

Parallel Conditional Use Permit Zoning

Removal Consideration from the Unified Development Ordinance (UDO)
Board of Commissioners' August 13, 2019 Work Session



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Parallel Conditional Use Zoning (PCUPs)

A parallel conditional use rezoning requires two steps:

- (i) The rezoning to a parallel conditional use district; and
- (ii) The issuance of a conditional use permit, the latter being done through a quasi-judicial process

Type of Hearing: Quasi-Judicial

The Board is bound by the following guidelines:

- Decisions based on clear guiding standards with limited discretion
- Decision-Makers must be impartial and unbiased
- Ex Parte Communications are not allowed
- Board may only converse with staff outside of the hearing for information regarding ordinances but not items specific to the case
- Board should only consider information that is evidentiary and relevant to the hearing
- Public opinions are not relevant to the case and cannot be considered as evidence
- If the applicant meets the four findings of fact, they are entitled to approval
- When rendering a decision, the Board must provide facts supporting that decision and cannot rely solely on the consistency statement

What happens if the PCUP is removed from the ordinance?

- Conditional Rezoning or Conditional District Zoning Map Amendment Process

CONDITIONAL DISTRICT

- Conditional Zoning is a legislative zoning process that includes project site-specific conditions
- Comparable to parallel conditional use permit districts except WITHOUT the procedural challenges of quasi-judicial decision making
- NO FINDINGS OF FACT REQUIRED
- Ex Parte communications or discussion outside the public hearing is permissible
- Reduces legal exposure and liability, since it is not quasi judicial