

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, May 4, 2021

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a meeting open to the public on Tuesday, May 4, 2021, at 4:30 pm in the City Hall Council Chambers.

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov/planning

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- This is not a question/answer session.

PROCEDURES:

- It is strongly encouraged that public input on agenda items be submitted by sending an email to mraber@sedonaaz.gov in advance of the 4:30 p.m. Call To Order.
- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your Name and City of Residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

Due to continued precautions related to the COVID-19 pandemic, there will be very limited seating for the public within the Council Chambers arranged in compliance with CDC guidelines for physical distancing. Comments in advance of the 4:30 p.m. call to order are strongly encouraged by sending an email to mraber@sedonaaz.gov and will be made part of the official meeting record. Those wishing to comment on scheduled agenda items may be asked to wait outdoors or in an alternate location if there is not adequate seating in Council Chambers. The meeting can be viewed live on the City's website at www.sedonaaz.gov or on cable Channel 4.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
 - a. April 20, 2021 (R)
 - b. April 20, 2021 (SV)
4. PUBLIC FORUM: *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)*
5. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:
 - a. Discussion/possible action regarding proposed revisions to the Sedona Land Development Code (LDC). The proposed revisions include typographical and clerical corrections, changes for clarity, elimination of redundancies and other more substantive revisions to better reflect the intent of the LDC and goals of the Sedona Community Plan. Case Number: PZ21-00004 (LDC).
6. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, May 18, 2021
 - b. Tuesday, June 1, 2021
7. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

MEETING LOCATION:
CITY HALL COUNCIL CHAMBERS
102 ROADRUNNER DR, SEDONA, AZ

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, May 4, 2021

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

8. ADJOURNMENT

Physical Posting: April 29, 2021 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov/planning or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.



Meeting Date:	Public Hearing: May 4, 2021
Hearing Body:	Planning and Zoning Commission
Action Requested:	Recommendation of approval to City Council of revisions to the Land Development Code
Staff Recommendation:	Recommendation of approval to City Council
Applicant:	City of Sedona
Project Summary:	A City-initiated request for revisions to the Land Development Code (LDC). The proposed revisions include typographical and clerical corrections, changes for clarity, elimination of redundancies and other more substantive revisions to better reflect the intent of the LDC and goals of the Sedona Community Plan.
Report Prepared by:	Michael Raber, Senior Planner
Attachments:	Proposed Revisions to the LDC

This agenda item provides for a public hearing and discussion/possible action regarding revisions to the Land Development Code (LDC).

BACKGROUND

The current LDC was adopted in November 2018 following a two year update process. The LDC update was the first comprehensive overhaul of the document since 1994 and represented a significant improvement over the previous Code. As thorough as the LDC review process was, staff understood that additional improvements and revisions would need to be made given the huge scope of the document. Staff therefore began keeping a list of proposed revisions, mostly for purposes of clarification, to bring back to the Commission and Council for approval. In September and October 2019, staff brought the first series of revisions to the Planning and Zoning Commission and Council. In July and September 2020, a second series of revisions went to the Commission and Council. This third series of proposed revisions also reflect staff's experience in working with and applying the Code over the last 2 ½ years.

DISCUSSION AND ANALYSIS

The proposed revisions are attached to this staff report. These revisions are organized by Article and Section in the same order as the LDC and are numbered 1-31. An explanation of the purpose of the proposed change is also provided.

Section 8.6.C.4. of the LDC provides approval criteria for text amendments to the LDC. The criteria state that the Planning Commission and City Council shall consider whether and to what extent the proposed amendment:

- a. Is consistent with the Sedona Community Plan, Community Focus Area Plans, other adopted plans, and other City policies;
- b. Does not conflict with other provisions of the LDC or other provisions in the Sedona Municipal Code;
- c. Is necessary to address a demonstrated community need;
- d. Is necessary to respond to substantial changes in conditions and/or policy; and
- e. Is consistent with the general purpose and intent of the LDC.

Most of the proposed amendments are for clarity, correction or to provide consistency between the Code requirements and intent (e.g. a parcel that backs up to a State highway maybe shouldn't be considered a double-frontage lot). Several other changes are in response to staff's experience in working with the Code. A couple of changes are proposed as updates and a few are in response to new conditions. All of these changes are consistent with criteria "b" and "e": they are consistent with the general purpose and intent of the LDC as well as adopted plans and policies and do not conflict with other LDC provisions. The other criteria are not specifically applicable in nearly all of these proposed changes. In at least one proposed change, additional criteria apply. For example, item #4 in the attached revisions is consistent with criteria a, b, c, d, and e.

In Item #4, it is proposed that within residential zones, parking for non-residential uses (e.g. churches) may be used as overflow parking for trailheads. Trailhead parking facilities are often overflowing and parking is occurring in the nearby neighborhoods. Some non-residential uses, such as churches, have offered to let their parking areas be used for additional parking but there is no current provision in the LDC that would allow it.

In another example of responding to new conditions (#12), a change is proposed in response to recent City Code changes regarding screening of trash containers, which has caused staff to review the location and screening requirements. Since the LDC does not currently address screening of trash containers in residential zones, staff is proposing that trash containers be considered as outside storage and be screened accordingly.

An example of proposed changes in response to staff's experience in working with the Code can be found in the series of changes in items #7, 8, 11, 16 and 17. In this series of changes, landscaping or dense live plant material would no longer be permitted for screening purposes except on a case-by case approval by the Director, where it could provide the same level of screening as a fence or wall (e.g. existing, mature trees). Using vegetation for screening, such as screening of vehicles from the highway, has generally not worked very well, since newly-planted vegetation is typically not dense enough to provide adequate screening.

RECOMMENDATION

Staff is recommending approval of case number PZ 21-00004 (LDC Revisions), consistent with the approval criteria in Section 8.6.C.4. of the LDC.

Public Input

Staff completed the required public noticing for this project and has not received any responses at this time.



Staff Recommendation:

Staff recommends approval of case number PZ 21-00004 (LDC Revisions), consistent with the approval criteria in Section 8.6.C.4. of the LDC.

Recommended Motion for Approval:

I move to recommend to City Council, approval of case number PZ 21-00004 (LDC Revisions), consistent with the approval criteria in Section 8.6.C.4. of the LDC.

PZ 21-00004 - Proposed LDC Changes:

Article 2 – Zoning Districts:				
	Section	Current Language	Proposed Change	Notes
1a	2.2.B through 2.10.B Residential Zoning Districts, Lot and Building Standards	Setbacks do not reference NF/OS setbacks	Add note to B. Lot and Building Standards: <u>Any setback from National Forest or Open Space zoning districts shall be a minimum of 20 feet (per Section 2.24.D.(2)).</u>	Requirement is currently in 2.24.D(2) – adding this note ensures users of the code are aware of the setback requirement
1b	2.11.B through 2.16.B Non-residential Zoning Districts, Lot and Building Standards	Setbacks do not reference NF/OS setbacks	Add note to B. Lot and Building Standards: <u>Any setback from National Forest or Open Space zoning districts shall be a minimum of 10 feet (per Section 2.24.D.(2)).</u>	Requirement currently in 2.24.D(2) – adding this note ensures users of the code are aware of the setback requirement
2	2.24.D(9) Setbacks, Double-Frontage Lots	In the case of double-frontage lots, front setbacks shall be provided on all frontages. (See Figure 2-4.)	Add the following sentence: <u>If one of the frontages is along a major collector, arterial street or highway and the property does not take access from that frontage, the property line along the major collector, arterial street or highway shall not be considered a front setback.</u>	Current language is creating a situation where it could be argued that properties that back up to highways 179 or 89A or a major collector route would not be able to build a 6 foot tall fence along their rear property line – limited to 4 feet because it’s a front setback.
Article 3 – Use Regulations:				
	Section	Current Language	Proposed Change	Notes
3	3.2.E Table of Allowed Uses, Retail Sales and 3.3.C(19) Use-Specific Standards, Commercial Uses. Medical Marijuana Dispensary; Medical Marijuana Dispensary, Off-Site Cultivation Location	Only includes medical marijuana dispensaries	Section 3.2.E. ADD: <u>Recreational Marijuana Establishment Dual License.</u> Section 3.3.C.19. Amend as Follows: a.1. <u>...shall apply to all medical marijuana dispensary and medical marijuana dispensary off-site cultivation locations and dual licensees...</u> a.3. <u>Medical marijuana facilities and dual licensees shall comply with...</u> b. <u>...applicants for medical marijuana dispensary, medical marijuana dispensary off-site cultivation or dual licensees shall provide the following:</u> c. General Standards: c.1. A medical marijuana dispensary, or medical marijuana dispensary off-site cultivation location, <u>or dual licensee</u> shall provide proper disposal of marijuana by products, and not to be placed within the facility’s exterior refuse containers.	Update to be consistent with recreational use and clarification for dual licenses and limiting dispensaries to two within City limits.

			<p>c.4. A medical marijuana dispensary <u>or dual licensee</u> shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.</p> <p>c.5. <u>Medical marijuana dispensaries and dual licensees shall be limited to the use of dispensing medical or recreation marijuana and marijuana products and shall be prohibited from any other or related use including a bookstore, spa, restaurant, or coffee shop.</u></p> <p>c.6. <u>No on-site consumption or smoking of any marijuana or marijuana product shall be allowed at any medical marijuana dispensary or dual licensee location.</u></p> <p>c.9 <u>The number of medical marijuana dispensaries within the Sedona City limits, if any, shall be limited to no more than two. Dual licensees may only operate at a medical marijuana dispensary.</u></p>	
4	<p>3.2.E Table of Allowed Uses, Accessory Uses and 3.4.D Additional Standards for Specific Accessory Uses and Structures</p>	<p>No current provision in the Code for use of parking areas at churches and other non-residential uses for overflow parking for trailheads.</p>	<p>Section 3.2.E. ADD: <u>Parking Facilities as Accessory (A)</u> in residential districts. ADD reference to Section 3.4.D.7.</p> <p>Section 3.4.D. ADD a new subsection <u>(7) Parking Facilities. Within residential districts, parking for non-residential uses may be used as overflow parking for trailheads, provided that the total number of parking spaces is not being increased for this purpose.</u></p>	<p>Trailhead parking facilities are overflowing and parking is occurring in neighborhoods. Some non-residential uses, such as churches, have offered to let their parking areas be used for additional parking, but there is no current provision in the LDC that would allow it. This change would allow nonresidential uses in residential zones to provide overflow parking for trailheads, as long as parking areas are not being expanded for that purpose.</p>
5	<p>3.2.E Table of Allowed Uses, Temporary Uses. 3.5.E(1) Additional Standards for Specific Temporary Uses and Structures.</p>	<p>Christmas Tree and Pumpkin Sales not permitted in residential zoning districts.</p>	<p>3.2.E. Table of Allowed uses. ADD as Permitted (P) in residential districts.</p> <p>3.5.E.(1): Add the following sentence: <u>Christmas tree and pumpkin sales shall not be located on the same property as a single-family residential use.</u></p>	<p>Christmas tree and pumpkin sales have traditionally taken place at churches in residential zones, we realized this year this wasn't technically permitted with the way the code is written. Adding as an accessory use ensures the churches (primary uses) that host these sales can continue to do so.</p>

6	<p>3.3.C(9) Use-Specific Standards, Commercial Uses. Mobile Food Vending</p>	<p>Includes sunset of mobile food vending standards, other provisions that need to be updated based on staff's experience with mobile food vending businesses.</p>	<p>Delete: paragraph a. (the sunset clause) and re-letter remaining paragraphs b. and c. as a. and b. Replace b. as follows: b.1. <u>"No person shall engage in mobile food vending without obtaining a business license. Mobile food vending business license applications shall comply with SCC Chapter 5.05 and shall be accompanied by the nonrefundable business license fee for the first business location and for each additional location where the mobile food vendor intends to operate as listed in the city consolidated fee schedule. A separate license is required for each mobile food vending unit. Business license shall be available with the unit on site for inspection by government officials. If operated on public property (including City rights-of-way), mobile food vendors shall provide proof of liability insurance in conjunction with their business license application...."</u> b.2. No change. b.3. No change b.4. No change b.5.: <u>"Mobile food vendors shall obey all parking and traffic laws. All of the mobile food vending unit shall fit within one parking space. No part of the mobile food vending shall obstruct adjacent parking stalls. During events, mobile food vendors may be restricted from parking sites with insufficient parking capacity".</u> b.6. No change b.7. No change</p>	<p>Originally adopted with a 3-year sunset clause. Mobile food vending has not resulted in significant complaints or code enforcement issues. Additional changes include clarification on business licenses and locations within parking spaces.</p>
7	<p>3.3.C(22) Use-Specific Standards, Commercial Uses, Fleet Services.</p>	<p>Currently landscaping and dense live plant material are allowed to be used for screening.</p>	<p>Amend as follows: c. Where parking of fleet vehicles abuts a public right-of-way, screening shall be provided at a minimum height of four feet by means of a wall, fence, landscaping, dense live plant material,</p>	<p>Using vegetation for screening has generally not worked very well since newly-planted vegetation is typically not mature enough to provide sufficient screening. The proposed</p>

			<p>natural terrain features or a combination of these. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u></p> <p>e. Where a parking area for fleet vehicles is adjacent to a residentially-zoned parcel, the following apply:</p> <p>1. Screening by means of a wall <u>or fence or dense live plant material</u> shall be provided at a height of six feet adjacent to the rear and side setback areas and three feet adjacent to front setback areas of the abutting parcel. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u></p>	<p>change would still allow for the use of vegetation in some circumstances (e.g. existing, mature trees) on a case-by case basis. See also items: #8, 11, 16, 17</p>
8	<p>3.3.C(26) Use-Specific Standards, Commercial Uses, Vehicle Sales and Leasing</p>	See #7. above	<p>Amend as follows:</p> <p>a. Where an area of outside display abuts a public right-of-way, screening shall be provided at a minimum height of four feet by means of a wall, fence, landscaping, dense live plant material, natural terrain features or a combination of these. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u></p> <p>c. Where an area of outside display is adjacent to a residentially-zoned parcel, the following apply:</p> <p>1. Screening by means of a wall <u>or fence or dense live plant material</u> shall be provided at a height of six feet adjacent to the rear and side setback areas and three feet adjacent to front setback areas of the abutting parcel. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u></p>	See #7 above.

9	3.4.D(2)c.2.iv Urban Agriculture, Standards for Keeping of Chickens, Chicken Coop Standards.	Chicken coops can be no higher than six feet in height.	Amend as follows: iv. “The coop height shall not exceed six feet in height <u>within the side or rear setback areas and shall not exceed eight feet in height outside the setback areas</u> ”.	Height requirements should be less restrictive if the coop is outside the side and rear setbacks.
10	3.4.D(4)c Home Occupation, Operations		c.5. ADD: <u>All parking associated with the home occupation shall be on the property. No person shall, as part of a home occupation activity, park, or cause or allow to be parked, a motor vehicle that is visible from a street or adjacent property unless such vehicle is parked upon a driveway on the property that is surfaced with asphaltic concrete, pavement bricks, cement concrete, or a material that is paved, compacted, or chemically stabilized to prevent fugitive particulate matter; provided, however, parking on grass or turf areas shall not be allowed in any circumstance.</u> ADD New item c.8. <u>A business license from the City shall be obtained, as per Chapter 5.05 of the City Code.</u> ADD New item c.9. <u>Hours of operation shall be limited to no earlier than 7 am and no later than 10 pm for any activity which is visible or audible off the property.</u>	Clarification that parking associated with a Home Occupation is to be on the property. Also include clarification regarding business license requirements and hours of operation.
11	3.4.D(5)b.3 Outside Storage, Accessory, Mobile homes, Trailers, and Recreational Vehicles.	No timeframe given for temporary RV parking on-site. Currently landscaping and dense live plant material are allowed to be used for screening.	Amend as follows: 3. All boats, trailers, motor homes, travel trailers, recreational vehicles, and buses shall be kept in reasonable repair and operable and neatly arranged in a parked condition, and <u>with the exception of loading or unloading, shall be screened from adjacent properties and streets by a wall or fence or dense vegetation at least six feet in height and 100 percent opaque, subject to the limitations of fence and wall heights in Section 5.6.E. Dense, mature landscaping may be used to satisfy the screening requirement with approval by</u>	Clarify timeframes for RVs to be parked/not stored on site. Using vegetation for screening has generally not worked very well since newly-planted vegetation is typically not mature enough to provide sufficient screening. The proposed change would still allow for the use of vegetation in some circumstances (e.g. existing, mature trees) on a case-by case basis.

			<p><u>the director, providing the screening achieves a similar level of screening as the previous options.</u></p> <p><u>4. For loading or unloading, such vehicles may be parked on a driveway or street for no longer than 48 consecutive hours during loading and unloading only.</u></p>	
12	<p>3.4.D(5)c Outside Storage, Accessory, All Residential Zoning Districts.</p>	<p>Screening of trash containers is not addressed.</p>	<p>ADD the following as a second sentence and number the current sentence as 1.:</p> <p><u>2. Solid waste and recycling containers are considered outside storage except when set out for collection per City Code Section 8.05.080.A.</u></p>	<p>Recent City Code changes regarding screening of trash containers has caused staff to review the location and screening requirements. Based on feedback from citizens, staff believes that the most desirable direction for this issue is to consider trash containers as outside storage with the same location and screening requirements.</p>
13	<p>3.5.E(4)a.1 Temporary Uses and Structures, Additional Standards for Specific Temporary Uses and Structures, Special Event Frequency and Duration.</p>	<p>Allows for a maximum of ten special events per calendar year, but does not provide for any time period between those events on a given lot or parcel.</p>	<p>Amend as follows: Each lot or parcel is allowed a maximum of 10 separate events per calendar year, each lasting a maximum of three days. <u>At least 10 days must elapse between the end of one event and the beginning of the next on each lot or parcel.</u></p>	<p>Concerns over continuous back-to-back special events has prompted taking another look at event frequency and duration. Recommend at least a ten-day period between events on each lot or parcel.</p>
Article 5 – Development Standards:				
	Section	Current Language	Proposed Change	Notes
14	<p>5.5.E(1)c Parking Alternatives, Credits, and Adjustments, Uptown In-Lieu Fee</p>	<p>Refers to Resolution No. 2020-08 and Ordinance No. 2020-02</p>	<p>Update to Resolution No. 2020-17 and Ordinance No. 2020-05</p>	<p>Update Resolution and Ordinance numbers.</p>
15	<p>5.5.E(2)c.1.i.c Parking Alternatives, Credits and Adjustments, Parking Agreement Required</p>		<p>Add the following new item “c.” <u>An accompanying site plan depicting the exact location and number of shared parking spaces.</u></p>	<p>Provides a very important clarification.</p>

16	<p>5.6.D(3)b Screening; Loading, Service and Refuse Areas.</p>	See #7 above.	<p>3.b. Amend as Follows: In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by a solid wall or fence a minimum of eight feet in height that incorporates at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block) or a vegetative screen planted along the full length of the area to be screened and a minimum of eight feet in height at the time of planting. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options.</u> (See Figure 5-7).</p>	See #7 above.
17	<p>5.6.D(4)a and b Screening; Outdoor Storage</p>	See #7 above.	<p>4.a. and b. Amend as follows: a. Outdoor storage areas that are adjacent to a residential zoning district, a lot containing a residential use in a mixed-use zoning district, public open space, public trail, or public street, shall be screened from view by a vegetative screen or by a solid wall or fence. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options.</u> b. The walls or fence or vegetative screen shall be a minimum of six feet in height, but in any event the walls or fence or vegetative screen shall be higher than the screened outdoor storage and 100% opaque.”</p>	See #7 above.

18	5.6.E(3)c Fences and Walls, Height and Location, Corner Lots. First sentence.	Code is silent on fence height in exterior side yards from the front of primary structure to the front setback	Amend as follows: In single-family residential districts, walls and fences located in exterior (street) side setback areas between the front of a primary structure to the rear property line, shall not exceed six feet in height, <u>and shall not exceed four feet in height between the front of a primary structure and the front property line.</u> ”	Clarify that fences within exterior side setbacks on corner lots cannot exceed a height of four feet in front of the house. (shall comply with height limitations applicable to front setback area walls)
19	5.6.E(7)a.3 Fences and Walls, Materials and Design, Compatible Design.	There is no requirement for posts and rails on picket fences to face the interior of the lot.	ADD: the following new item 3. <u>Posts and rails on solid wood fences shall face the interior of the lot when the fence faces a public street.</u>	Recommend that posts and rails on picket fences face the interior of the lot when the fence faces a public street.
20	5.6.E(7)c Fences and Walls, Materials and Design, Articulation and Alignment	Doesn't apply to walls in rear setbacks that are visible from the selected locations.	Delete the following: Portions of walls or fences that exceed four feet in height and are within the exterior side setback area and face any public street right-of-way, public open space, or public trail shall incorporate the following features to break up the massing... (7)c.2. First sentence: Amend to read: ..., if the wall or fence exceeds 40 feet in length, architectural features that provide visual breaks, such as <u>trees</u> , columns or vertical pilasters, changes in wall alignment, or terracing of walls shall be provided a minimum of every 40 feet.	Apply the same standards for fences regardless of which setback they're in if they're facing a public right-of way or street. This is to address instances where a fence taller than four feet may be allowed in a rear setback facing a major collector or arterial street or highway or a front setback in RS-35 or 70. Will also allow for use of a tree (existing or new) as an option for providing a visual break.
21	5.6.E(8)d and d.1 Fences and Walls, Retaining Walls, Fence or Wall on top of Retaining Wall.	For retaining walls under six feet in height, the combined height of the retaining wall and a fence on top of the retaining wall is only limited by the height of the fence on the high side of finish grade. This also needs clarification.	Amend as follows: If a free-standing wall or fence is required or proposed on top of a retaining wall that is six feet or more in height , then the following shall apply: 1. <u>The combined height of a solid, free-standing fence or wall on top of a retaining wall shall not exceed eight feet when measured from the low side of the finish grade and shall not exceed the height limit for fences when measured from the high side of the finish grade. A solid freestanding wall or fence shall be no more than three feet six inches in height.</u>	Need clarification on retaining wall height vs. fence height within setbacks (i.e. on the unretained side), the fence can be higher than a regular fence that is not retaining anything. Also recommend a combined height limit of eight feet which is also consistent with retaining wall heights before terracing is required.

22	5.7.F(2)a Building Design, Building Form, Building Massing: 1.ii.c. – Single-family Residential 2.ii.c. – Multifamily Residential, and 3.iii – Commercial.	Does not specify width.	ADD the following: ...a minimum <u>width and depth</u> of six feet...	Clarification.
23	5.7.F.(2)c.5.iii Building Design, Building Form, Building Articulation, Transparency.	No allowance for continuous glass walls longer than 20 feet.	ADD the following sentence: Storefront-type glass walls shall not extend in a continuous unbroken façade longer than 20 feet. <u>The Director may waive this requirement if the design of the site and/or building provides a break in the visual appearance of the façade</u>	The Code does not make an allowance for a continuous, unbroken glass wall longer than 20 feet even though the design of a building itself may create the desired break. For example, the intent of this section could be met by the wall being recessed under an oversized overhang, posts and railings in the foreground, or landscaping between a wall and the street.
Article 6 – Signs:				
	Section	Current Language	Proposed Change	Notes
24	6.9.C(2)e.6 Drive Thru Board Signs	A maximum of one sign per drive thru restaurant is permitted.	Delete “Restaurant”	There are other types of drive-thrus
Article 8 – Administration and Procedures:				
	Section	Current Language	Proposed Change	Notes
25	8.6.B(3)g.4.ii.c, g.,h. Rezoning to Planned Development District, PD Plan Amendments, minor amendments	Criteria for defining a PD amendment includes that the gross square footage of non- residential building area shall not be increased by more than 10%.	Add the following: c. The gross square footage of non-residential building area shall not be increased by more than 10 percent <u>or 2,000 square feet, whichever is less.</u> g. <u>No prior minor amendments have been approved.</u> h. <u>The number of lodging units shall not be changed.</u>	There is a need to provide better defined parameters over what constitutes a minor amendment. Place a square footage limit on non- residential expansion, clarify that adding lodging units is not a minor amendment, limit the number of times a PD minor amendment may be considered.
26	Section 8.8.B(5) Minor Modification, Approval Criteria	Says “Variance” Instead of “Minor Modification”	Change “variance” to “minor modification” throughout this subsection	Typographical error

Article 9 – Definitions:				
	Section	Current Language	Proposed Change	Notes
27	9.3 Terms of Measurement – Fence Height	LDC currently does not specify how fence height is measured.	ADD the following: Height, Fence. Fence height is measured as the vertical distance <u>from the average elevation of the finish grade within six feet of the base of the fence to the top of the fence exclusive of any filling, berming, mounding or landscaping done for the purpose of locating the fence.</u>	Clarify how fence height is measured and that additional berming for purposes of increasing the fence height is not permitted.
28	9.4.C Commercial Use Definitions, Lodging, High Density	High Density lodging does not include the more recent language that was added to low and medium density lodging definitions.	Lodging, High Density Revise the first sentence as follows: A building, or portion of a building containing or <u>buildings consisting of</u> seven or more units offered for transient lodging accommodations at a daily rate and that meets the standards in Section 3.3.C(14)c Revise the third sentence as follows: This use includes hotels, motels, timeshares, boarding house, bed and breakfast, <u>cottages, bungalows</u> and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities	These changes are to be consistent with changes made to low and medium density lodging definitions.
29	9.4.C Commercial Use Definitions, Retail Sales – Dual Licensee	Only includes medical marijuana dispensaries.	ADD the following: Dual Licensee Dual licensee means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.	Update to be consistent with recreational use and clarification for dual licenses and limiting dispensaries to two within City limits.
30	9.9 Other Defined Terms – Kitchenette		Kitchenette Amend as follows: A space where food is cooked or prepared that contains only a sink and a refrigerator, and does not include a gas connection, built-in stove or , oven, <u>or any other built-in appliances</u> or an electric outlet for 220 voltage.	Need to amend based on new 110 appliances.

31	9.9 Other Defined Terms – Inoperable Vehicle	There is no definition for inoperable vehicle in the Code.	ADD the following new term: <u>Inoperable Vehicle</u> <u>A vehicle which exhibits one or more of the following conditions: physically incapable of operation, wrecked or partially dismantled or with broken windows, on jacks, blocks or similar equipment, abandoned, unable to be legally and safely operated, deflated tires, or from which the chassis, engine, wheels or tires have been removed.</u> CHANGE: Inoperable cars to inoperable vehicles in Sections 3.3.C.(23), (24), (25), (27)	The term inoperable car is used in the Code and there are at least a couple references to vehicles needing to be operable, but no definition is given.
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