



PLANNING & ZONING STAFF REPORT

MEETING DATE: July 5, 2022

GENERAL INFORMATION

Petition Number: TMOD-22-010

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 3, Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay district which is inconsistent with the uses permitted by the underlying zoning.

FACTS AND ISSUES:

- The Overlay Zones allow uses constructed that are inconsistent with the underlying zoning district. For example, Tier 1 of the Stonecrest Area Overlay allows the construction of uses permitted in C1, C2, OI, OD, and HR-2, regardless of the underlying zoning. C1, C2, OI, OD and HR-2 would be considered authorizing districts, since all land uses authorized in these districts are permitted within the Tier unless they are strictly prohibited by the Tier.
- Sec. 3.1.1 states “All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.” This means that the uses permitted in the base zoning must comply to the regulations in both the base and the applicable overlay district.
- TMOD-21-015 placed the responsibility on the city to rezone the underlying property in which the city would have to obtain owner approval after final plat approval or issuance of a Certificate of Occupancy. TMOD-21-015



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created a Planned Unit type of development, which provided the developer creative control.

- Potentially the owner could refuse the rezoning of the property causing a legal nonconforming lot as well as an inconsistent zoning map.
- Tier 1: No changes are proposed. Tier 1 is predominately zoned C-1. It runs partially concurrent along Mall Parkway, starting at the corner of Stonecrest Square and Mall Parkway, includes all the mall area, ending at Mall Parkway and 2895 Evans Mill Road.
- Tier 2: To prohibit the authorized uses in the C-1 and C-2 (General Commercial District), O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District. This means the uses in these districts are not automatically allowed if the base the zoning is, for example, residential.
- Tier 3: To prohibit the authorized uses in the C-1, C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial). To prohibit Industrial uses from Tier 3 completely.
- Tier 4: To prohibit the authorized uses in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, OCR (Office-Commercial-Residential) District, and RM-HD (High Density Residential) District. We do not have a RM-HD District. Tier 4 is the only mention of this district in the zoning code.
- Tier 5: Section 3.5.15.2 states “all properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section”. Staff is proposing to strike this language from the code. The intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience of the local community in a village or cluster concept. In addition to preserving the rural and scenic beauty of Arabia Mountain. Allowing all uses can be invasive and conflict with the intent of this tier.



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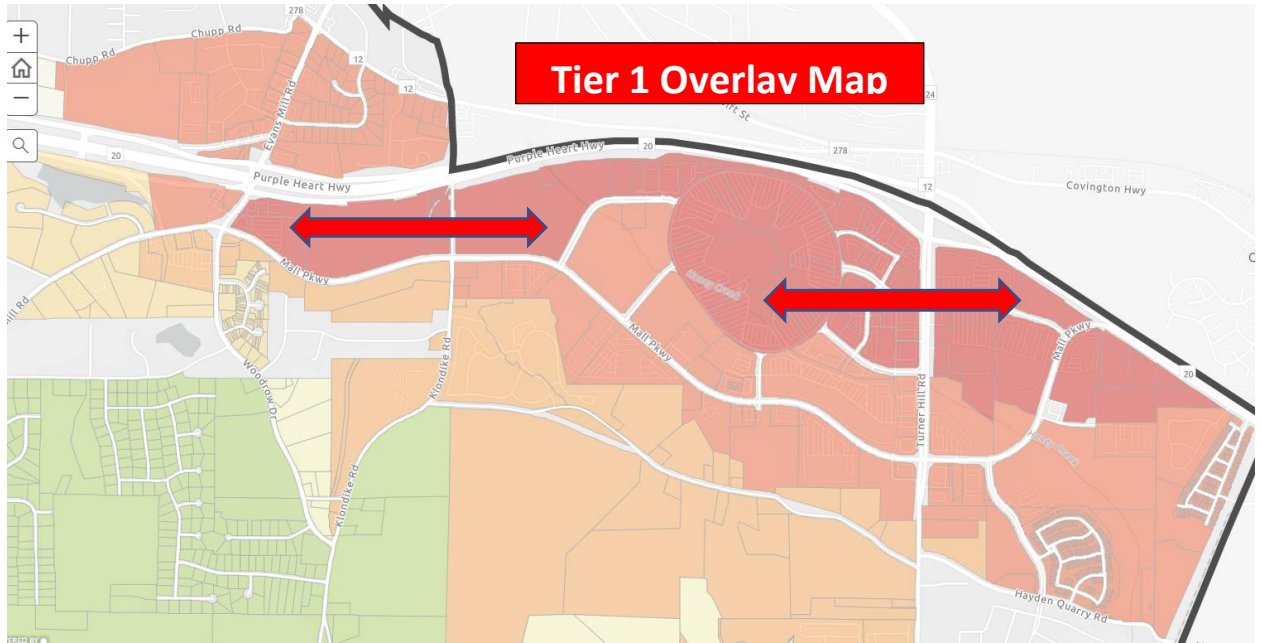
- Tier 6: Section 3.5.15.3 states “all principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations. Staff is proposing to strike this language from the code.
- It is staff’s goal to amend the changes of TMOD-21-015 to allow for a more synchronized zoning map and land uses throughout the City of Stonecrest.

