Community Development - Councilmember Nancy Diamond

6. Approval of an Ordinance to create a Unified Development Code (UDC) and Map. *(First Reading)*

Councilmember Diamond introduced this agenda item and said there would be a team presenting it beginning with Alice Wakefield.

Community Development Director Alice Wakefield said this was the First Reading of the Unified Development Code (UDC), an effort of over 18 months. She said the City has looked at the various development and land use regulations for developing a unified code and that she would be talking about why they were developing a UDC and about the public outreach process they had just completed. She said there were two planning efforts, the first was the 2030 Comprehensive Plan and the second was the Strategic Economic Development Plan. In 2010, Mayor and Council approved the 2030 Comprehensive Plan which set forth the vision for the City. Throughout that process, they heard a lot about revitalization, the anticipated increase in population, how to revitalize the aging commercial areas along the corridors, how to ensure that the City remains competitive and economically viable, but most importantly, how could they maintain the character of the City and protect existing neighborhoods. A recurring theme they heard through both planning efforts was the overly burdensome, confusing and sometimes prohibitive zoning ordinance. Current regulations are conflicting, confusing and are written in legal ease and although they clearly state what someone cannot do, there is not a lot about what someone can do and it does not encourage revitalization or redevelopment and represents development regulations that took place 50 years ago. As a result, one action item that appeared on both the list for the 2030 Comprehensive Plan and the Strategic Economic Development Plan was the need to develop a new zoning ordinance and to develop a set of development regulations that move the City towards its 20 year vision. Mayor and Council approved the development of the UDC with the goal to unify all of the development related regulations to address contemporary development trends and redevelopment practices that are easily understood by the City staff, elected officials, property owners, citizens and developers. Another important reason for the UDC was that it goes a long way towards implementing the policies and goals set forth in 2030 Comprehensive Plan, the regulations that bring the City in line with the community's vision for the future. She said that was a little information about why they were doing the plan that implemented two very important documents that were undertaken. One of those documents, the 2030 Comprehensive Plan, requires the City to have an implementation element and to address some of the policies that were set forth in that plan.

Ms. Wakefield said over the last 18 months of this endeavor since May of 2012, there have been 51 meetings including multiple committee meetings, meetings with Mayor and Council and 19 work sessions with Mayor and Council. There were multiple community meetings and presentations with any group that requested it to answer questions about the UDC. There were multiple HOA meetings and all of the City boards and commissions weighed in on the plan. They allowed a 60 day review period and today, January 13, 2014, is exactly 60 days. There were extensive notifications. All meetings were posted and advertised in the local newspaper. There were multiple mail-outs to property owners. The major mail-out included 33,000 property owners that went out at the end of the year. There was a utility billing insert. Signs were posted throughout the City advertising the various meetings and the signs were updated as needed. Other things that the City did to make this a transparent process with a lot of input included a dedicated web page, emails, and a dedicated phone number where anyone could call, email or fax and their concerns would be addressed. There were many walk ins, too many to count, where they had had one-on-one meetings with property owners, stakeholders or people who just had questions and wanted clarification on the UDC. They tried to educate about what the code is and what it is not and what the expectations of the code are. There was media coverage that included many articles as well as coverage by the television news station. RCTV had many educational videos that were produced by the Community Relations Department.

Ms. Wakefield said she would summarize by saying that the City set a vision statement, "To be the premier riverside community connecting strong neighborhoods and the entrepreneurial spirit. It is imperative that the City has a set of development regulations that encourage economic vitality, protect and promote healthy neighborhoods, allow for a variety of housing options, direct growth to appropriate location, allow for a mixture of uses that provide a high quality of life for our residents and sustain the environment for generations to come." She said she believed the document that was before Mayor and Council tonight for first reading would go a long way toward accomplishing those goals. She said that completed her comments and she turned the meeting over to the consultant, Lee Einsweiler from Code Studio to discuss format.

Lee Einsweiler from Code Studio said they had spent a lot of time thinking about the look and feel of this document because what the City's UDC says to the development community and to the neighborhoods is a reflection of where the City wants to be. The entire industry is headed towards graphically oriented codes and at this point in time, Roswell has one of the best looking graphically oriented codes in the Atlanta metro region. There is very little competition on that front because only a few cities have worked that hard on their codes recently. Mr. Einsweiler talked about the table of contents which he said was reorganized to be more intuitive about location of the material so anyone could open to the table of contents and go directly to the information they need and additionally the graphic orientation could be seen in the individual sections.

Mr. Einsweiler said that districts were organized based on the concept framework that was embedded in the plan that include Residential, Corridors and Nodes which are identified in the plan, Downtown as the primary node, Employment that includes office and industrial, Civic and Open Space, and each of the Overlay Districts that additionally control development in some of the other districts. He showed an example of an intent statement from the Corridor and Node District and said one of the most important things to point out is that the images are drawn accurately as to what might be built under the rules of the code in terms of height, building placement on the lot, location of parking, and obligations for streetscape and other elements that gives a sense of how different portions of the community might look as they redevelop.

