



BZA JURISDICTION AMENDMENT

Prepared by:
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May 18, 2006

Prepared For:
De Soto Planning Commission

A. Agenda Item: Reconsider text amendment(s) to Article 12 of the Zoning Regulations pertaining to powers and jurisdiction of the Board of Zoning Appeals.

B. Background:

At their February meeting, the Planning Commission recommended approval of amendments that would allow the Board of Zoning Appeals to vary all areas of the Zoning Regulations except those involving land use. The City Council voted to return the recommendation to the Commission for reconsideration. Council members expressed concern that the Board could potentially allow variances from the Zoning Regulations that were inappropriate or not in keeping with the 'spirit and intent' of the Regulations.

Chairman Honomichl attended the April 6th Council meeting and discussed their ideas for the amendment. Council members generally agreed that the Board should be allowed to vary all areas of the Zoning Regulations, except in specific areas. There should be a short list of items that may not be considered by the Board. Items that have invariably been mentioned when discussing this amendment include signage and accessory structures. During the April 6th Council meeting staff discussed possibly allowing pole signs by Special Use Permit. Since that time, staff has been in contact with City Planners for Johnson County, who have been using the Special Use Permitting process to allow exceptions for very large accessory buildings and contractors offices/outside storage as home occupations (this has become a problem area for De Soto).

The Planning Commission tabled this item at their April 25th meeting in order for staff to research the County's regulations. The County's text, highlighted in areas of note, is attached as *Exhibit A*. Addressing large accessory structures by way of the special use permitting process is an idea worth considering, though not directly related to the text amendment at hand.

C. Recommendation:

A revised version of the draft text amendment, reflecting Council's concerns, is attached as *Exhibit B*. The Planning Commission may recommend the text amendment for approval to the Council, return their original recommendation to the City Council, or table the item for further consideration. Staff advises the Commission recommend approval of the amended language attached as *Exhibit A* of staffs report.

End of Report - Exhibit to Follow