RECOMMENDED ACTION: Recommend Approval to the City Council

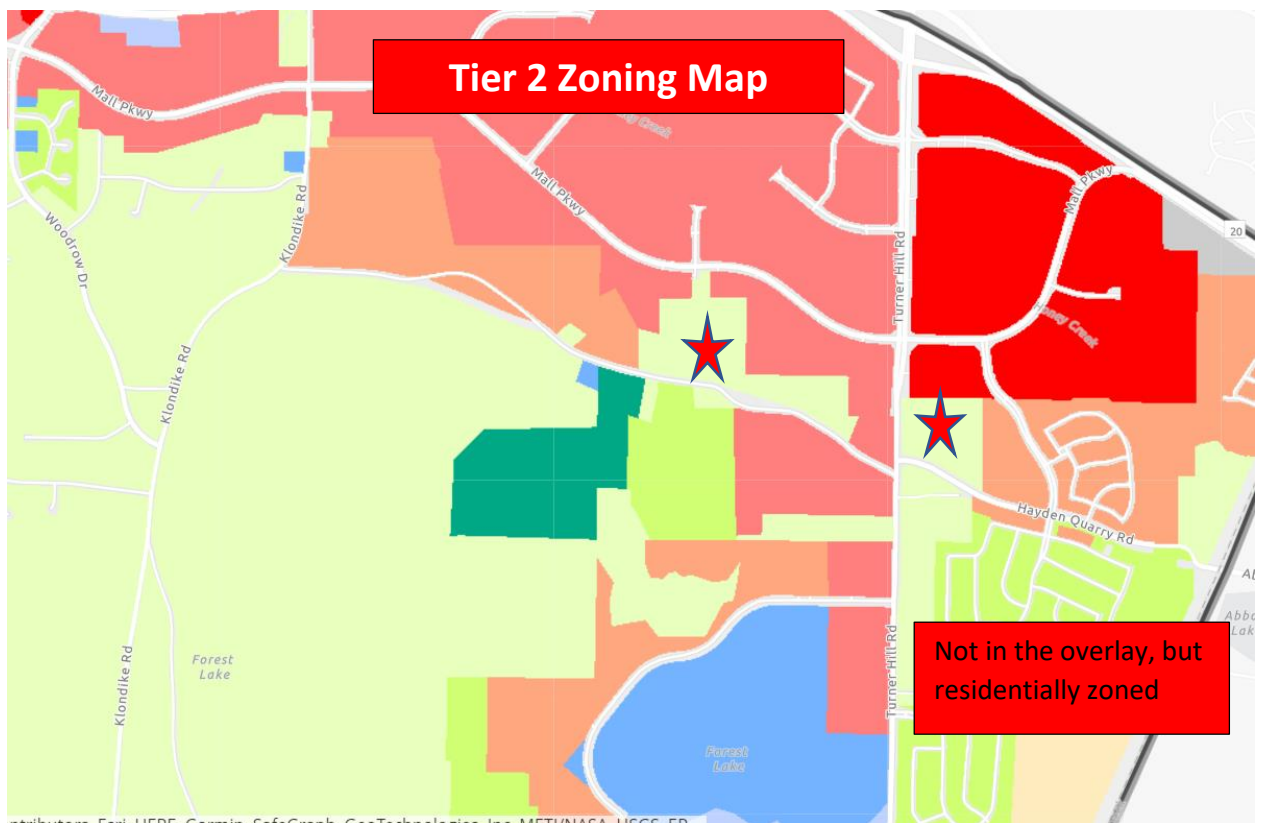
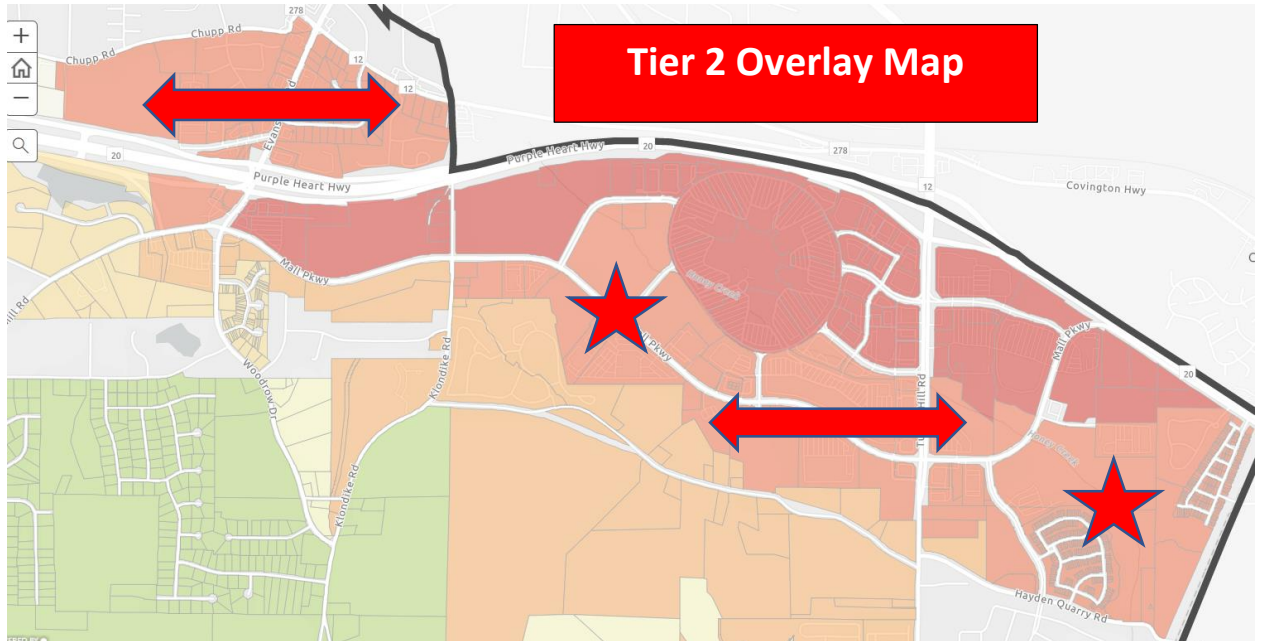
ATTACHMENTS:

