

Mayor
Rhonda Haight

City Council
Angie Arp, Mayor Pro Tempore
Jack Taylor
Christy Kay
Bill Bivins
William Whaley



City Administrator
Eric M. Soroka

City Clerk
Amy Mintz

City Attorney
Chuck Conerly

City of Blue Ridge
Workshop Meeting Agenda

August 3, 2022

5:00 p.m.

Blue Ridge City Hall (Conference Room)

480 West First Street

Blue Ridge, Ga 30513

- 1. Call Meeting to Order**
- 2. Review of Land Use and Zoning Code**
- 3. Adjournment**

Our Mission Statement

Our mission is to enrich the quality of life in Blue Ridge for all our citizens. We pledge to work in partnership with our residents, all stake holders and the Fannin County government to protect, preserve and secure the quaintness of our small-town community and to enhance the natural beauty of our environment.

MEMORANDUM

TO: Eric Soroka
FROM: Paige Hatley, AICP
DATE: July 26, 2022
RE: Third-party Assessment of the Blue Ridge Land Use Code¹

The following is a summary of recommended areas of attention for the City's consideration when making future updates to the Land Use Code. The recommendations pertain to content, formatting and organization of the current document and are organized by chapter name.

Some of the findings are based on the need to update requirements for conformance with state and federal case law and regulations, while many others are suggestions to improve administration of the codes by City staff and ease of use by the public. As such, the bulleted recommendations shown below would require further discussion with staff. In addition, the findings are not intended to identify a complete list of changes that may be needed or desired by the City to address existing or emerging issues pertaining to zoning and development.

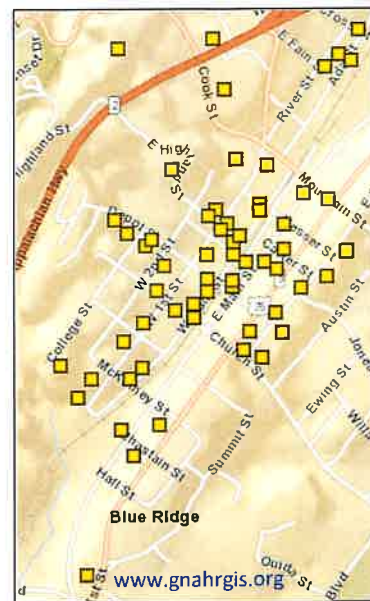
Chapter 115 – Historic Districts

The following recommendations are intended to enable the City to protect specific historic resources as well as an area's historic character through review of proposed new building construction, additions, exterior alterations, demolition, and/or relocation within a **locally designated historic district**:

- Update entire chapter to follow the State's Model Historic Preservation Ordinance www.dca.ga.gov/sites/default/files/model_historic_preservation_ordinance.pdf
 - This will ensure compliance with the Georgia Historic Preservation Act
 - The updated requirements will clarify that the City (Council or the Historic Preservation Commission) may propose designations of local historic district(s); as it stands, Sec. 115-56 appears to indicate that only a historical society, neighborhood association or group of property owners may apply for designation, although previous sections touch on the Historic Preservation's Commission ability to do so
- After updating Chapter 15, the City should lay the groundwork for designating a local district for the downtown area, which is delineated in the ordinance; key initial steps are appointing a Historic Preservation Commission (HPC) and preparing an updated historic resources survey
 - Based on a review of Georgia's Natural, Archaeological, and Historic Resources GIS (GNAHRGIS) database, a survey was conducted about 30 years ago: www.gnahrgis.org/

¹ Specifically: Chapter 115 – Historic Districts, Chapter 125 – Zoning Administration and Enforcement, Chapter 130 – Landscaping, Chapter 135 – Subdivision Regulations, Chapter 140 Zoning (numbering is based on how the codes are presented in Municode)

