

Matthews Board of Commissioners General Procedures Policy on Zoning and Development Case Appearances Before the Town Board

Policy Notes for Administrative Amendments, Site/Elevation Plans, and Public Improvement Variances

Adopted October 8, 2018

With this statement of procedural actions, the Board of Commissioners publicly expresses their desire to limit the appearance of a specific development request on a Town Board agenda that does not get completed on that scheduled date due to a change generated by the Applicant. This is intended to improve the flow and length of meetings and to limit the number of times concerned citizens come to public meetings to keep abreast of a development proposal's status.

Zoning Applications and Motions:

Public Hearings

When a Zoning Application or Motion is scheduled for a public hearing, that hearing **will** be held on the given date. If the Applicant determines as the hearing date nears that they are not ready to proceed, the Board of Commissioners will expect the Applicant to request a withdrawal of their proposal (155.401.4.E.), and per the UDO the Board of Commissioners will determine whether to allow the withdrawal or hold the hearing. In the event the Applicant does not request a withdrawal, the Board of Commissioners will proceed with the public hearing. The Board of Commissioners will consider a continuance only when there is a clearly unavoidable situation justifying the need for a later hearing date. Such request for a continuance should be provided in writing to the Planning Office at least one week prior to the scheduled hearing so that it can be noted on the published Town Board meeting agenda.

The UDO requires the Applicant to appear at the hearing (155.401.1.C.). Although the UDO states the hearing may be continued if the Applicant is not present for the initial scheduled hearing, it is the intention of the Board of Commissioners to hold a scheduled public hearing on its original scheduled date whether or not the Applicant is in attendance. The Board of Commissioners will allow the application to move forward through the process unless justification for a continuance is provided as outlined above.

A public hearing may be continued when there are questions raised that cannot be immediately answered, or new concepts proposed to be incorporated into the zoning request, or sufficient items left to be revised, etc., resulting in the Board of Commissioners, Planning Board, staff, Applicants, and the general public not all having a clear and consistent understanding of what the revisions may look like (155.401.1.B.). The intent here to make it obvious to all parties what is being requested, whether on a site plan, an elevation or rendering illustration, or written notes before it is referred to the Planning Board for their review and recommendation.

Final Decisions

When a Zoning Application or Motion comes back to the Board of Commissioners for a final decision, it will be acted on at the scheduled meeting date (usually the second Monday following Planning Board recommendation). The Board of Commissioners does not expect requests for deferrals from the

Applicants at this point in the process. If the Applicant does not feel prepared to return with a completed, vetted final set of documents, the Board of Commissioners would expect a request for withdrawal to be submitted to the Planning Office at least one week prior to the meeting date. This request will then be noted on the published Town Board agenda. It will remain the Board of Commissioners' choice whether to allow the withdrawal or to act on the request.

One of the requirements of a change of zoning conditions or change of district application is the completion of the Post Construction Concept Plan. The Applicant is made aware of this requirement when the application is initially submitted, which allows sufficient time for the storm water plan to be reviewed and approved. If this approval by County LUESA office is not granted by the scheduled decision date, it will be up to the Board of Commissioners' discretion to approve the requested zoning action conditioned on official Notice of Approval of a Concept Plan, only when the Storm Water Administrator provides written documentation that the Notice is imminent and no changes to the site plan layout are anticipated. When the Applicant has delayed submission to the County of their PCO Concept Plan, or has delayed making revisions requested by the County, such that the Storm Water Administrator cannot provide the Town with assurance of imminent approval, the Zoning Application may be denied.

Administrative Amendments, Site Plan/Elevation Approvals, and Public Improvement Variances:

These actions do not require a public hearing and should not be requested to be scheduled on a Board of Commissioners meeting until they are ready for decision as submitted. Applicants are strongly advised to prepare and submit their best proposal, since The Board of Commissioners may choose to deny a request rather than continue it to a future meeting date. When one of these actions must first go before the Planning Board for a recommendation, it will be up to the Applicant to request (following Planning Board recommendation) which month it will be scheduled on a second Monday Board of Commissioners meeting date. Such requests should provide sufficient detail and clarity that they can be fully understood and acted on in one public meeting.

155.401.1.B. . . . The public hearing may be continued to a later date in order to provide opportunity for proposed text, conditional notes, site plan details, or other unresolved issues to be presented and clarified during an open public session.

155.401.1.C. . . . The Applicant, or his designated agent, is compelled to appear at the public hearing. Failure to appear at the public hearing may result in the Board of Commissioners continuing the public hearing to another date.

155.401.4.E. . . . On the day of the hearing the Commissioners will decide if the withdrawal will be allowed. The Board of Commissioners may approve a request for withdrawal if it finds that there are substantial circumstances which warrant favorable consideration and that the withdrawal will not be detrimental to the interests of citizens affected by the application.

Instructions for Completing a Zoning Application: #21. . . . The intent here is to be sure that the site plan layout for the pending zoning approval matches the site plan layout for Post Construction Ordinance compliance, thereby preventing subsequent further zoning action to revise a site plan or zoning conditions in order to meet Post Construction Ordinance provisions. Town Board, may, at their discretion, approve a zoning action prior to official Notice of Approval of a Concept Plan, conditioned upon such notice being received, when the Storm Water Administrator provides written documentation to the Town that the Notification is imminent and no changes to the site plan layout are anticipated.