



MEMORANDUM

To: Plan Commission

From: William Peeples, Planning Director

Date: March 21, 2022

Re: Return of Unified Development Ordinance to the Plan Commission due to Amendments

On February 10, 2022, the Town Council held a public meeting on the proposed UDO that the Plan Commission forwarded for approval. At that meeting, the Council expressed concern with four elements of the proposal:

1. The Map forwarded with the proposal would rezone properties currently within the R-1A District to the R-2 District;
2. The Permitted Use Table proposes to allow duplex, triplex, bungalow court and town home development as uses permitted by special exception;
3. The Industrial Districts limit the size of buildings in the I-2 and I-3 Districts to 250,000 and 400,000 square feet respectively;
4. The permitted use table shows home child care as a use permitted by special exception.

Additionally, after a final review of the proposed Ordinance, I was concerned with the definition of "Start of Construction", which, I felt, had some problematic aspects as it deals with vested rights in State Law.

As a result, the Town Council, being satisfied with the vast majority of the proposed UDO, did return the proposal to you with the following amendments:

1. The Official Zoning Map should assign property currently zoned R-1A to the R-1 Zoning District instead of the R-2 Zoning District;
2. Duplex, triplex, bungalow court and town home development should be non-permitted uses in the R-2 District instead of uses permitted by special exception;
3. The Maximum Building Sizes in the Industrial Districts should be 250,000 square feet in the I-1 District, 400,000 square feet in the I-2 District and there should be no Maximum in the I-3 District;
4. Home Child Care should be a permitted use in the E-1, R-1, R-2, R-3, R-4 and R-5 Districts as a use Accessory to Primary Residential Use.
5. The definition of Start of Construction should be amended to read:

Start of Construction: ~~The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start~~ Start of Construction means the first

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placement or permanent construction of a structure on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation (such as clearing, grading and filling); installation of streets and/or walk-ways; excavation for a basement, footings, piers, foundations, or the erection of temporary forms; the installation on the property of accessory buildings. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.

Staff recommends the Plan Commission accept these changes as returned by the Town Council. If the Plan Commission does this, the effective date of the UDO would be 1 April 2022.