1. Proposed Changes to Article 3 – Overlay District Regulations

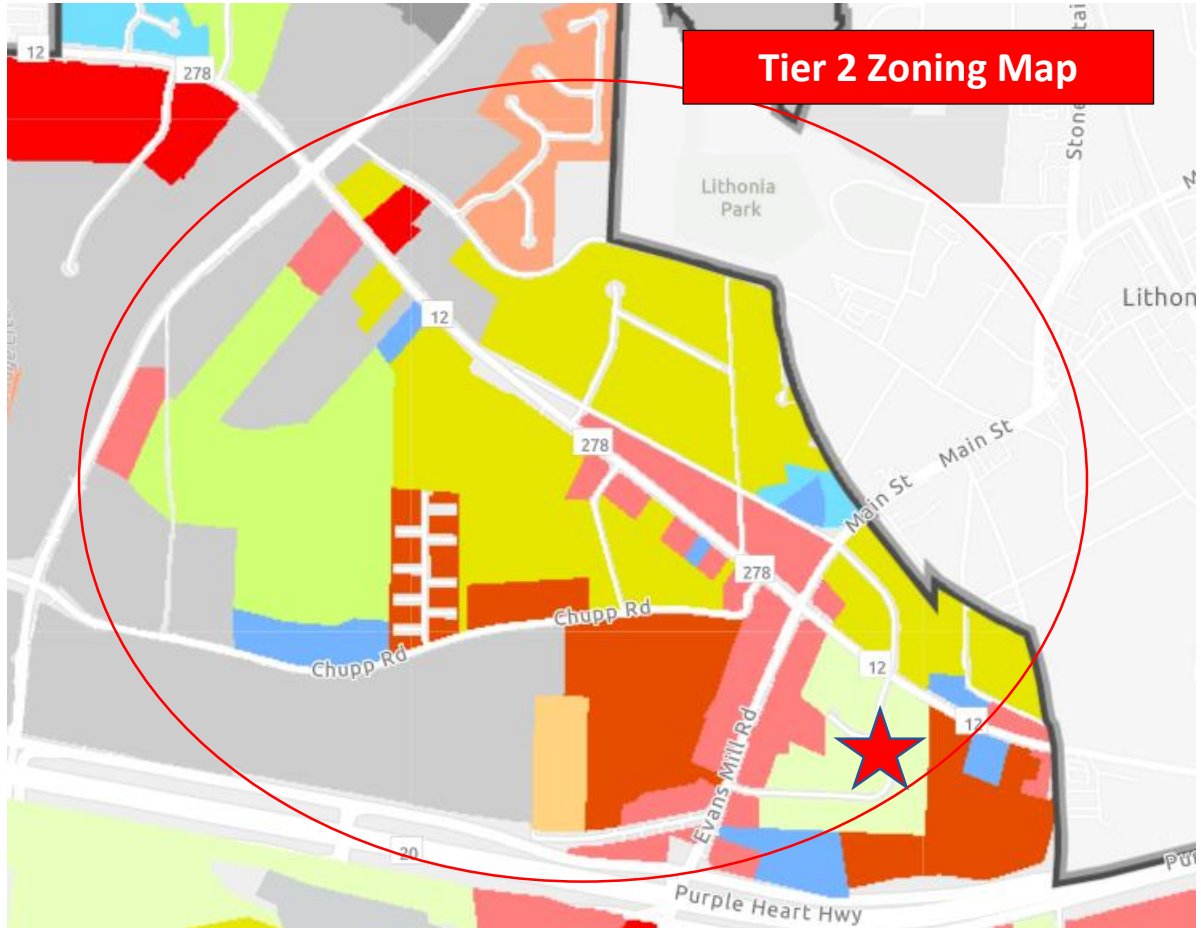
