

Village of Forest Hills
Village Council

STAFF REPORT

To: Village of Forest Hills Council
Date: March 7, 2017
From: Kristy Carter, AICP, J.M. Teague Engineering & Planning
Subject: VOFH Zoning Ordinance Wording Amendments & Village Mixed Use District

Summary Statement: The proposed ordinance changes would change the structure of the zoning ordinance, clarify existing standards, and remove police power type ordinances from the zoning ordinance.

Technical Changes: It is common for the structure of a zoning ordinance to change with the needs of a town. The structural changes included with this set of zoning ordinance amendments include:

- a) Changes to the Ordinance's numbering system for clarity and ease of use. This includes correcting cross references throughout the ordinance.
- b) Movement of the "Definitions" section to the beginning of the ordinance (now Chapter 2) for ease of use and clarity.
- c) Addition of language to create a missing cross reference referring to real estate signs:

Section 5.4.6: One (1) temporary on-premise sign advertising the rent, sale, or lease of a commercial or residential property, provided that the surface area does not exceed four (4) square feet in surface area per building and the sign is not illuminated. (underlined section, p. 23)

- d) Addition of language to clarify that regulated signs not requiring a permit should be placed out of the public right of way.

Section 5.4: Such signs may not be erected within the public right-of-way, or if no public right-of-way is defined such sign shall not be within ten (10) feet of the wear surface of any public or private road. (p. 22 – underlined section)

- e) Language to clarify references to Jackson County ordinances, including the addition of the specific sections of the Jackson County ordinance, and removal of "Appendix I" language that is no longer needed.

Technical Corrections Staff Recommendation: Staff recommends approval of the technical corrections as the amendment provides consistency, clarity, and user friendliness throughout the ordinance.

Technical Corrections Consistency with the Guiding Land Use Plan: The VOFH's Guiding Land Use Plan does not contain a goal specifically addressing technical wording amendments, however, these technical amendments are necessary and are a typical municipal land use planning practice.

Technical Corrections Suggested Motion: I move to approve the revised wording amendments to the Village of Forest Hills Zoning ordinance, as stated in Items A – E of the February 2017 Staff Report. I find that the requests are reasonable, are in the public interest, and are consistent with the municipal land use planning practice.

Amended Standards: This section of amendments removes police power ordinance standards (or non-land use related items) from the zoning ordinance. These standards will be moved to the Village of Forest Hills Code of Ordinances. Sections removed from the Zoning Ordinance include:

- Parking Enforcement standards (for rental housing)
- Farm Animals
- Firearms
- Special Events
- Neighborhood Appearance
- Pet Restrictions and “Leash Law”
- Disturbing the Peace
- Regulating Speed Limit
- Civil Penalties, Schedule of Fees, Notices

Amended Standards Staff Recommendation. Staff recommends approval for removing the following sections from the zoning ordinance. These are police power standards rather than land use and should not be in the zoning ordinance. The Village Council will adopt a Code of Ordinances that will include the standards removed from the zoning ordinance.

Technical Corrections Consistency with the Guiding Land Use Plan: The VOFH’s Guiding Land Use Plan does not contain a goal specifically addressing technical wording amendments, however, these technical amendments are necessary and are a typical municipal land use planning practice.

Changes to existing requirements in various sections suggested motion. I move to approve the removal of the police power ordinance standards from the zoning ordinance, as they are not land use regulations. I find that the requests are reasonable, are in the public interest, and are consistent with the municipal land use planning practice.

New Standards: The new zoning ordinance amendments propose one new zoning district – the Village Mixed Use District. Once incorporated with the ordinance, the district will be Section 3.8.

Guiding Land Use Plan Consistency Statements

The new district meets the intent of creating a mixed use centers in areas identified on the Guiding Land Use Plan’s Future Land Use Map. The new district is consistent with the Guiding Land Use plan in that it meets the following goals:

- Offer a Greater Variety of Housing Options in the Village to Meet the Evolving Needs of Aging Residents and Potential Homebuyers,
- Preserve the Open Space and Natural Character of the Village,
- Ensure that New Development Contributes to a Sense of Place and Community in the Village, and
- Develop a Network of Greenways and Sidewalks to Connect Village and Nearby Destinations.

Suggested Motions

Village Mixed Use District Motion: I move to approve the Village Mixed Use District to create Section 3.8 of the Zoning Ordinance and find that the request is reasonable, is in the public interest, and is consistent with the Guiding Land Use plan in that the district:

- Offers a Greater Variety of Housing Options in the Village to Meet the Evolving Needs of Aging Residents and Potential Homebuyers
- Preserves the Open Space and Natural Character of the Village,
- Ensures that New Development Contributes to a Sense of Place and Community in the Village, and
- Develops a Network of Greenways and Sidewalks to Connect Village and Nearby Destinations.