to hold a public hearing within 65 days of the date the application is submitted to the City.
- Proposed Subdivision: The Planning Commission is required to consider a tentative map application at a regular meeting with 45 days from the filing date.

Salt Lake County:

Time frames established by the County apply to all applications that require action by the Planning Commission. The Planning Department is required to schedule a public hearing before the Planning Commission within 4 weeks from the date a completed and detailed application is accepted. There is no time frame identified for forwarding the Planning Commission recommendation to the County Council. (Please refer to details regarding the County's planning process in the attached flow chart.)

In my opinion, specified time frames in the City's zoning ordinance will provide information upfront for a developer or an individual which will allow them to adjust their development schedule accordingly. As this process evolves, it would be my intent to ask the Council to establish similar time frames for the legislative process. Thank you for your consideration of this Legislative Action request. I would appreciate your support.

The result I would like to see is Zoning Ordinance language that would:

- A. Address time frames for when an issue is reviewed by the Planning Commission and advanced to the City Council for consideration.
- B. In the case of conditional uses, address time frames for final action by the Planning Commission.
- C. Identify options that would address:
 1. When more time is needed to process a petition, how that is determined and should be addressed.
 2. Steps to be taken when action by the Planning Commission and/or City Council is not completed within the required time frame?
 3. How compliance with the time frame requirements would be enforced.
- D. Other options that may be identified by the Administration.