

LAND USE AND ZONING COMMITTEE AMENDMENT

The Land Use and Zoning Committee offers the following amendment to File No. 2024-980:

- (1) On **page 1, line 5**, after "ORDINANCE" insert "DENYING A REQUEST FOR";
- (2) On **page 1, lines 15-17**, strike "PROVIDING A DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;";
- (3) On **page 2, line 2**, strike "and" and insert "now therefore";
- (4) On **page 2, lines 3-15**, strike all lines in their entirety;
- (5) On **page 2, lines 17-22**, strike "Property Rezoned. The Subject Property is hereby rezoned and reclassified from Residential Rural-Acre (RR-Acre) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit single family dwellings, and is described, shown and subject to the following documents, attached hereto:" and insert "Property Rezoning Denied. The City Council denies the rezoning of the Subject Property from Residential Rural-Acre (RR-Acre) District to Planned Unit Development (PUD) District, which would have generally permitted single family dwellings, as set forth in the following documents submitted by the applicant, attached hereto:";
- (6) On **page 2, line 26^{1/2}**, insert "Pursuant to section 656.341(d), *Ordinance Code*, there are several criteria to be considered specifically when evaluating an application

for rezoning to the Planned Unit Development district. One of those criteria is external compatibility. Pursuant to section 656.341(d)(5), *Ordinance Code*, all land uses within a proposed Planned Unit Development should be compatible with existing and planned uses of properties surrounding the proposed Planned Unit Development and not have any avoidable or undue adverse impact on existing or planned surrounding uses. The evaluation of external compatibility of a proposed Planned Unit Development is based on several enumerated factors, including “[t]he type, number and location of surrounding external uses” and “existing zoning on surrounding lands.” Additionally, pursuant to section 656.125(c), *Ordinance Code*, uses permitted under a proposed rezoning must be consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area or will deviate from an established or developing logical and orderly development pattern.

The Planning Department report indicates that the Subject Property is located at the end of Pernecia Street. The surrounding zoning districts are RLD-60, RR-Acre and PUD 09-662, with a current use noted as KIA Dealership and undeveloped. The RLD-60 zoning district allows for 60 foot wide and 6,000 square foot lots. RR-Acre zoning district allows for 100 wide and 43,560 square foot lots. The development proposed in the PUD is to squeeze 50 foot wide and 5,000 square foot lots, essentially an RLD-50 zoning district, onto the Subject Property that is accessed

through the RLD-60 zoning district. Thus, the proposed zoning is not consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area and will deviate from an established or developing logical and orderly development pattern.

Additionally, per section 656.125(c), Ordinance Code, the proposed rezoning cannot constitute spot zoning, an isolated zoning district unrelated to adjacent and nearby districts. The facts as set forth above, indicate that the property is essentially an RLD-50 spot zoning surrounded by RLD-60 zoning.

The facts set forth above are further bolstered by the extensive public comment provided during the public hearing.”;

- (7) On **page 2, line 31**, and **page 3, lines 1-11**, **strike** all lines in their entirety;
- (8) Renumber the remaining section accordingly;
- (9) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Dylan Reingold

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