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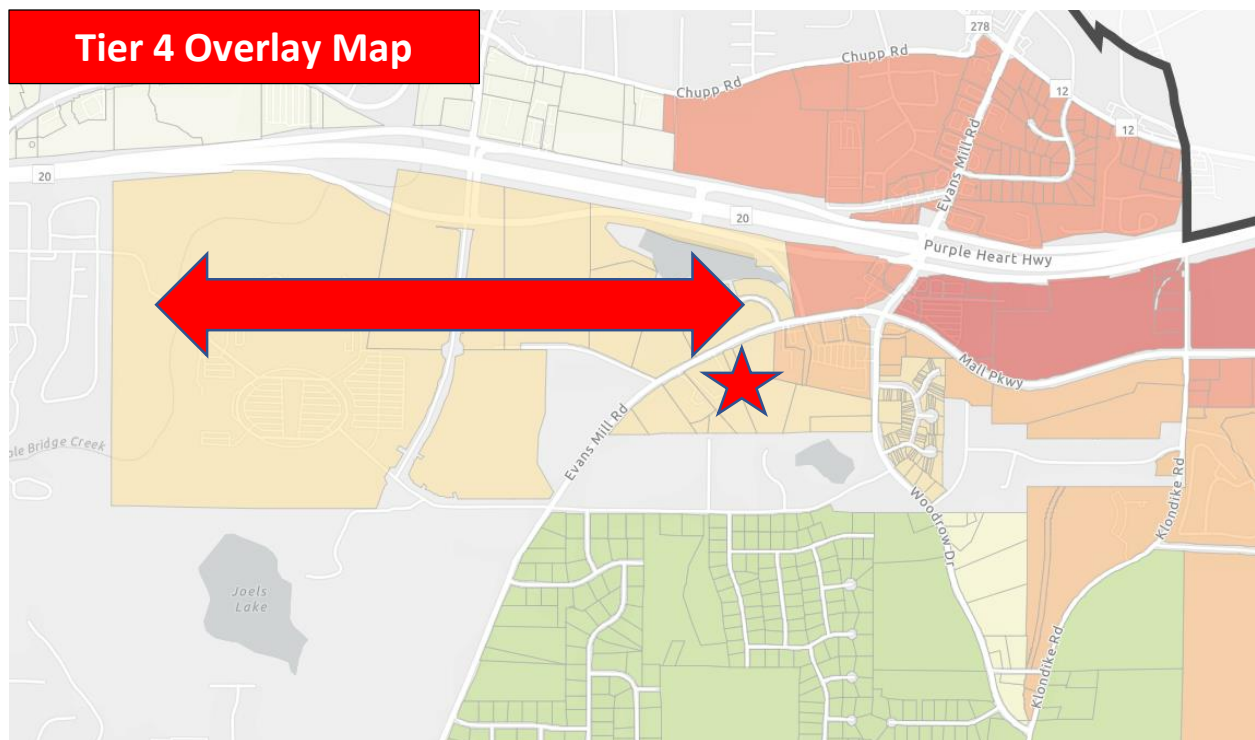
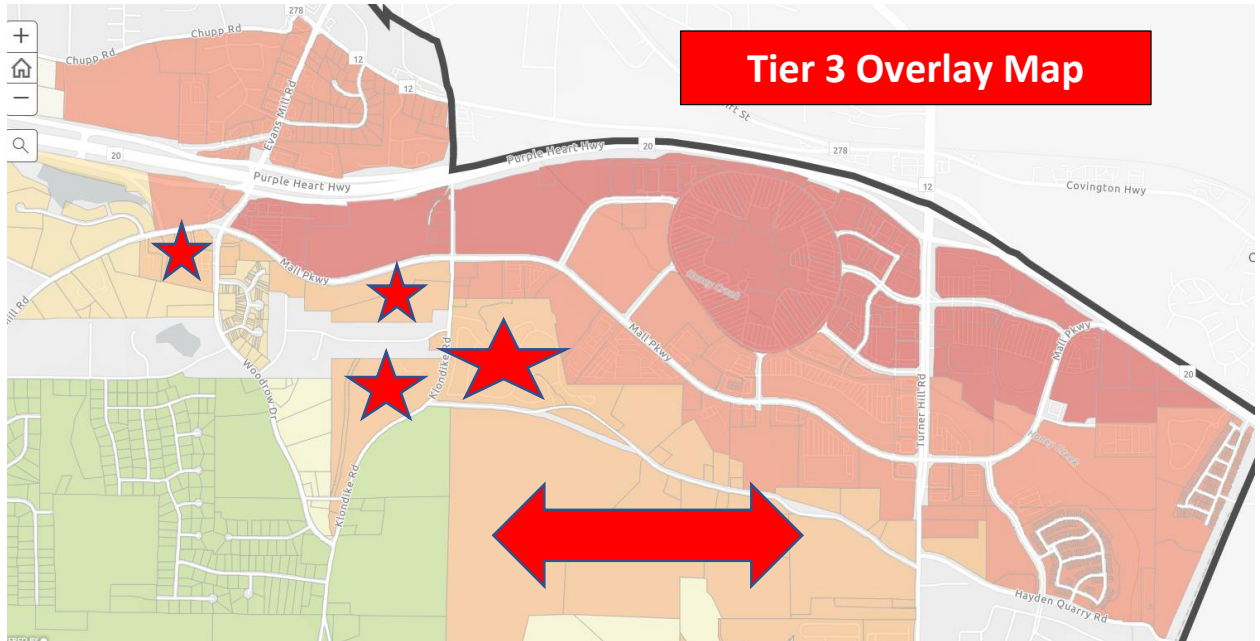
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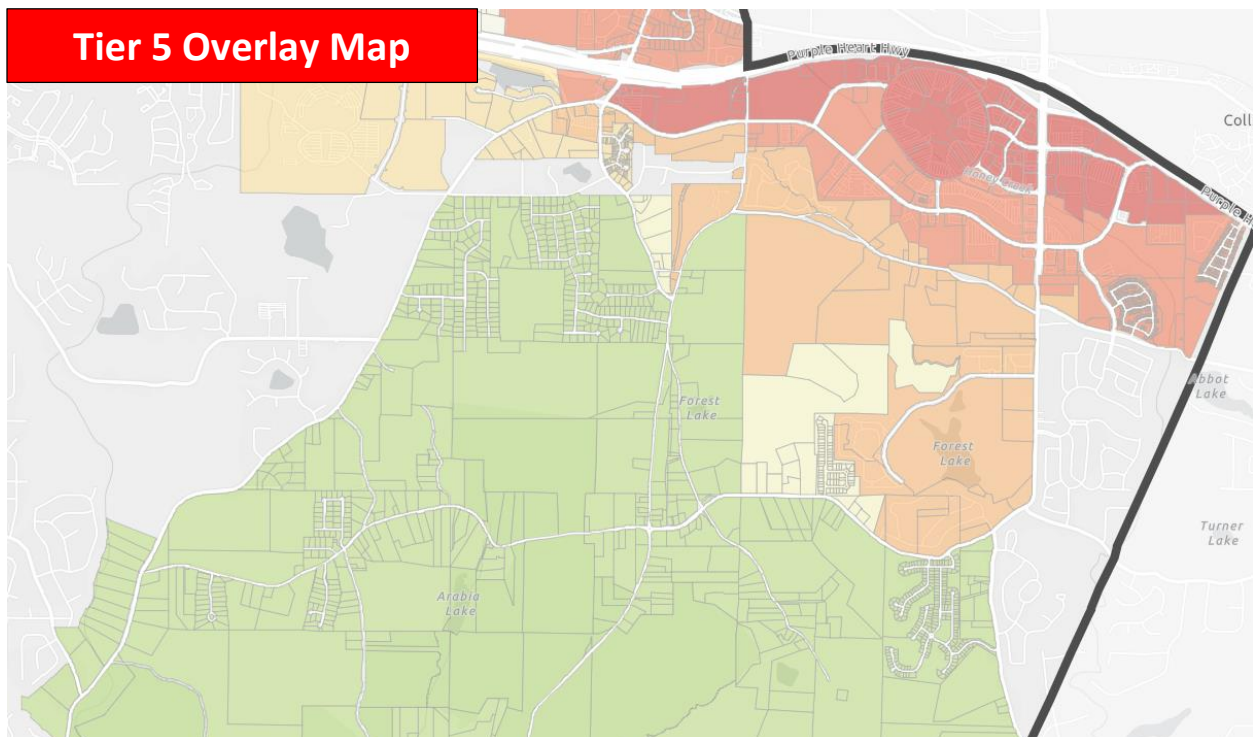
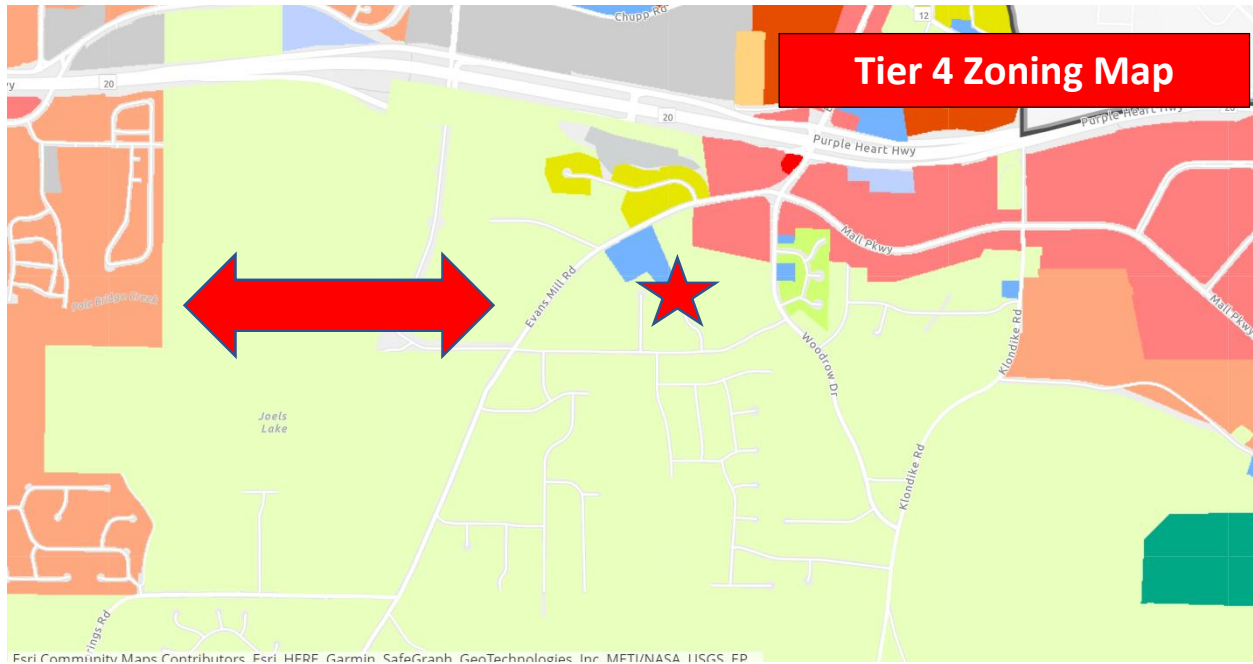
