

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: 2026-364

Introducer/Sponsor(s): Council Member Diamond

Date of Introduction: April 28, 2026

Committee(s) of Reference: NCSPHS, R, LUZ

Date of Analysis: April 29, 2026

Type of Action: *Ordinance Code* amendment

Bill Summary: This bill amends Sections 656.101 (Definitions) and 656.109 (Administration and Enforcement; Interpretation of Zoning Code; Administrative Deviations), Part 1, Chapter 656 (Zoning Code), Ordinance Code, and amends Section 656.720 (Nonconforming Use Administrative Deviation), Part 7 (Nonconforming Lots, Uses and Structures), Chapter 656 (Zoning Code), Ordinance Code.

Background Information: This bill transfers granting authority for administrative deviations from the Zoning Administrator to the Planning and Development Department through amendments to Sections 656.101 (Definitions), 656.109 (Administration and Enforcement; Interpretation of Zoning Code; Administrative Deviations), and 656.720 (Nonconforming Use Administrative Deviation).

The bill also makes substantive changes to Section 656.109. A new public notice requirement is added. Once an application is deemed complete, a summary of the requested deviation must be mailed to all property owners within three hundred feet of the subject property, with directions on where to obtain the full application and where to submit comments or objections. The hearing process is eliminated and replaced with a written decision rendered by the Department within thirty days of receipt of a complete application based upon the criteria set forth in the section. Failure to render a decision within that timeframe results in automatic approval of the application. The procedural requirements governing hearings, including informal hearing procedures, hearing recordings, and pre-hearing staff reports, are removed. The standard for granting an administrative deviation is modified. Previously, the Zoning Administrator was required to make a positive finding on each of the six listed criteria. Under the bill, the Department must make a positive finding on any one of the criteria. The appeal process before the Planning Commission is modified. The Commission's standard of review changes from a review limited to whether the deviation criteria were properly considered and applied to a de novo review. If the Commission determines the criteria were not properly applied, the Commission may grant the appeal, which constitutes approval of the deviation. Under the prior process, if the Commission determined the criteria were not properly applied, the Commission remanded the matter to the Zoning Administrator for further review.

The bill amends Section 656.720 (Nonconforming Use Administrative Deviation). The eligibility requirements for a nonconforming use administrative deviation, the four criteria for granting a deviation, and the standard requiring a positive finding on each of the criteria, are unchanged.

Policy Impact Area: Land Use & Zoning

Fiscal Impact: No fiscal impact.

Analyst: Libby