

Irvington Planning Commission

Report of 12/3/24 PC Meeting to Town Council

1. **CUP 2024 Hudson- 277 Steamboat Rd STR:** PC recommended approval of this CUP with the condition that the parking area in the back of the address is completed prior to renting as STR. Unanimous recommendation.
2. **CUP 2024 Wozniak- York Rd:** PC unanimously recommended approval of this CUP.
3. **Update of Section 154 of Town Code:** Work continues on update to add new Accessory Structure language and other clean up items including allowing Fowl in R-1.

**Respectfully Submitted,
Tom Chapman, PC Chair
12/7/24**

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.