

THE GOLDEN RULES

1. The zoning, uses and character of the neighborhood: Factual description of the application area and surrounding property as to existing zoning, land uses, general condition, age of structure, etc.
2. The suitability of the subject property for the uses to which it has been restricted: How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones which might be appropriate for this property?
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g. allowed uses, minimum lot size, height, setbacks, traffic, etc.)
4. Length of time subject property has remained vacant as zoned: Factual information, but its importance may be somewhat subjective. A property might be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, speculation, lack of available services or other development problems.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan: Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?
7. Impact of the proposed development on community facilities: Are water and sewer available for extension? How are roads impacted? Can other community facilities (e.g. police, fire, parks, libraries, schools) handle the increased development? Should be based on factual information referencing standards used to make the determination.
8. Opposition or support of neighborhood residents: This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.
9. Recommendation of professional staff: Should be based on the preceding eight factors, adopted plans and policies, other technical reports (e.g. Capital Improvement Programs, facility master plans, etc.) which speak to the topic and staff's best professional judgement.