

# Proposed amendments to the IDO for O-23-77

April 26<sup>th</sup>

Land Use, Planning and Zoning Committee Meeting

Action	Amendment	Topic
Not Moved	A6	<del>Site Plan—Council</del> Permit – Major Public Open Space
Pass	A7	Demolition Review (New)
Pass (As amended)	A8	Parking Maximums

**Published April 19, 2023**

**Updated: April 24, 2023**

Check the webpage for the latest version of the amendment packet:

<https://ido.abc-zone.com/ido-annual-update-2022>

# A6 – Permit – Major Public Open Space

## LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 26, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-23-77

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton, Tammy Fiebelkorn,  
Pat Davis

In Exhibit A to O-23-77, amend the IDO to create a new Permit approval process for certain development in Major Public Open Space. Certain development in MPOS that requires site plan approval will also require a Permit – Major Public Open Space (Permit – MPOS) as outlined below. Permit – MPOS requests shall be required for applications of the following:

1. Development of the following Extraordinary Facilities (as defined by the IDO) within Major Public Open Space:
  - a. Pavilions (of any size)
  - b. Viewing Platforms (of any size)
  - c. Bridges (up to 6' x 12')
  - d. Buildings (of any size)
2. Development of structures (as defined by the IDO) within Major Public Open Space
3. Development of a parking lot with impermeable paving of any size within Major Public Open Space.

In these matters, a site plan would not be considered finally approved until the issuance of a Permit – MPOS was granted by the City Council.

The review and decision criteria for Permit – MPOS shall be as follows:

1. The proposed Site Plan has been reviewed and approved.
2. The proposed Site Plan is consistent with the spirit and intent of the ABC Comp Plan, as amended, and with other policies and plans adopted by the City Council.
3. The proposed Site Plan or amendment promotes the efficient use or administration of public or quasi-public facilities.
4. The Site Plan will promote public health, safety, and general welfare.

The public notice required for a Permit – MPOS shall be in Table 6-1-1:

1. E-mail

# A6 – Permit – Major Public Open Space

## 2. Posted Sign

The approval process for a Permit – MPOS shall be as follows in Table 6-1-1:

1. In the City Council column: “[D]”

The appeal process for a Permit – MPOS shall be the same of any other final Council Decision – appeal to the district court, which is not regulated by the IDO.

### **Explanation:**

Note: This amendment has been updated since originally discussed at the April 13<sup>th</sup> LUPZ hearing to shift from a Site Plan – Council review process to a Permit – Major Public Open Space (Permit – MPOS) process. The list of Extraordinary Facilities that would require a Permit – MPOS approval has been scaled down and parking lots has been added.

This amendment proposes to create a new review and approval process called Permit – Major Public Open Space (Permit – MPOS) that would be required for certain development types in Major Public Open Space. Today, facilities within Major Public Open Space that *are not* Extraordinary Facilities are administered through a Site Plan – Administrative process where city staff is the final decision-making authority and there is no public hearing associated with the request. Facilities that *are* Extraordinary Facilities are considered through a Site Plan – EPC process where the EPC is the final decision-making authority and there is a public hearing associated with the request. As a result of this amendment, certain facilities as listed below, whether Extraordinary or not, would be required to have a permit issued after the appropriate Site Plan review process has occurred.

Extraordinary Facilities are defined by the Rank II Open Space Facilities Plan, as referenced to in the IDO. Only the development of the following Extraordinary Facilities would be elevated to a Site Plan – Council process

- |                                    |                             |
|------------------------------------|-----------------------------|
| a. Pavilions (of any size)         | c. Bridges (up to 6’ x 12’) |
| b. Viewing Platforms (of any size) | d. Buildings (of any size)  |

“Structure” is defined by the IDO as:

### **Structure**

Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line. Swimming pools are considered structures, whether above-ground or in-ground.

# A7 – Demolition Review (New)

## LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 26, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-23-77

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

1. On page 467 of Exhibit A to O-23-77, amend 6-6(B)(1) as follows, where blue text indicates changes made with the approval of amendment A2 at the April 12<sup>th</sup> LUPZ hearing and red text is indicative of text that is new with this amendment:

### 6-6(B)(1) Applicability

This Subsection 14-16-6-6(B) applies to<sup>[</sup>:

a. Demolition of any structure that was constructed in or prior to 1945; or

b.] Demolition of any structure listed on the State and/or national historic register or that is a contributing structure in a State or national registered historic district; or

[c.] Demolition of structures that are at least 50 years old located within the following small areas, regardless of whether they are registered on a State or national historic register or are eligible for listing. If a structure is of unknown age, it shall be presumed that it is over 50 years old for the purposes of this Subsection 14-16-6-6(B).

2. On page 467 of Exhibit A to O-23-77, amend 6-6(B)(1) to unstrike subsections (a) through (e) so that they remain in the IDO.

**Explanation:** This amendment proposes to extend demolition review to all structures that were constructed in or prior to 1945 in addition to the other criteria that has been long-established in the IDO or was established through LUPZ amendment A2 at the April 12<sup>th</sup> LUPZ hearing.

# A8 – Parking Maximum

## LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 26<sup>th</sup>, 2023

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO Exhibit A to O-23-77

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton and Tammy Fiebelkorn

1. On page 278 of Exhibit A, amend section 5-5(C)(7) as follows:

### 5-5(C)(7) Parking Maximums

5-5(C)(7)(a) In UC-MS-PT areas the maximum number of off-street parking spaces provided shall be no more than ~~[425]~~ [175] percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.

5-5(C)(7)(b) In areas exempt from minimum required off-street parking spaces pursuant to Subsection 14-16-5-5(B)(2)(a), the maximum number of off-street parking spaces provided shall be no more than ~~[400]~~ [175] percent of the off-street parking spaces that would otherwise be required by Table 2-4-13 or Table 5-5-1, as applicable, for the proposed development.

Explanation: This amendment proposes to increase the parking maximum in UC-MS-PT areas and areas with zero parking requirements to 150% of the required off-street parking spaces per table 5-1-1, increased from 125% and 100%, respectively. This change will allow more flexibility for property owners to provide necessary parking while still implementing a reasonable parking maximum requirement.