- An updated survey will be required and can be prepared by qualified volunteers or a consultant www.dca.ga.gov/georgia-historic-preservation-division/consultants-directory, although I recommend first reaching out to UGA's FindIt Historic Resource Survey Partnership at <https://ced.uqa.edu/psd/findit/>
- The survey can be used to determine the district boundaries (which may end up following the DDA boundaries) and help craft a required "Statement of Significance" that will be reviewed by the State Historic Preservation Division (HPD)
- The district would ultimately be established with the adoption of a Designation Ordinance following a public hearing
- The HPC can then function as a design review board, using design guidelines to evaluate "material changes in appearance"²; a set of tailored design guidelines should ideally be developed, but the Secretary of Interior's Standards for Rehabilitation may be used as an interim resource <https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>
- Project approval is granted by the HPC via a Certificate of Appropriateness (COA), which is required prior to issuance of any building permits
- With the updated Historic Preservation Ordinance in place, as well as an active HPC and a current historic resources survey, the City is eligible to apply to the Certified Local Government (CLG) program; this program allows participating communities to apply for dedicated federal historic preservation grant funds and receive technical assistance to further local preservation goals: https://www.dca.ga.gov/sites/default/files/clg_application_and_procedures.pdf



Another approach to regulating design is through the **CBD zoning district regulations**, which could be updated and expanded to provide additional building and site design standards. This is especially true if the City is only concerned with the design of new construction, since zoning would not regulate exterior alterations, demolition or building relocation. CBD-specific sign standards could also be expanded and strengthened, if needed.

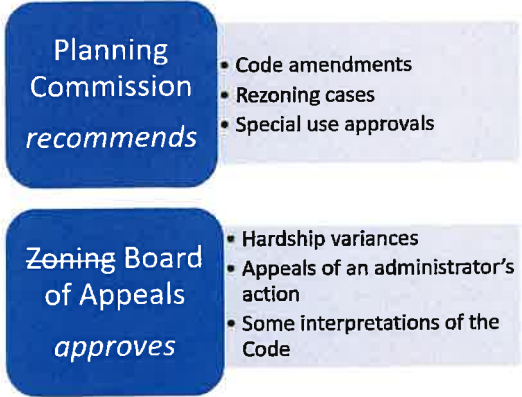
A third approach utilizes both the historic district designation and updated zoning regulations to achieve the City's goals. A newly created historic district would enable comprehensive design review, and CBD zoning updates could be focused on ensuring uses are appropriate for the area (see Sec. 140-341 *Table of permissible and conditional uses*).

² Includes all changes that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district. Primary examples are provided on the previous page.

Chapter 125 – Zoning Administration and Enforcement

- Address administration and enforcement under Chapter 140, Article I; the content in this chapter is primarily focused on zoning procedures
- Reconcile, update and present in one place Chapter 125 and Chapter 140, Article XXIII – Amendments; there is redundant information in Chapter 125, adopted in 2000, and Chapter 140, Article XXIII - Amendments (2018), as well as some variation in processes for zoning decisions (rezoning and special uses) such as a more substantial application packet required under Chapter 140
- Pull out the definitions and create a stand-alone article that compiles all terms from the Land Use Code; most of the terms in this chapter relate to processes or agency functions that are described elsewhere in the code and should not be included in a set of definitions
- NOTE: the definition of “zoning decision” has been expanded by a 2022 amendment to the Zoning Procedures Law (ZPL) to include the “grant or denial of a variance or conditions concurrent and in conjunction with a decision” to adopt or deny an amendment to the zoning ordinance to rezone property or to grant or deny a special use permit
- Apply only the term “special use”, as opposed to “conditional use”, which is used interchangeably with or in conjunction with “special use” throughout the code – the latter is consistent with the terminology used in the Zoning Procedures Law (“the grant or denial of a permit relating to a *special use* of property”)
- Clarify the meaning, use and need for “special exceptions”, which is sometimes treated by localities as synonymous with “special use” (see above), but it is identified under Sec. 140-640 as addressing specific instances where interpretation of the Zoning Ordinance is needed by the Zoning Board of Appeals (ZBA); in addition, it appears to be used as a type of non-hardship variance from off-street loading requirements (Sec. 140-509), building appearance standards (Sec. 140-17) time limits on temporary placement of a manufacture home (Sec. 140-18), and telecommunication requirements (Sec. 140-342), all subject to review by the ZBA
 - o If the “special exception” mechanism is intended to be used in this manner – in other words, a “special exception variance” as opposed to a “hardship variance” – the circumstances under which it can be applied needs to be clearly defined, and standards for approval by the ZBA need to be provided; consideration should also be given to establishing a process for administrative approval by staff of certain minor variance requests
 - o Also, consider assigning the responsibility of interpreting the Zoning Ordinance (and the entire LUC) in all instances to the designated City staff person (“City Administrator or designee?”), as opposed to the ZBA; an appeal to decisions regarding interpretation can then be made to the ZBA, if needed