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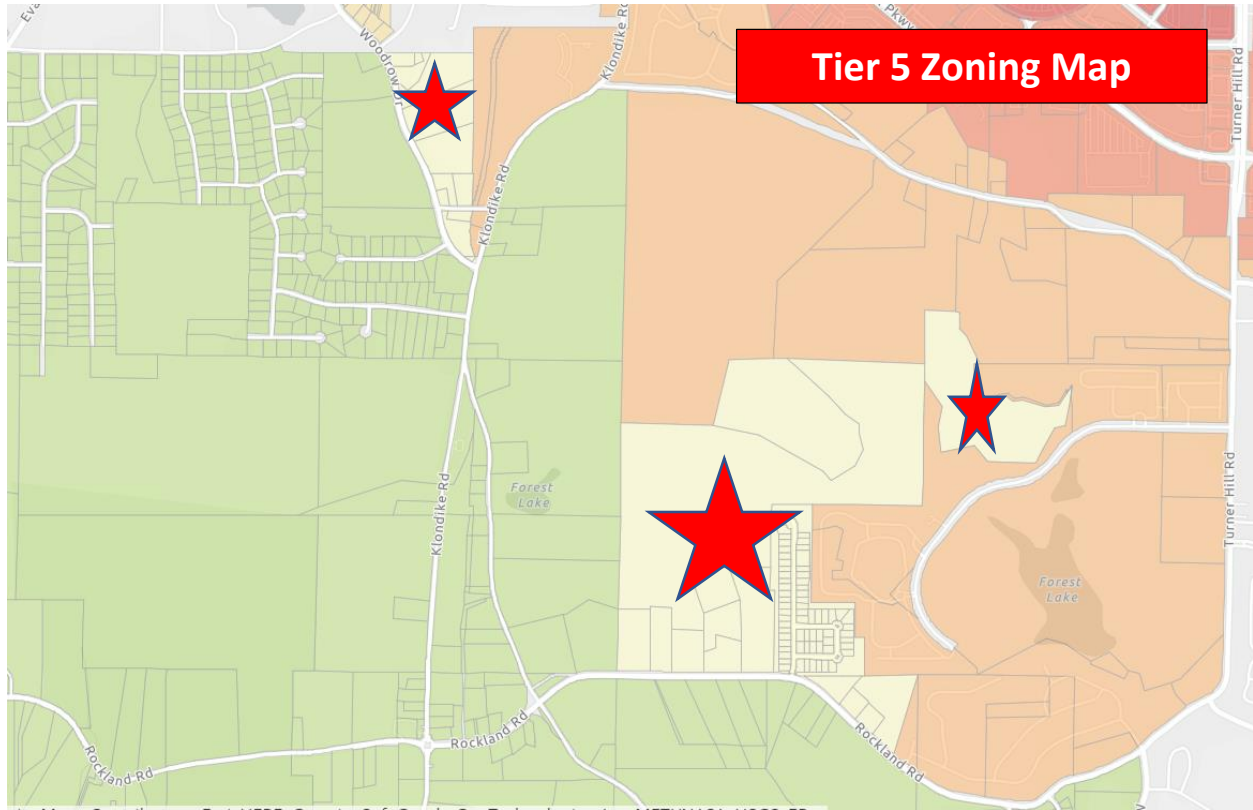
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