

General Notes/Comments/Responses for Urban Renewal Agency, December 16, 2019 Regular Meeting																												
1. Does the Planning Commission (PC) have the authority to impose other conditions on a Conditional Use application, above and beyond those called out in a footnote. Do they always require a site plan at their public hearing?																												
Response: PC can add conditions as they desire and that are within the boundaries established in the code																												
2. Can there be Permitted Uses with Exceptions?																												
Response: PC is a valid use for this scenario. PC means, the use is permitted, but under some circumstances may be conditional.																												
3. What are nonconforming use rules?																												
Nonconforming Uses - (§ 25-2-941) means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.																												
Uses Conforming on MARCH 1, 1984. (§ 25-2-942) The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.																												
Determination of Nonconforming Use Regulation Group (§ 25-2-946)																												
This code section begins to set forth the process for determining if a property in conforming or not and what the level of non-conformance means in regard to additions or improvements that are allowed.																												
This is spelled out in greater detail in 25-2-946.																												
Abandonment of Nonconforming Use (25-2-945)																												
A) A person abandons a nonconforming use if:																												
(1) the person changes the use of property from a nonconforming use to a conforming use; or																												
(2) the person discontinues the nonconforming use for 90 consecutive days.																												
(B) A seasonal discontinuance of a use, or a temporary discontinuance of a use for maintenance or repair, is excluded from a calculation of the 90-day period described in Subsection (A)(2).																												
(C) A person may not resume an abandoned nonconforming use.																												
4. Regarding the question about Kenny Dorham’s Backyard and what permitted use it falls under, based on the Temporary Use Permit #2019-008619, its under Article 6- Temporary Uses; 25-2-921-Temporary Uses Described:																												
(C) An outdoor public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience may be permitted as a temporary use under this division if:																												
(1) for a gathering of not more than 50 persons, the use is located in an SF-4 or less restrictive zoning district;																												
(2) for a gathering of more than 50 persons, the use is located in an LO or less restrictive zoning district; or																												
(3) for an exhibit, the use is located in a GR or less restrictive zoning district.																												