- Related to the previous two bullets, confirm and clearly identify the roles of the Planning Commission and the ZBA; recommend ZBA be changed to Board of Appeals to function as an appeals body for the entire LUC, not just the Zoning Ordinance
- Consider consolidating the Planning Commission and ZBA into a single body = Planning Advisory Commission?
- Clarify that text amendments to the code may be initiated by City Council, and map amendments (i.e., zoning decisions) may be initiated by City or Council or a property owner the owner's designated representative; the current language indicating 60% of property owners may initiate an amendment specifically pertains to zoning of property proposed to be annexed
- Confirm which amendments are required to be reviewed by the Planning Commission: amendments to the "zoning chapters" of Chapters 125 and 140 in accordance with current practice? or all LUC amendments? (or, allow the staff member charged with administering the LUC to use their discretion in submitting text amendments?)
- Create a dedicated section that outlines the annexation process, which includes updated notification procedures by the City per recent changes to State law; specifically, the City has up to 30 days to notify the County and the Fannin County School System of the City's acceptance of an annexation petition
- Update the public hearing process in accordance with 2022 ZPL amendments to clarify that when there is a proposed combined action of a rezoning and variance or a special use and variance, only one hearing is required to address the concurrent actions
- Confirm the City desires not to hold a public hearing before voting on zoning and special use applications; the current practice described in Chapter 125, whereby the Planning Commissions holds the one and only hearing, is consistent with state law (a local government must "provide for a hearing on the proposed action"), but does City Council also want to provide an opportunity for public comment prior to the final zoning decision?
- Update public hearing and notification requirements to reference new Sec. 36-66-4(h) of the ZPL, which outlines a process for text amendments that would alter single-family zoning classifications for the purpose of allowing multifamily uses or that would abolish all single-family residential zoning classifications; the same process would apply to proposed City-initiated rezoning of all property zoned for single-family residential uses to multifamily
- Confer with City Attorney to determine whether the state-mandated public hearing requirement for proposed zoning decisions related to halfway houses / drug treatment dependence facilities (per the Zoning Procedures Law) should be inserted (it would be moved here from Chapter 140, Sec. 140-341 of the LUC), as it may violate the Americans with Disabilities Act and the Rehabilitation Act
- Update, consolidate and expand the policies and procedures governing the conduct of public hearings by integrating the following steps into the process (as presented under Chapter 125 and Chapter 140, Art. XXIII-Amendments), with the intention that a single process apply to ALL public



hearings – those that are quasi-judicial in nature (variance applications) and legislative (zoning decisions)³:

- Have Official Zoning Map and Future Land Use Plan at the meeting
- Staff explains the case / submits the assembled record of the application, including the staff report and recommendation
- Applicant presents after the staff member
- Allow both sides to introduce evidence and provide witness testimony
- Allow for cross-examination of opposing sides
- Require all documents be marked as exhibits
- Reduce all decisions to writing – both the Planning Commission and City Council should adopt findings of fact supporting their decision
- Record the proceedings on tape or other media; allow appellant or any person in opposition to the request, at their expense, to have the hearing transcribed by a court reporter

The reason for incorporating the above steps into the existing process under Sec. 125-7 is because recent GA court decisions and amendments to the Zoning Procedures Law now treat special uses – a type of zoning decision – as a quasi-judicial decision (like a variance request), and appeals of quasi-judicial decisions are based on the record of the public hearing before the local government; no new evidence is presented at trial. Accordingly, it is important to compile sufficient documentation before and during the public hearing. Since special uses are now treated as quasi-judicial vs. legislative decisions (which all other zoning decisions are⁴), the public hearing requirements for special uses and variance applications should be the same. To streamline processes and because the courts have already identified one type of zoning decision as quasi-judicial in nature, it is proposed that the public hearings for all other zoning decisions *also* be conducted in the same manner as special uses and variances.