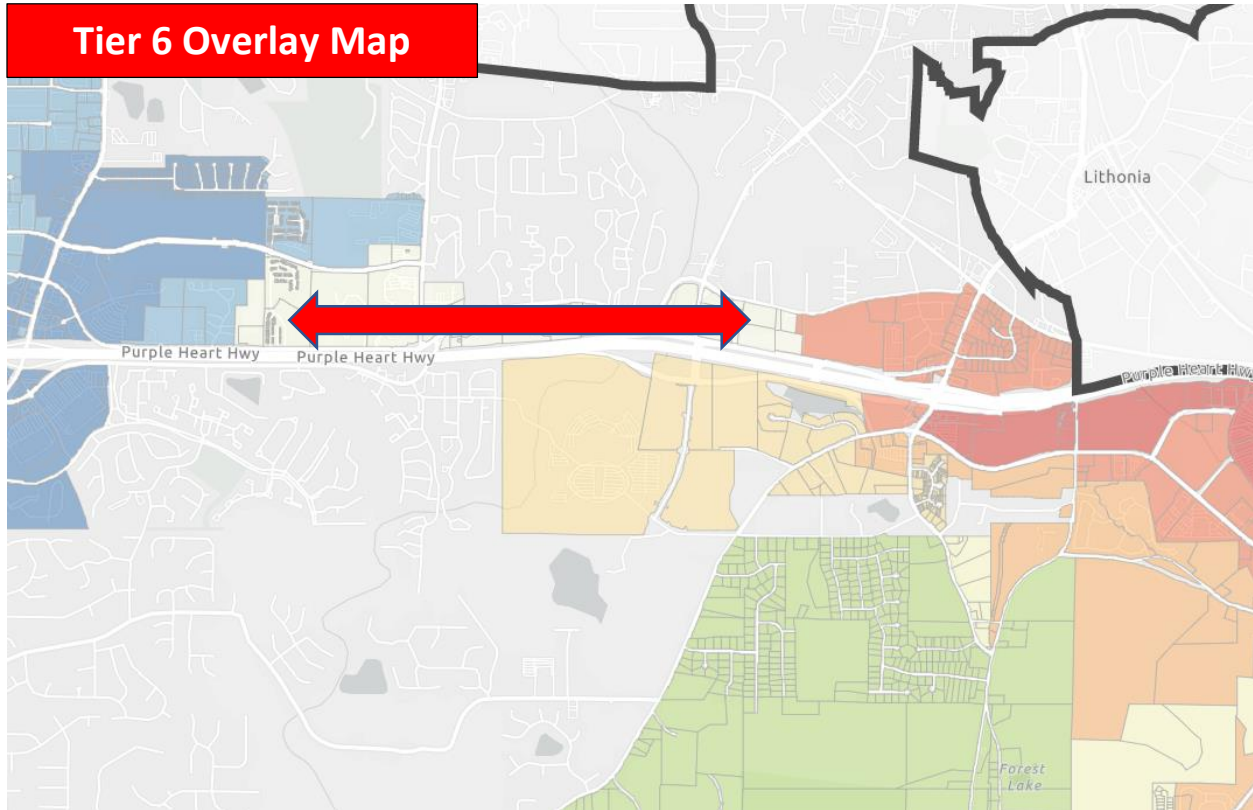


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Tier 6 Overlay Map



Tier 6 Zoning Map

