

Irvington Planning Commission

Report of 10/1/24 PC Meeting to Town Council

1. **Comprehensive Plan:** EPRpc has submitted a proposal to incorporate DEQ recommendations and finalize the Plan. We await TC approval and the Mayor's signature on the proposal.
2. **Proposed Ordinance Amendment for incorporating DEQ recommendations in our Code:** PC recommends TC approval of the code changes with 4 yeas and 1 abstention.
3. **Accessory Structures:** Our current code allows Accessory Structures (no indoor kitchens or bedrooms) of a maximum of 300 sq. ft with a setback of 10 feet from the side property line. In recent discussions for structures like pool houses or outdoor kitchens our Zoning Administrator has suggested this footprint is too small. After due consideration the PC determined to propose in addition to the current allowed Accessory Structure we add to the Code a larger Accessory Structure of maximum of 700 sq. ft. with a 25 foot side setback. The PC voted unanimously to forward this change to the Charter, Codes and Ordinance Committee for their action. Commissioners Smith and Taylor are available to consult with the CC&O as needed.
4. **Feather Signs:** As the TC is aware the recently adopted sign ordinance prohibits Feather Signs. A local business who has been using them for special events for years has requested they be allowed in certain circumstances. Objects and Camp have used them in the past. In support of our business community, the PC proposed that we add to our sign ordinance the permission to use these signs on a temporary basis during Special Events, during business hour only for a maximum of 4 days at a time and a maximum of 15 days per month. The PC unanimously voted to forward this to the Charter, Codes and Ordinance Committee for their review and action.
Commissioners Clarke and Taylor are available to consult with the CC&O as needed.

5. **CUP Ordinance Changes:**

The Zoning Administrator has suggested some simplification of our CUP Process to shorten the time to obtain a CUP. The ZA proposed to eliminate the need for a CUP for certain by right uses. Commissioner's Strait and Clarke proposed a solution that would not require a change in our Code only a TC approved change in how we administer the CUP. Their proposal, supported by the PC unanimously would allow a building owner to apply for a CUP for his building with a number of potential uses. This administrative policy change would allow businesses to open more quickly while maintaining the PC and TC review of CUPs. A motion was approved unanimously to have the Charters, Codes and Ordinance Committee review and act on this concept. Commissioner Strait is available for

consultation. A more detailed discussion of the proposal is attached at the end of the report.

- 6. Commons Mater Plan:** In discussion it was agreed that the plan was an improvement. Concerns were expressed for maintenance requirements and all agreed that the project should be funded without borrowing funds.

**Respectfully Submitted,
Tom Chapman, PC Chair
10/9/24**

Idea's to Reduce the Delay in New Business Startups due to CUP Approval Process

Conditional Use Permits (CUP's) are defined in Town Code 154.017 & 154.018. Nothing in these sections of the code require a new CUP for a change in property ownership, proprietor or manager. Ownership change for CUP's for STR's may be treated differently.

In Zone B-1, a CUP is required for all uses listed in 154.086(B) and "and an additional conditional use permit is required in the event of expansion of or change to an existing permitted use."

We were tasked to see if we how we could revise the B-1 zoning ordinance to allow more timely approval of business uses listed in 154.086(B). Due to the requirement for a CUP, with normal PC/TC meeting schedules, it can take 2-3 months minimum to obtain the CUP for a new business.

One proposed solution is to eliminate the requirement for a CUP for certain of the 154.086(B) uses (see highlighted items in the attachment). This approach would give up any public & PC/TC input on use restrictions (such as size, parking, hours, etc).

Another possible solution is a policy change to allow property owners to file CUP's for one or more uses for their properties and for the Town to issue CUP's in advance of the property owners actually identifying the business proprietor. In this approach, the CUP limitations (size, product mix, parking, buffers, hours, etc) would apply to any future owner or business proprietor at this property. It need not be considered an "expansion or change to an existing permitted use" when the proprietor or owner changes.

A property owner would be allowed to include more than one use in their initial or amended CUP application (such as both "Wearing apparel stores" and "Office building"). If a property owner tries to apply for too many different uses, the CUP can be denied or the overall CUP restrictions imposed by the PC/TC may be made too restrictive for any one use. This should address the risk that property owners would try to apply for all uses at once.

This should be achievable via a simple policy decision by the TC, without a revision to the ordinance. As is current policy, the Code Enforcement Officer would determine whether activities occurring at a property is a "change to an existing permitted use" under the ordinance.

This policy would still require property owners to plan ahead for future uses, but that seems reasonable. This approach maintains the PC/TC review of proposed business uses and any PC/TC concerns can be made part of the CUP restrictions.