



PLANNING & ZONING STAFF REPORT

MEETING DATE: December 7, 2021

GENERAL INFORMATION

Petition Number: TMOD-21-015

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 to 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 besides the uses permitted by the authorizing district, the uses allowed by the underlying district are permitted as well.
- Sometimes development is requested that is authorized but neither the underlying zoning nor the regulations of the overlay district offer guidance as so how they should be designed. For example, there have been situations where the underlying zoning is C-1, but the authorized use is townhomes or



PLANNING & ZONING STAFF REPORT

single family homes, which are permitted under HR-2. One would assume the development standards of HR-2 would be controlling, but it is not stated in the code.

- Another issue is that there have been legal authorized uses built that do not conform to the underlying zoning, so the base zoning does not reflect the existing use on the property. This creates an issue when a provision of the zoning ordinance is triggered by the presence of a neighboring district, the best example of which is a buffer requirement.

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

1. Proposed Changes to Chapter 27 – Zoning Ordinance