- Update zoning standards used to consider any zoning map amendment to include the following “Guhl Factors” (Guhl v. Holcolmb Bridge Road Corp., 238 Ga. 322, 1977; reinforced in Diversified Holdings, LLP v. City of Suwanee, 302 Ga. App. 597, 2017):
 - Existing uses and zoning of nearby property;
 - The extent to which property values are diminished by the particular zoning restrictions;
 - The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
 - The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 - The suitability of the subject property for the zoned purposes; and

³ Discuss proposed approach with City Attorney

⁴ The adoption or repeal of a zoning ordinance, the adoption of a text amendment, the adoption or denial of a rezoning, and the adoption or denial to zone property to be annexed into the municipality

- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property
- Add standards for text amendments, to be applied by the Planning Commission and City Council in their evaluation
- Address “conditions of approval” (aka “conditional zoning” or “zoning conditions”) that may be imposed by City Council as part of a zoning approval. This new sub-section would identify examples of conditions as well as the steps needed to ensure the conditions are valid and enforceable, as follows:
 - The conditions must be included in the motion approving the zoning;
 - They should be conditioned to the site plan; and
 - The conditions can only be amended by rezoning action
- Address Development of Regional Impact (DRIs) for proposed development projects that meet or exceed the GA Department of Community Affairs’ (DCA) development thresholds; cite the Rules of Georgia Department of Community Affairs, Chapter 110-12-3 Developments of Regional Impact for details on the application process

Chapter 130 – Landscaping


- Article I. – In General
 - Remove requirements that aren’t unique to this chapter (i.e., pertaining to jurisdiction, conflict with other laws, and interpretation and rules of construction); these should instead be consolidated in one place to be applied to the Land Use Code in its entirety
 - Update definitions to ensure all unique terms used in the regulations are included (e.g., “caliper”) and to remove embedded regulations or detailed information that should be presented later in the chapter (e.g., definitions for “ground cover” and “landscape plan”)
 - The titles of “arborist” are “planning officer” are used – is there a city arborist or individual who acts in that capacity? And, should “planning officer” be replaced with “zoning administrator”?
 - Identify and clarify applicability of the Chapter’s standards, including specific exemptions – this isn’t described until Article III and is unclear. For example, Sec. 130-58 - *Side yard landscape strip* states the section applies to “nonresidential and commercial development”, which is partially redundant, and that development in R-2 and R-3 districts requires landscaping; however, those are residential zoning districts
 - Consider referencing Native Plants for Georgia Part 1: Trees, Shrubs and Woody Vines (UGA Extension) and USDA’s Hardiness Zones, either as a substitute for the lists of allowed species, or confirmation that the listed species are appropriate; see also the Georgia Forestry Commission’s *Recommended Community Tree Ordinance Tree Conservation Standards* (referenced on the next page)

- Article II. – Administrative and Procedural Issues
 - o Require a developer/builder to maintain a City-approved and stamped landscape plan on-site, either as an independent plan or an approved set of site plans, to facilitate inspections
 - o Specify that landscape improvements shown on an approved landscape plan required for a building permit may require a separate building permit (e.g., retaining wall greater than 4 feet in height)
 - o Variances from the requirements of the Land Use Code and Appeal of an administrative decision or interpretation of the Land Use Code should be decided by the same body; City Council is identified here, while the Zoning Board of Appeals and Planning Commission are shown elsewhere in the Code

- Article III. – Development Landscaping Requirements
 - o Consider higher minimum standards: for example, 10' (vs. 8') frontage landscape strip; 2.5" minimum caliper at time of tree planting (vs. 2") in parking lots or along street frontage; tree planting every 30' or 35' (vs. 40') within a frontage landscape strip; 400 square feet of planting area (vs. 100) to adequately accommodate the root zone of overstory trees
 - o Incorporate standards from Article XIII. – Screening and Buffer Requirement, Chapter 140 – Zoning and change Chapter 130 heading to **Buffers and Landscaping**
 - Increase minimum buffer widths between residential and non-residential uses
 - Expand maintenance requirements to include posting of a maintenance bond or other acceptable surety guaranteeing all required landscaping materials for a period of at least one year; following inspection prior to the end of this time period, the surety will be released only when required replacement materials (if applicable) are planted. And, in no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted.

