

Narrative

Introduction

Since adoption of Ordinance No. 2022-15, Planning Staff has implemented the Land Development Code daily and, through that implementation, has uncovered some necessary changes. The tables in this document will lay out the changes by type and include the need and/or justification for each. All changes in this group are from Chapter 87.

List of Changes

Code Section	Change	Reason
SECTION 1		
1.9.3.B.1.l	Clarify environmental requirements for site and development plan submittals	There are multiple types of environmental assessment that may be required depending on circumstances related to the project. This change also aligns with recent decision criteria wording changes through 26-08AM.
1.10.1	Adding .1 to the end of the section	Previous changes to the plat process accidentally eliminated the correct numbering so that there were two sections labeled 1.10
1.10.1.B.1.r	Clarify environmental requirements for preliminary plat submittals	There are multiple types of environmental assessment that may be required depending on circumstances related to the project. This change also aligns with recent decision criteria wording changes through 26-08AM.
SECTION 3		
3.1.1.D	Remove compatibility standards reference from height exception	There are no height standards in the compatibility section. Initial drafts of the code before adoption included some height standards in Section 4, but they were removed from the drafts and this section was never updated accordingly.
3.1.2.D	Making cul-de-sac design eligible for design alternative request	Some projects have requested/preferred a T-turnaround design due to space constraints and these have been acceptable to the Fire Marshal
3.1.4.A.1 & .3	Clarify that driveways should be on lesser street types for corner and through lots, not front yards	The front yard is not relevant to the street type. Driveway is more appropriate because the purpose is access management related to cars entering the roadway.
3.1.4.A.3	Clarify that entrance is in the front yard, not entrance and driveway	This code also applies to existing properties, especially single-family homes, and the front entrance is not always on the same side as the driveway (existing or new development). Practically, this design is not an issue, but the

		current wording causes issues for zoning reviewers and applicants.
3.1.9.C.1	Remove reference to variances for pools in front yards	It is implicit that any standard that cannot be met (except prohibited uses) can be requested for approval through the variance process.
3.5.2.A.7	Allow three flagpoles per property	Requests for multiple flagpoles have been frequent and there is no practical reason to deny applicants 1-2 additional flags.
3.5.2.A.13	Allow non-advertising signs on private property	This sign type is common and was missing from the current code. These are not commercial signs and typically provide useful information.
3.5.2.C.5	Limit temporary sign placement to once per six months	The current code allows 30 consecutive days, which can result in nearly permanent placement of temporary signs as long as the sign owner removes them for one day per month.
3.6.1.A.4 & .5	Update references to Alternative Vehicle Parking Provisions and tables for Parking Requirements by Use	These references were incorrect
Tables 3.6.1 & .6	Add rates, including minimums and one maximum (commercial), for bicycle parking	Multifamily, commercial, and office uses are appropriate for bicycle parking infrastructure, and providing this type of parking at a reasonable rate is a benefit to the overall transportation system and environmental quality in the city by encouraging non-automobile trips. Multifamily uses should have long-term (secure) parking facilities for residents, whereas office and commercial should have short-term facilities for employees and customers. Non-residential uses can also provide long-term parking if desired but are not required to do so.
3.6.5.A.21	Add design standards for bicycle parking	Details are needed to ensure that these parking facilities are usable (safe for riders and pedestrians, visible, secure, and – especially for long-term parking – sheltered from weather)
3.8.1.C	Allow design alternatives for height in residential districts (<i>see related changes in 3.8.4</i>)	This was moved from Section 7 as it should apply more generally to all fences, rather than only fences in the architectural control districts
3.8.1.C.1	Allow additional materials for safety purposes (<i>see related change in 3.8.3.B.1</i>)	Some uses require more security than the standard materials allow, including essential services, government, and outdoor storage
3.8.1.C.7	Allow design alternative to request no wildlife break in a fence for properties where security is critical	Some uses require more security, including essential services, government, and outdoor storage, and a break in the fence negates the purpose of the fence in these cases

3.8.3.B.1	Allow three-strand barbed wire in certain situations	Some uses require more security than the standard materials allow, including essential services, government, and outdoor storage
3.8.4.A.1 & .2 & 3.8.4.B.1.a	Allow design alternatives for fence height above 6’ but no higher than 8’ (open fencing only for residential front yards, any type for all other circumstances)	This was moved from Section 7 as it should apply more generally to all fences, rather than only fences in the architectural control districts. The requirement for open fencing in residential front yards is maintained.
SECTION 7		
7.8.1.E	Remove expiration date for Certificate of Architectural Compliance (CACs)	CACs should not expire and should only need to be revisited if the design changes. Particularly for multifamily, office, or commercial, site plan approval timeframes can mean a CAC expires before the project is even fully approved for development through no fault of the owner/applicant
7.10.9.D	Remove design alternative for fence height	This should be in the general fence standards in Section 3 and has been moved accordingly
SECTION 9		
CORRECTIONS	All commercial use definition references renumbered	After removal of distinction between retail uses by size, the definitions were never renumbered to match Section 2
ADDITIONS	Bicycle Parking, Long-Term Bicycle Parking, Short Term Bicycle Parking Space	Needed to explain details of bicycle parking requirements
	Littoral zone	Needed for implementation of Chapter 87, Section 2.8.3 – Major and Minor Permits for Structures over Water
SUBTRACTIONS	Base Flood Elevation Floodplain Administrator Floodplain Development Permit Floodway Halfway House Highest Adjacent Grade Retail Sales and Service (Single User 65,000 square feet or larger) Stop Work Order Substantial Damage Substantial Improvement Substantial Modification	Used only in Chapter 88 (Building Regulations) or not at all (“Halfway House” and “Retail Sales and Service (Single User 65,000 square feet or larger)”))
OTHER	Add “however, such equipment shall not be permitted in front yards” to Mechanical Equipment	Clarifying regulation needed for permit review