

## Planning & Zoning Commission Staff Report

**Meeting Date:** April 3, 2024  
**Location:** City of Sunset Hills  
**Applicant:** City of Sunset Hills  
**Description:** **Unified Development Ordinance (City of Sunset Hills) Appendix A and Appendix B Amendment**– A request to amend the text of Appendix A – Planned Development and Appendix B – Lighting of the City of Sunset Hills Unified Development Ordinance.

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### **TEXT AMENDMENT SUMMARY:**

The City has two types of amendments to the Unified Development Ordinance (text and map). A petition for text amendments is adding new text to the UDO, deleting existing text to the UDO or a combination of both. This request is to amend Appendix A – Planned Development and Appendix B – Lighting of the City of Sunset Hills UDO. Attached to the Planning and Zoning Commission Packet is the entire red-line amendments for P-05-24 and below is a general summary of the amendments.

### **STAFF ANALYSIS:**

In September of 2022, the City of Sunset Hills adopted the UDO. The UDO consists of 14 Sections, and 2 Appendices and when printed is roughly 61 pages. Appendix A is designed to govern the planned development districts that have been approved by the City of Sunset Hills prior to the adoption of the City's UDO. Appendix B establishes exterior light regulations within the City in both residential and non-residential districts. Below are the proposed amendments to Appendix A and Appendix B.

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**Appendix A:**

As previously stated, Appendix A is designed to govern the planned development districts that currently exist in the City of Sunset Hills but were approved before the adoption of the City's UDO. The non-residential districts all have similar language in code when identifying the permitted uses for the district. Each district states that the permitted uses shall be established in the conditions of the ordinance adopted by the Board governing the particular planned district and they **may** include uses as permitted or conditional in a particular conventional zoning district.

A potential issue is that most of the existing non-residential planned zoning districts do not have specific uses outlined in the governing ordinance of the site-specific planned district. Provided there are no uses in the site-specific ordinance, the City administers the permitted uses of the particular planned districts as the permitted uses of the referenced conventional zoning district or the referenced conditional uses with a conditional use permit.

The proposed amendment does not initiate any change in zoning for specific property but provides updated language in City Code to support how the City actually interprets City Code and has been interpreting the ordinances.

Another proposed addition to Appendix A also creates a Partial Amended Final Development Plan. As stated, Appendix A is designed to govern the planned development districts that currently exist in the City of Sunset Hills but were approved before the adoption of the City's UDO. Section 7 of the UDO governs new planned non-residential development, and it states that it does not apply to any commercial, office, and/or industrial planned development approved before the effective date of this Ordinance, which shall be governed by Appendix A.

The potential issue here, is that there are many existing planned non-residential districts throughout the City currently operating, and there is no existing approval process for small changes to occur on the site without undertaking a whole new alternate zoning procedure under

Section 7 of the City's UDO. Section 7 requires a very robust pre-application process, application process and approval process that is predicted to take roughly 7 months to complete.

The Partial Amended Final Development Plan offers an opportunity for small changes to be requested on these existing sites and hopefully not preclude potential desired development at the risk of the robust process that was not necessarily intended to govern the site in accordance with the language in the UDO. The review procedure would follow the typical process with recommendation by the Planning and Zoning Commission and potential approval after two readings by the Board of Aldermen. The Partial Amended Final Development Plan would limit updates or alterations to the exterior footprint of a building or to the site equal to or less than 20,000 square feet. In addition to the requirement of 20,000 square feet, updates or alterations to the exterior footprint of a building or to the site are equal to or less than 30% of the overall building footprint and overall site area.

**Appendix B:**

This is a very minor amendment in which the current lighting regulation provide the maximum height for lighting standards in commercial and industrial zoning districts. The language in Appendix B was inadvertently not updated to reflect the new districts brought into City Code through the adoption of the UDO. The proposed language includes all appropriate districts.

**DEPARTMENT INPUT**

City Staff has reviewed the draft language and found the application to be in conformance with the procedures outlined in the City of Sunset Hills' Unified Development Ordinance and consistent with the City's Comprehensive Plan. Staff recommends approval of the draft text amendment located in Appendix A and Appendix B of the City's UDO.

**MOTION**

The following options are available to the Planning and Zoning Commission for consideration relative to this application:

- 1) "I move to approve (or deny) the request to amend the text of Appendix A – Planned Development and Appendix B – Lighting of the City of Sunset Hills Unified Development Ordinance."
  
- 2) "I move to approve the request to amend the text of Appendix A – Planned Development and Appendix B – Lighting of the City of Sunset Hills Unified Development Ordinance." with the following conditions...(Conditions may be added, eliminated, altered or modified)

**EXHIBITS:**

1. Application
2. Draft Red-Line Appendix A and Appendix B