- Other: Consider further expanding the scope of the regulations to result in Chapter 130 - **Buffers, Landscaping and Tree Protection**. The extent of the regulations would be based on local goals: is it addressing tree loss resulting from new development? Then tree planting and protection standards should be adopted. If the loss of old growth and tree canopy on developed property is an issue, then tree removal permits (with or without a fee) are one approach to consider.

The Georgia Forestry Commission resource is useful for strengthening existing landscaping regulations *or* expanding the scope of existing regulations as noted above.

 GEORGIA FORESTRY COMMISSION	Recommended Community Tree Ordinance Tree Conservation Standards
Section 1: Tree Conservation & Protection during the Land Development Process	
Planning Pre-land Disturbance Site Preparation Protection of Critical Root Zones and Root Plates Tree Protection during Construction Tree Protection Fencing Follow-up Maintenance	
Section 2: Design Standards for Trees	
Street Trees Parking Lot Trees Buffers	
Section 3: Tree Selection and Planting Standards	
Standards for Selecting Quality Trees Planting Standards for Trees Undesirable Tree Species List	
Section 4: Tree Removal	
Section 5: Recommendations for Utility Corridors	
Section 6: Tree Care and Maintenance Practices	
Tree Pruning Tree Mulch Soil Environment Fertilization Irrigation Pest Management	
Section 7: Suggested Tree Selection List	

Chapter 140 – Zoning

– Article I. – In General

- Address adoption, purpose, applicability, administration, and enforcement of the Land Use Code in its entirety by consolidating this article, Art. XXIV – Legal Status Provisions, Art. XXI – Remedies and Penalties, Art. XIX – Nonconforming Uses, Chapter 100 – General and Administrative Provisions, and any other applicable section from Chapter 140 and other LUC chapters
- Pull out the definitions section and create a stand-alone article that compiles all terms from the Land Use Code in one place; it may be appropriate to also list and define the terms in articles with numerous unique definitions to aid with administration and interpretation of those regulations more readily (e.g., signs and/or landscaping articles)
 - Remove terms from the definitions section that are not used in the Land Use Code (e.g., “anatomical areas”, “floating zone”), that are described in their respective article or section (e.g., “conservation subdivision”, “conditional use”), or that include regulations in the definition (e.g., see “hotel”, “loading space”); definitions should be focused on terms that are essential for administering and interpreting the code or that have a meaning that is unique to the LUC
 - State that the meaning of words and phrases not defined in the LUC can be further clarified by use of the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce and the New Oxford American Dictionary (or other that may be preferred by the City)
- Confirm the primary staff member (to include “or designee”) who is responsible for administering, interpreting and enforcing the LUC; include all roles assisting with administration, if applicable, and include a provision allowing consultation with the City Attorney and/or others in arriving in interpretations
- Establish a process for providing notice of violations; notice must be in writing and must cite the violated code section in the LUC
- Confirm with the City Attorney that the sections pertaining to penalties and remedies are current
- Insert and update Art. XIX – Nonconforming Uses for consistency with GA case law
 - Address and define nonconforming uses, buildings, structures, lots and signs
 - Clarify language regarding termination of a nonconforming use to remove the issue of the property owner’s intent to abandon it: “. . . no nonconforming use which has been discontinued for a continuous period of 12 months shall be reestablished, regardless of any reservation of an intent not to abandon.” (The Ansley House, Inc. v. City of Atlanta, 260 Ga. 540, 1990).
 - Is there a need to strengthen the existing regulations? For example, ensuring that nonconforming uses cannot be expanded on the same lot by stating: “No such non-conforming use of land shall in any way be extended, either on the same or adjoining property.” (Henry v. Cherokee County, 290 Ga. App. 355, 2008)

