

ZB # 222-34 Proposed Text Amendment – Administrative Approvals

REVISED 12/2/2022

ADD Section 19.H. Administrative Approvals

19.H. ADMINISTRATIVE APPROVALS

19.H.1. Purpose

The purpose of this Section is to set forth a procedure for consideration of requests for certain non-material approvals pursuant to these regulations or to approve *Minor Modifications* to existing approvals with the goal of reducing procedural burdens for applicants while maintaining high standards of urban planning and design.

19.H.2. Applicability

a. *Administrative Approvals* may only be permitted when:

- (1) Explicitly allowed by these Regulations; or
- (2) For *Minor Modifications* of (i) *Special Permits* (including Large Scale Development Review), (ii) Site and Architectural Plans and/or Requested Uses or (iii) other Zoning Board approvals.

b. A *Minor Modification* is a modification to an existing Zoning Board approval that meets the following requirements: (i) the modification sought is in compliance with the base zoning standards (i.e., without any premiums or bonuses) of the respective Zoning District; and (ii) the modification is a non-material change to an existing approval, including to the nature, scope or intensity of such approval. For modifications which do not meet the thresholds for *Minor Modifications*, a new application pursuant to Section 19 of these Regulations shall be required.

c. The Zoning Board reserves the right to determine whether a proposed modification meets the definition of a *Minor Modification* and the requirements of this Section 19.H.

19.H.3. Standards

Applications for *Administrative Approvals* shall meet the following standards:

- a. Completion of an Application Form provided by the Land Use Bureau;
- b. Payment of an Application Fee, if applicable; and
- c. Submission of any additional information that clearly and concisely explains the modification sought.

19.H.4. Procedures

The following procedures shall apply for all *Administrative Approvals*:

- a. Complete *Administrative Approval* applications shall be scheduled for the next regular Zoning Board meeting, where the agenda permits, if received at least ten (10) days prior to such meeting; provided, however, if an application is referred under paragraph c. of this Subsection the scheduling may be delayed until receipt of referral comments;
- b. Any request for an *Administrative Approval* meeting the standards of this Section 19.H. may be approved by the Board at a regular meeting. However, the Zoning Board, at its sole discretion, may elect to hold a public hearing;
- c. *Administrative Approval* applications may be referred to other boards, departments, bureaus or agencies for review and recommendations; and
- d. In granting any *Administrative Approval* application, the Zoning Board may attach conditions and safeguards to protect or benefit general health, safety, welfare and property values.

ADD new Section 19.C.4. and renumber current Section 19.C.4. to 19.C.5.

19.C.4. Modification of Special Permits

The modification of Special Permits approved under this Section shall be subject to the requirements of Section 19.C.3., except as follows:

- a. Any *Minor Modification* meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which will result in no change, or in a decrease from what was previously approved (where the requirement is governed by a maximum amount) or increase (where the requirement is governed by a minimum amount), and which change is *de minimis* as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

ADD new Section 19.D.5, and renumber current Section 19.D.5. to 19.D.6.

19.D.5. Modification of Site and Architectural Plans

The modification of Site and Architectural Plans and/or Requested Uses approved under this Section shall be subject to the requirements of Section 19.D.2., except as follows:

- a. Any *Minor Modification* meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which will result in no change, or in a decrease from what was previously approved (where the requirement is governed by a maximum amount) or increase (where the requirement is governed by a minimum amount), and which change is *de minimis* as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

DELETE Section 19.D.2.d.

ADD new Section 19.E.4. Large Scale Development Review

19.E.4. Modification of Large Scale Development Plans

The modification of Large Scale Development Plans approved under this Section shall be subject to the requirements of Section 19.E.3., except as follows:

- a. Any *Minor Modification* meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which will result in no change, or in a decrease from what was previously approved (where the requirement is governed by a maximum amount) or increase (where the requirement is governed by a minimum amount), and which change is *de minimis* as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

ADD new Definition for “Administrative Approval” to Section 3.B., Defined Terms

An *Administrative Approval* is an approval by the Zoning Board which is granted pursuant to Section 19.H. of these Regulations.

ADD new Definition “Minor Modification” ” to Section 3.B., Defined Terms

A *Minor Modification* is a modification to an existing Zoning Board approval that meets the following requirements: (i) the modification sought is in compliance with the base zoning standards (i.e., without any premiums or bonuses) of the respective Zoning District; and (ii) the modification is a non-material change to an existing approval, including to the nature, scope or intensity of such approval. For modifications which do not meet the thresholds for *Minor Modifications*, a new application pursuant to Section 19 of these Regulations shall be required. The Zoning Board reserves the right to determine whether a proposed modification meets the definition of a *Minor Modification* and the requirements of Section 19.H.

DELETE Section 19.C.3.e and AMEND Section 5.E. Swim or Tennis Club as follows:

Club, Swim or Tennis Club

A *Swim or Tennis Club* is a voluntary or corporate association owned solely by its members, the objectives, pursuits and purposes of which are social or recreational, operating or formed for the purposes of operating a club on a membership basis and not operated for profit. The principal facilities of ~~which~~ a *Swim or Tennis Club* shall be a swimming pool or pools and/or tennis court or courts owned by it and maintained on land owned or leased by the Club it,

A Swim or Tennis Club and which may maintain and operate on the same premises such accessory facilities owned by it as are usually provided by a Swim or Tennis Club. Accessory facilities shall not include Bowling Alleys except as set forth below.

Standards

The following standards shall apply to all Swim or Tennis Clubs:

- a. Swim or Tennis Clubs shall be permitted by *Special Permit* only in the zoning districts specified in Appendix A;
- b. The minimum size of a Swim or Tennis Club shall be at least five (5) acres;
- c. Any *Building* whether principal or accessory and any *lounging* area or other area designed for active use shall be not less than one hundred feet (100') from the nearest property line of abutting residential property, and no part of any *Parking Area* shall be less than fifty feet (50') from any such property line;
- d. The minimum *Front Yard* setback shall be governed by the regulations applicable to the district or districts in which such use is to be located;
- e. There shall be no facilities for over-night accommodations except for employee's quarters;
- f. All outdoor noise-making and amplifying devices except for a public address system are prohibited. Such system may only be permitted with speakers not nearer than three hundred feet (300') to any *Street* or property line, and the volume of sound shall be so regulated as to be inaudible beyond a point two hundred feet (200') away from the sound amplifying equipment;
- g. Live or amplified music shall only be permitted indoors with closed doors and windows, and the volume of sound shall be so regulated as to be inaudible beyond a point two hundred feet (200') away from the sound amplifying equipment; and
- h. The Zoning Board may permit by *Administrative Approval* the rental of the club facilities to an outside organization or to an individual for a particular function.
- i. Parking shall be provided pursuant to Section 12.

Swim Club

SEE: Club, Swim or Tennis

Tennis Club

SEE: Club, Swim or Tennis

AMEND Section 12.D. Parking Requirements, by adding a new Section 12.D.27.

12.D.27. Swim and Tennis Clubs

There shall be at least one (1) off-street *Parking Space* for each employee and for every two (2) memberships.

AMEND Appendix A, Table 1 as follows:

Uses Permitted in Residential, Commercial and Industrial Districts	RA-3	RA-2	RA-1	R-20	R-10	R-7 ¹ / ₂
[...]						
Club, Swim or Tennis	A <u>B</u>					
[...]						

Swim and Tennis Clubs to remain prohibited in all other zoning districts