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MEMORANDUM

To:	City of the Village of Douglas Planning Commission
Date:	November 6, 2026
From:	Tricia Anderson, AICP
RE:	**Zoning Ordinance Update**

At the upcoming meeting the Planning Commission will have an opportunity to review the next few articles that have been revised in accordance with the audit, Master Plan recommendations, and recommendations from the Planning Commission and Steering Committee. All but three articles have been reviewed and revised with the steering committee. The Planning Commission will need to begin reviewing a few articles at a time and providing its input over the next few months so that the new Zoning Ordinance can eventually be adopted.

At the upcoming meeting, the Planning Commission is asked to review and discuss Article 15, Nonconformities, Article 28, Administration and Enforcement, and Article 29, Zoning Board of Appeals.

The following is a summary of the major modifications to each of these articles:

Article 15, Nonconforming Lots, Uses, and Structures:

Per the recommendations in the audit, the proposed Article 15 reorganizes and updates the existing regulations governing nonconforming lots, uses, and structures. The provisions have been developed to be more user-friendly regarding allowable improvements, to establish updated standards for reconstruction, and to address the continuation of lawful nonconformities. The primary changes include:

- **Nonconforming Lots.** Expands opportunities to develop legally established nonconforming lots with permitted land uses, provided structures meet at least 90% of the applicable dimensional requirements and maintain a minimum five-foot setback. Existing lot consolidation requirements are retained.
- **Nonconforming Uses.** Establishes more specific limitations on the expansion of nonconforming uses while expressly allowing certain improvements, including interior renovations, exterior maintenance, and accessibility upgrades, such as a wheelchair ramp.
    - **Reconstruction and Restoration**. Revised standards for rebuilding damaged or destroyed structures are established. The revisions also provide specific protections for residential nonconforming uses, including a one-year timeframe for obtaining a building permit after a total loss. The revised Article allows the ability for the Zoning Administrator to issue rebuild letters for financing purposes.

- **Nonconforming Structures.** Provides additional flexibility for improvements and alterations that do not increase the degree of nonconformity. The existing 60% destruction threshold was removed, and reconstruction is generally required to comply with current dimensional standards unless a variance is granted.
    - Repairs and Maintenance: Eliminates the existing limitation on repairs exceeding 50% of a building's replacement cost within a 12-month period. The revisions provide broader allowances for routine maintenance, rehabilitation, and improvements necessary to maintain existing structures.
- **Creation of Nonconformities.** The revised Article expressly prohibits land divisions and building expansions that would create new nonconformities, while retaining provisions addressing nonconformities resulting from zoning district changes.
- **Administrative Clarifications.** Various changes were made here. The revised Article 15 consolidates general provisions that are applicable to all types of nonconformities, removes the separate hardship provisions since they differ from the standard variance procedures. Existing provisions regarding illegal nonconforming uses and abandonment remain substantially unchanged.

Overall, the revisions modernize Article 15 by replacing several restrictive, cost-based limitations with more clearly defined standards that are intended to align with the recommendations of the City's Master Plan and in the audit report.

Article 28, Administration, Enforcement, and Amendments

The proposed Article 28 consolidates the existing provisions of Article 23 (Administration and Enforcement) and Article 28 (Amendments) into a single article. The revisions streamline procedures and make this Article a logical reference for all the various Articles that make mention of public notices, the role of the Planning & Zoning Administrator, fees, escrows, and violations of the Zoning Ordinance.

The primary changes made to this content include the following:

- **Planning & Zoning Administrator Responsibilities**. Clarifies the duties and authority of the Planning & Zoning Administrator, including a modification of the title (Zoning Administrator to Planning & Zoning Administrator), permit issuance, inspections, enforcement, and appeals.
- **Zoning Permit Procedures.** Updates were made to application requirements, establishes clearer exemptions for routine maintenance and interior renovations, and provides additional procedures for permit expiration, extensions, revocation, and reapplication. The revisions also clarify requirements for foundation wall surveys.
- **Fees, Escrows, and Performance Guarantees.** The revised Article consolidates financial guarantee requirements into one section, more specifically references the City's adopted escrow policy, and establishes more specific procedures for collecting and administering performance guarantees.

- **Public Hearing Requirements.** This section was written specifically to be referenced in other locations of the ordinance. It is a single section applicable to zoning amendments, special land uses, variances, and other applications requiring public hearings.
- **Zoning Ordinance Amendments.** Parties authorized to initiate amendments are specifically stated, more detailed application requirements are established, and the 30-day application submission deadline before Planning Commission consideration is added. The revisions also clarify the review and recommendation responsibilities of the Planning Commission and City Council.
- **Amendment Review Criteria.** Establishes more detailed criteria for evaluating proposed zoning text and map amendments, including consistency with the Master Plan, compatibility with surrounding land uses, environmental impacts, and public infrastructure capacity.
- **Enforcement and Penalties.** Replaces the existing misdemeanor penalty provisions with municipal civil infraction procedures and establishes a more streamlined enforcement process. The revisions provide for written violation notices, a minimum 30-day correction period, and appeals to the Zoning Board of Appeals rather than the current City Council hearing process.

Overall, the proposed Article 28 modernizes the City's administrative procedures by consolidating related regulations, improving consistency in permit and amendment reviews, and establishing a clearer, more standardized approach to zoning enforcement.

Article 29, Zoning Board of Appeals.

This Article retained a fair amount of the existing language, however, it was organized for more logical flow and modified to be easier to administer and navigate for both the Planning & Zoning Administrator, the applicant, and the ZBA.

- This article was updated to better match the language outlined in the Zoning Enabling Act (MZEA). It was also reorganized for the purpose of mirroring the Act and places application procedures toward the beginning of the Article.
- The statute reference was updated to the MZEA and a reference to the Open Meetings Act was added.
- The ability for the ZBA to classify a use was removed since it conflicts with case law and best practices.
- The scope of jurisdiction was updated to clarify what the ZBA can and cannot hear.
- Application requirements were updated to be more comprehensive and require the submission of a survey that has been sealed by a professional surveyor.
- The extent of the pre-hearing conference was removed.