- Is there a desire for the ZBA to continue to determine the existence of a nonconforming use, as opposed to the staff person designated with administering and interpreting the LUC?
 - Move specific regulations pertaining to land use and building or site development (building height, accessory uses, appearance standards, and supplementary use regulations)
 - Review roof and exterior cladding materials under the “Appearance Standards for Single-Family Dwellings” relative to the City’s goals (durability, aesthetics, location...?)
- Article II. – Zoning Districts and Boundaries
 - Incorporate validity of prior approvals and actions from Art. XXIV, Sec. 140-695
 - Address district boundary interpretation when a boundary divides a lot by having the classification of the greater portion prevail throughout the lot
 - Expand general provisions to address adoption, amendments, and replacement of the Official Zoning Map, as well as required conformity with zoning district regulations
- Articles III, IV, V, VI – Residential zoning districts
 - Evaluate allowed uses and densities relative to the Future Land Use Map (2022 draft; future residential uses are oriented to detached single-family), development patterns, and infrastructure (W/S) availability
 - Accordingly, better define and differentiate the districts to ensure the desired residential character is protected and promoted -- with the exception of R-1, all residential zoning districts currently allow higher density residential uses (townhomes in R-A Residential Agriculture; all attached dwelling types in R-2 except for apartments; all dwelling types in R-3)
 - Consider:
 - R-A = agricultural and detached single-family (on the largest min. lot size of all of the categories)
 - R-1 = low density residential; detached single-family
 - R-2 = moderate density residential (i.e., smaller min. lot size than R-1); detached single-family
 - R-3 = high density residential, allowing townhouses and multifamily (two dwelling units and up) and manufactured home parks
 - Under the current regulations, PUD allows the potential for a mix in housing types and density in the R-A and R-2 districts
 - Confirm uses allowed by right (“permissible”) vs. those requiring special use approval (“special use” or “conditional use”)

- Consider revising Table of Permissible and Conditional Uses to group similar uses together. The table below is based on the City’s current table but consolidates residential uses under two headings, as opposed to being dispersed throughout the table as an alphabetized listing of all uses:

Commercial Districts				PERMISSIBLE USES	Additional Requirements	Residential Districts			
C-1	C-2	CBD	M-1		<i>See Sections:</i>	R-A	R-1	R-2	R-3
				RESIDENTIAL					
X		X		Dwelling, single-family detached (site built or modular)	140-17	X	X	X	X
X				Dwelling, single-family attached (condominiums and townhouses)	140-342(v) 140-342(w)	X		X	X
X		X		Dwelling, duplex		X		X	X
				Dwelling, triplex				X	X
				Dwelling, four-plex				X	X
				Dwelling, multifamily (apartment)					X
X	X			Dwelling, loft	140-342(j)				
		X		Dwelling, urban	Article X				
				Dwelling, senior	140-342(u)				X
				Manufactured home park	Article XVIII				X
		X		Rooming and boardinghouse				X	X
				Conservation Design Subdivision	Chpt. 135, Art.V	X	X	X	
				Planned Unit Development		X		X	
				NURSING & RESIDENTIAL CARE					
		X		Assisted living, family		X		X	X
		X		Assisted living, group				X	X
	X	X		Assisted living, congregate					X
		X		Group homes		X	X	X	X
		X		Halfway house	140-342(q)				X
	X			Rest homes					X

– Articles IV to XI – Non-residential districts

- Update list of uses in the Table of Permissible and Conditional Uses to address local needs or emerging trends, if applicable, and to be consistent with other local codes (for example, brewpubs, breweries and farm wineries are addressed in Chapter 6 – Alcoholic Beverages of the City Code of Ordinances but aren’t identified in the use table)
- Consider grouping commercial and industrial uses into smaller sub-categories vs. listing in alphabetical order to improve ease of use (comparable to example provided on the previous page for residential uses)
- C-1 and C-2 Districts
 - Consider updating purpose and allowed uses so the C-1 district supports limited, small-scale commercial uses intended to serve nearby residential neighborhoods (for example, the portion of East First Street that is currently zoned C-2) as opposed to C-2, which would allow a wider range of commercial activities that may be more intensive in use, provide services to the city and surrounding area, and have larger building or site requirements (the SR5/SR 515 area illustrates this)
 - Residential uses would largely be prohibited, with the exception of the limited uses currently allowed under C-2 (i.e., loft dwellings, and some nursing and residential care homes); or, specific uses could be identified as “special uses” for review and approval by City Council
 - Existing C-1 standards that seek to protect the residential character of an area (including: “Limited commercial...uses shall only occupy an existing residential dwelling type, which is converted to the commercial use” and “new construction of

an office use shall be limited to two stories in height”) could be maintained via an overlay district that mirrors the boundaries of C-1 currently shown on the Zoning Map

- CDB District
 - Are all allowed roof and exterior cladding materials for single-family residential dwellings (see under “Appearance Standards”) appropriate for the district?
 - Consider evaluating maximum height requirements relative to established building patterns if ensuring consistency among heights along a particular street or area is desired (such as along streets with buildings that are predominantly 1- to 2- stories)
 - One approach to setting height limits would be to base it on location via CBD zoning regulations or creation of a Local Historic District; if a proposed building height exceeds the limits, the “special exception variance” mechanism could be used to consider the request (see page 5 of this memo)
 - Clarify the intent of allowing “All existing buildings as of 6/15/2021 in CBD zone if destroyed by fire or natural disaster can be replaced at current height” – this is open-ended; under current regulations for nonconforming buildings there are limitations
 - Review the definition for “building height” based on issues with administering max. height requirements resulting from the current wording
 - Consider amending the CBD district to address in-town residential uses and delete Article 11A – *Urban Dwellings, Mixed Use Developments, and Other Developments Within the Central Business District*
 - The existing local requirements for “loft dwellings” and Article 11A’s “urban dwellings” are redundant in part; could the standards for upper-floor loft dwellings (which limit the number per building) suffice?
 - Remaining urban dwelling types (at-grade or standalone residential) could be considered on a case-by-by case as special uses in the CBD district
 - See also pp.1-3 of this memo
- Article XII. - Permissible and Conditional Uses
 - See suggestions above regarding updates to the table
 - Categorize additional requirements by principal, accessory and temporary uses and expand provisions, as needed, to address local needs
 - Cross-reference standards pertaining to uses that are found in chapters outside of the LUC to alert readers to additional requirements needing to be met
 - Update Telecommunications requirements to comply with the latest FCC rulings and with state law, including language that addresses:
 - Application and review requirements for: 1. modifications to existing facilities, 2. collocation (1 and 2 are generally admin. review) and 3. new towers (Council

- review); includes maximum timeframes for determining completeness of applications and decision-making
 - Requirement that decisions be made in writing and provided to applicant
 - Maximum fees that may be collected
 - Specific definitions
- Article XIII. - Screening and Buffer Requirement
 - o See notes under Landscaping in this memo
- Article XIV. - Planned Unit Development Regulations
 - o Rather than specifying commercial uses that may be allowed, state that commercial uses shall be limited to those uses approved by City Council (or evaluate the current list to ensure what is listed is appropriate)
 - o Clarify that the approved PUD application establishes the minimum requirements for the property and become the conditions of zoning approval that apply, regardless of change in the property owner
 - o Consider a tracking mechanism for phased projects, such as requiring the approved site plan be updated to show each final subdivision plat as it is approved for recording and submittal to the City in order for a Certificate of Occupancy to be issued
- Article XVI. – Signs and Outdoor Advertising
 - o Expand purpose statement and cite studies that support it
 - o Confirm terms are content neutral (e.g., remove “on-premises”, “enter-exit type sign”, definition of “billboard sign”)
 - o Expand sign permitting procedures to include:
 - Required submittal of additional permitting applications (electrical or building), if applicable
 - Maximum review times for making decisions (yes or no)
 - o Include a provision that a decision denying a sign permit may be judicially appealed within 30 days
 - o Clarify requirements for electronic message board signs – static display (vs. video) with min. duration of message to be held (e.g. 10 seconds)
 - o Allow billboards to be digitized?
 - o Confirm list of prohibited permanent and temporary signs – is there a need to expand it?
 - o Confirm CBD-specific sign requirements allow signs that are compatible with the desired character for the area (includes sign height and illumination)
- Article XXII. – Zoning Board of Appeals
 - o Extend public notification for variances and special exceptions from 15 days minimum to 30 days to be consistent with recent amendments to the Zoning Procedures Law

- Consider changing the appeals process so City Council hear all appeals from an administrator's actions (including staff interpretation of the codes) vs. the ZBA; this is because Council has adopted the codes and should therefore be the entity to decide on matters of interpretation and application of the LUC
- Other: Articles pertaining to nonconforming uses, administration, remedies and penalties, amendments, and legal status provisions are addressed under comments for Chapter 125, starting on p. 3 of this memo