

LAND USE AND DEVELOPMENT PROCESS

CITY ATTORNEY & PLANNER

How Much Flexibility Does the Government Have?

MORE DISCRETION

*“Reasonably Debatable that the action
could promote the general welfare”*

Amending Ordinances

Adopting the General Plan

Annexing Land

Rezoning/Planned Unit Development*

Legislative Acts – City Council or County Commission

Administrative Acts – Staff, Planning Commission, Design Review, Commission, Council, Etc.

*“Substantial Evidence
on the record”*

Granting Conditional Uses/Special Exceptions

Interpreting Ordinances

Granting Variances

Approving Subdivisions/Site Plans/Planned Unit Developments*

Issuing Building Permits

LESS DISCRETION

LEGISLATIVE & ADMINISTRATIVE

- **Legislative**

- Zone Map Amendments
- Code Text Amendments
- General Plan Amendments
 - Master Street Plan Amendments
- Master Plan Agreement Amendments
- Development Agreement Amendments
- Annexation Agreement Amendments
- Open Space Bond Fund Contributions
- Plat Amendments
- Plat Vacations
- Street Vacations
- Conditional Uses
- Administrative Decision Appeals
- Culinary Water Connections

LEGISLATIVE & ADMINISTRATIVE

- Administrative
 - Large-scale subdivisions
 - Small-scale subdivisions
 - Rural Preservation subdivisions
 - Density Reduction subdivisions
 - Master Plans (phased developments)

3-19-2024 CC AGENDA

- Resolution 2024-07 / Southill PUD Master Plan Second Amendment - **Legislative**
- Resolution 2024-04 / Ameyalli Resort Master Plan Agreement Amendment - **Legislative**
- Vincent Fields Subdivision / Plat Map Amendment - **Legislative**
- Whimsy Willow Subdivision / Third Plat Map Amendment - **Legislative**
- Vincent Fields Rural Preservation Subdivision / Preliminary & Final Approval - **Administrative**

3-19-2024 CC AGENDA CONTINUED

- Resolution 2024-09 / Vincent Fields Rural Preservation Subdivision Development Agreement - [Administrative](#)
- Springer Farms Subdivision / Plat Map Amendment - [Legislative](#)
- Springer Farms Subdivision / Additional Subdividing of Property - [Administrative](#)
- Ordinance 2024-07 / Setbacks Exemptions for Historic Building Structural Reinforcement - [Legislative](#)
- Old Trace Hollow Annexation / Further Consideration - [Legislative](#)

MAJOR MIDWAY DEVELOPMENTS

- Scotch Fields – Annexation – **Legislative**
- The Reserve at Midway – Annexation Amendment – **Legislative**
- Whitaker Farms – Annexation – **Legislative**
- Southill – Zone Map Amendment – **Legislative**
- Ameyalli – Zone Map Amendment/Open Space Funds – **Legislative**

MAJOR MIDWAY DEVELOPMENTS

- Saddle Creek – Plat Vacation – Legislative
- Lower River Annexation – Legislative
- Appenzell – Plat Vacation – Legislative
- Midway Crest – Culinary Will Serve – Legislative
- The Homestead – Master Plan Amendment – Legislative
- Ameyalli – Master Plan Amendment – Legislative
- Southill – Master Plan Amendment - Legislative

MAJOR MIDWAY DEVELOPMENTS

- Remund Farms – Large Scale Development – [Administrative](#)
 - PUD is a CUP which is quasi-Legislative
- Indian Summer – Large Scale Development – [Administrative](#)
- Haven Farms – Rural Preservation – [Administrative](#)
- Deer Creek Estates – Large Scale Development – [Administrative](#)
- Small Scale Subdivisions - [Administrative](#)

LEGISLATIVE ACTIONS

- 600 North Street Removal – General Plan Amendment –
Legislative
- 200 South Steet Removal – General Plan Amendment –
Legislative
- 100 South Steet Removal – General Plan Amendment –
Legislative
- 185 South Street Vacation – **Legislative**

OPTIONS

1. We reviewed the constitutionality of the law and there is no basis for challenging it.
2. Work arounds include making everything a conditional use (not advisable) or rezoning the entire city to less density and allowing density bonuses if certain criteria is met.
3. Doing either of these would be very extreme, create public outcry, undoubtedly result in unforeseen consequences and invite additional attention and possible draconian control from the state legislature that is even worse than what we have now.



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