



STAFF REPORT

CASE # 20-036

Subject Matter: Amendments to the Official Zoning Ordinance

Planning Commission: September 26, 2022

Board of Aldermen
Public Hearing: October 17, 2022

Description:

Consideration of Amendments to the Official Zoning Ordinance: Community Development staff has analyzed the Official Zoning Ordinance, adopted on March 21, 2016, as amended (amendments last incorporated on May 2, 2022); and has recognized an error that we are recommending be corrected.

TABLE 4.1 TABLE OF USES

Convalescent, nursing homes, assisted living facilities. Add "C" to NC.

4.4.6.2 Convalescent, nursing home, or assisted living
ii. Districts Permitted: Conditional Use in CC, NC, RC, ORC

Summary:

The NC zoning district was a new district created in 2016 with the adoption of the new zoning code. The previous comparable zoning district was the P-1 Professional Limited Commercial District (See "Supporting Documentation, Conversion Table").

The P-1 Professional Limited Commercial District previously allowed for convalescent, nursing home, and assisted living facilities as conditional uses in that district (See "Supporting Documentation, 2014 Zoning Ordinance").

While it isn't uncommon for uses to be removed from districts as a result of a zoning code update, Community Development is of the opinion that it was an error and/or oversight that the NC District did not carry over and allow for the use of a convalescent, nursing home, or assisted living facility as conditional.

The city currently has one assisted living facility that was zoned NC when the 2016 zoning code and map were adopted. We do not find that facility use being incompatible or inconsistent with the NC district, surrounding districts, surrounding uses, or the comprehensive plan. We further do not find that the assisted living facility use being considered conditionally within other areas of the city zoned NC will be inconsistent with said district or the comprehensive plan.

Application # 22-036
Date Received: N/A
Subject Property: Amendments to Official Zoning Ordinance
Applicant: City of Brandon

Planning Commission Recommendation:

Staff Recommendation:

City staff recommends the proposed amendments to the Official Zoning Ordinance as detailed in this staff report.

Notice Filed in Paper: September 28, 2022

Report Prepared By: Matthew Dodd, Community Development Director

Exhibits:

Supporting Documentation – Conversion Table

Supporting Documentation – 2014 Zoning Ordinance

Table 3.4 Zoning Districts Conversion

Former District	Plan Brandon District
Residential Districts	
R-1a	(RR) Rural Neighborhood
R-1	(R-12) Suburban Neighborhood
R-1b	(R-8) Suburban Medium Density Neighborhood
R-2	(RM-8) Suburban Mixed Neighborhood
R-3	(RM-4) Townhouse and Zero Lot Line Residential
R-4	(RH) Suburban Multi-Family
R-5	(MH) Manufactured Housing
Commercial Districts	
C-1	(VMU) Vertical Mixed Use
C-2	(NC) Neighborhood Center
C-3	(CC) Community Center
None	(RC) Regional Center
Highway 18 Corridor	None
P-1 Professional Limited Commercial	(NC) Neighborhood Center
Employment Districts	
I-1 Light Industrial	(I-1) Light Industrial
I-2 Heavy Industrial	(I-2) Heavy Industrial
None	(ORC) Office, Research Campus
Special Districts	
Mixed Use	(VMU) Vertical Mixed Use
Planned Unit Development (PUD)	(PUD) Planned Unit Development
None	(TND) Traditional Neighborhood Development
Special Use District (SUD)	None
PID	None
Flood Overlay	(FLO) Flood Overlay
None	(HPO) Historic Preservation Overlay

PURPOSE & SCOPE

PROVISIONS

ZONING DISTRICTS

USE REGULATIONS

DEVELOPMENT STANDARDS

STREET STANDARDS

PARKING

SIGNS

ADMIN

DEFINITIONS

APPENDIX

- CODE OF ORDINANCES
APPENDIX A - ZONING REGULATIONS

ARTICLE XII. PROFESSIONAL AND LIMITED COMMERCIAL DISTRICT (P-1)

provided that these activities are entirely within the principal building and there is no exterior display and advertising.

- (g) Educational and technical training facilities of all types, except for those which require outdoor space and/or industrial type structures or those that involve trucking or similarly sized equipment.

(Ord. of 12-6-10(2), § 1(Exh. A))

Section 1202. Conditional uses and structures as provided in section 2106.

The following conditional uses and structures may be permitted in the P-1 professional and limited commercial district if approved through the procedures under section 2106 and section 2108 and subject to any limitations and restrictions deemed necessary by the mayor and board of aldermen:

- (a) Public and quasi-public facilities and utilities may be allowed in the P-1 professional and limited commercial district in compliance with section 412 of this ordinance. This shall include any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:
 - a. Churches and other religious institutions.
 - b. Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "special use" districts only.
 - c. All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.
 - d. All hospitals, whether public or private.
 - e. Convalescent homes, nursing homes or assisted living facilities.
 - f. Civic organization buildings and major facilities.
 - g. Buildings and facilities erected by charitable organizations (e.g. American Red Cross, Salvation Army, etc.). Note, when such facilities are erected as emergency measures, they shall be exempt from the special exception provisions of this ordinance, including site plan review and public hearing requirements.
 - h. Country clubs and other major recreational facilities constructed by private groups.
 - i. All cemeteries.
 - j. Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone antennas, natural gas pumping facilities and similar significant uses.

(Ord. of 12-6-10(2), § 1(Exh. A))

Section 1203. Dimensional requirements.

The dimensional requirements for the P-1 professional and limited commercial district shall be as specified in the following subsections: