



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: March 14, 2023
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Section 16.26.12:
Conditional Use Approvals and Regulations

ITEM: 4

Midway City is proposing an amendment to Chapter 16.26.12: Conditional Use Approvals and Regulations. The proposed amendment will modify the conditional use permit review and approval process which will include, among other revisions, the ability of the Planning Director to determine if an application will be placed on an agenda.

BACKGROUND:

Midway is proposing a code text amendment to the Midway Municipal Code. The proposed change will clarify that the City Planning Administrator will verify that an application is complete and is in compliance with applicable zoning ordinances. If the application is not complete or is not in compliance with zoning ordinances then the application will not be placed on a Planning Commission or City Council agenda. The main reason for the proposed change is clarification. Staff has understood, and City Council recently affirmed, that the Planning Director has the ability to not place an item on an agenda if it is not complete or does not comply with zoning codes. Their decision was based on multiple sections of code found throughout the City Code. There is some current code language in the Conditional Use ordinance that does make the issue confusing specifically for Conditional Use Permits.

The current code states the following in Section 16.26.12 Conditional Use Approvals and Regulations:

After receiving the application at its next available regular meeting, the Planning Commission shall recommend the granting or denying of the conditional use permit based on the standards set forth in this Section.

The proposed code is the following:

After receiving an application that has been reviewed by the City Planning Administrator and verified as complete and in compliance with applicable zoning ordinances, the City Planning Administrator shall place the application on the agenda of the next available Planning Commission meeting.

If an applicant does not agree with the decision of the Planning Administrator, then the applicant has the right to appeal the Planning Administrator's decision to the City Council which acts as the appeal authority for non-variance issues.

POSSIBLE FINDINGS:

- The proposed language clarifies that the Planning Administrator will not place an item on an agenda if it does not comply with the zoning code.
- The proposed language clarifies the abilities of the Planning Administrator.
- The proposed language will better serve the City and the public by clarifying the process.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again.

3. Recommendation for Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial