

ATTACHMENT B

SIMPLIFICATION PROJECT KEY ISSUES

The following is a list of changes that are being reviewed that are either specifically mentioned in the scope of work or are supportive of the integration of documents and simplification goals.

PAST ISSUES TO BE INCORPORATED IN PRELIMINARY FINAL DRAFT

These issues were conveyed to Mayor and Council on October 22, 2009 as part of a project update. Mayor and Council directed these items be pursued as part of the simplification project. Note those in **bold** have been updated based on further review.

- Transitional Regulations- This is a necessary recounting of what happens to pending items after the adoption of the UDC. Issues include addressing pending board of adjustment cases, pending applications, on-going zoning violations, future non-conforming uses, decision on potential use of a dual code system its components and time frame. The City Attorney's office is reviewing options to assure a successful transition strategy.
- Meeting Adjustments - Board of Adjustment /Planning Commission meetings adjustment language from "shall meet every month" to "shall meet every month unless there are no cases to hear".
- Use List - Use list changes to adapt to the new code format and as named in the scope of work. There is a need to redo the use list to fit the framework of the new code. We have checked and will continue to check for consistency with the current use list.
- **Dimensional System Replacement - Development Designator system will be eliminated per the scope of work direction. The zone by zone dimension system will incorporate a set of fixed dimensions and use compatibility standards to address adjacency issues with existing residential development. This change may cause some loosening and possibly tightening of dimensions in certain situations. The addition of compatibility standards is intended to mitigate impacts of adjacency.**
- **Compatibility Standards - Residential compatibility standards are part of the Development Designator replacement strategy. This potential standard can address residential adjacency by reducing intrusions onto adjoining existing residences where dimensions may be loosened.**
- Historic Preservation Zone (HPZ) Appeals – This item is a recommended change involving the Design Review Board (DRB) and HPZ appeal reviews. This change

will remove the DRB review and instead direct miscellaneous HPZ appeals to the Board of Adjustment and HPZ demolition of contributing structure appeals to the M/C.

- Department Reorganization – The Duties of the Planning and Development Services Department and Housing and Community Development Department have been amended to reflect the recent reorganization.
- **Design Professional – This change will combine the two newly created positions of Design Professional (neighborhood preservation review) and Design Examiner (flexible lot development) into one position that keeps the duties of the two previous positions the same. Further, the provisions will be made clearer to allow for the option of appointing of multiple Design Professionals.**
- **Development Plan – The two sections of site plan and development plan have been consolidated yet the basic development review procedures remains intact. Staff is reviewing how to further clarify the development plan procedures and review how to best define terms such as development plan and site plan to make it easier for staff and the public to understand the terms’ applicability.**
- Submittal Criteria – There are code drafting techniques that will allow the UDC to more succinctly state procedures while moving the more policy oriented submittal criteria to the to-be-developed Administrative Manual. This change will allow for a simpler UDC document and allow submittal criteria to be more flexible as policy.
- Rezoning Reference – This change involves the consolidation of rezoning process to reduce the current redundancies that exist in various parts of the current LUC and Development Standards. This revision includes clarifying Mayor and Council duties.
- **Land Split – This change attempts to reorganize and edit land split, subdivision standards procedures to be clearer and less redundant.**

ISSUES REVIEWED TO BE ADDED TO PRELIMINARY FINAL DRAFT

The following are issues being raised as there is continued internal review of drafts from the consultant. Staff recommends these issues come forth in the preliminary draft of the UDC.

- Clarify rezoning substantial change applicability;
- Clarify text amendment procedure;
- Remove overlapping public comment period requirement from rezonings. This change would remove an awkward provision that is out of sync with the neighborhood meeting, public notice and public hearing steps of the rezoning

process. The above meets the State requirements for notice and should be sufficient notice for any affected property owner who wants to submit a written protest or attend a public hearing and protest. All the adjoining property owner's rights are protected;

- Apply notice posting to public hearings only. Full notice already has a 15 day notice. It is not an efficient use of staff resources in financially difficult times;
- Make rezoning staff reports available online and offer a mailed hard copy. Currently we mail everyone a hard copy. The use of online information is the trend in public communication and a better use of staff and financial resources;
- Clarify that neighborhood meetings are intended for privately-initiated applications going to public hearing as well as adoption of neighborhood plans and similar plans. Mainly their purpose is to go over specific aspects of a development proposal. Text amendments are best handled through citizen committees getting input on a broad policy matter vs. handling them the same way we handle specific site preliminary plan's impact on an area.
- Move zoning interpretation appeals section to the Zoning Administrator authority section. This change consolidates two companion items for ease of use.
- Article 8 (Subdivision Standards) is being revised to reduce redundancy, vagueness and to better reflect clarity of meaning, current development review practices and alignment with State Statutes. Further, the flexible lot design standard is being placed in a separate but related article called 8-A for ease of use and numbering.
- Use an eighth of a page display ad as a public notice option for specific plans other than neighborhood, area, sub-regional and redevelopment plans.