Mr. Einsweiler said the code relies on a set of building types and one key thing in mixing uses together is to make sure they work nicely together. One way to do that is to regulate individual building types separately. For example, a townhouse would typically be set further back from the street than a shop front because a shop front was supposed to interact with the people who are on the sidewalk. The townhouse on the other hand needs some privacy so it would be set further back and raised a bit which is manipulated by using a fairly generic set of building types that cover the spectrum of what is anticipated to be built in the future. In addition, each building type has regulatory standards that are split into four sections with rules for the lot, placement of the building on the lot, how the building goes vertical (bulk/mass/scale issues) and finally the rules for activating the building and making sure it provides the value in the public realm that is cared about that means windows, stores and all those things that are important to a walkable environment.

Mr. Einsweiler said at the end of the majority of the sections is one of the toughest issues from the plan that they hope they have begun to resolve which is what happens when corridors and nodes abut adjacent neighborhoods and how to deal with those transitions going from commercial or mixed use areas back to single family area. The rules are highly illustrated and he hoped clearly set out and the protections put in place to make sure that neighborhoods remain stable and the corridors can thrive.

Mr. Einsweiler said Allowed Uses are split up by district sections so they have smaller use tables that are a bit more manageable. On the right side of the code book, especially in the final version, would be a clickable link that goes to any of the rules for that specific use that someone might need to know about.

Many times in the existing code, applicants said they got halfway through the process and then someone showed them something in the back that they never knew about. The intent here is to provide people with the majority of the information as simply as possible so when reaching into the use, someone could get immediately to the standards for that use.

Mr. Einsweiler said other sections of the code in the chapters that follow include Use Provisions which are all the generic things that could be said just once and not in each chapter for the districts; Site Development standards about parking, landscaping, signs and lighting; Streets and Public Improvements that are required of development; Environmental Protection standards that are bundled in to make this a unified code; Administration of the code; and the final section is Definitions to help make sure everything is legal.

Planning and Zoning Director Brad Townsend talked about how they had tracked the numerous changes as they transpired and said they had received many public comments through email, phone calls, comment cards, markup drafts, sit down meetings and HOA meetings. He said his personal unified development code mailbox received over 2,000 emails from the beginning of this process through 4:00 pm today and as Alice had mentioned, there was a dedicated phone line where a caller could select option 1, 2, 3 or 4 and be transferred directly to the mailbox of one of the planners with a specialty in the area requested, that would take as much information as possible and then all of those calls were tracked on a spreadsheet. Comment cards had been available at every meeting that he or any of the representatives had attended and the information from each completed comment card was put on a spreadsheet and that had been provided to Mayor and Council. They then included a UDC subcommittee where drafts were made and they would comment on those drafts. Sit down meetings were held with internal staff and every department in the City had involvement on some level in reviewing the document. He said it was not a perfect document but it was light years ahead of what the City currently has. He said various HOA meetings were held and noted that Martins Landing had their own HOA meetings and had provided their comments to staff and that information had been included in the document where appropriate. He displayed a slide on the overhead that provided a representation of some of the comments they received and pointed out the comments from Martins Landing and also from Lew Oliver. He said staff looked through all of the comments and determined if they were appropriate; he noted that most of the comments stated that something was good and they were asking if it could be developed in that way.

Mr. Townsend discussed how staff had tracked the changes to the document throughout the process. He displayed a spreadsheet from the FTP site which he said began with the initiation and broke down each article with suggested changes for that article. Once they had four modules together, they created the entire draft document and then worked from comments off the draft. He referred to a spreadsheet and said those drafts were done in a way where they got the information, knew which page it was on, what sections it was in and what comments it was making and he then displayed the response from Code Studio and the date that it was resolved or changed and said that was all the way through the document. He noted that the Transportation Department drew the illustrations. He pointed out comments from various staff people and said they went through each of the articles and noted their comments and a lot of comments related to the Use Table. They then worked on the map changes. Mr. Townsend said that was a summary of the tracking of what they had done over the past 18 months in order to get everything possible into the document.

Mr. Townsend next discussed map changes. He said changing the map would impact the community in a positive way by cleaning things up that would clearly represent to a developer or landowner what should take place. They produced a lot of maps and that was one the great things about the geographic information system. Mapping as an art was capable of doing a lot of great things. He noted they have the maps from Council from every work session. They have done 50 different draft maps since the beginning. He said they had received public requests and three mailings went out that started with a

mailing of what properties would change. There were issues or discussions with Parkway Village with E-1 Nonconforming; therefore they sent a second mailing to those representatives. He said that Council might remember a spreadsheet that had been provided to them and said those were the public requests for -dealing with changes and staff had tracked those to make it as clean as possible.

Mr. Townsend displayed the current Official Zoning Map for the City. He pointed out that one- third of the map shown in pale yellow represented Fulton County Annexed which meant it did not have a designation except what Fulton County gave to it and what allowed that to happen so that information could not be seen readily from this map. The objective Council gave to staff was to make those designations as close to possible to the UDC designations as they felt appropriate. He said there may have been properties that changed from residential to office where they believed that might take place. Mr. Townsend then displayed the proposed UDC Zoning Map and said copies were available there at the meeting and it was also on the website for review.

Mr. Townsend displayed a comparison of the districts and said in the current designation of districts there were overlays on top of things. That meant there could be a foundational C-1 zoning that might have an H-R overlay on top that would then have a Groveway mixed use overlay which does not provide a clear explanation of what would be allowed on a piece of property. The objective was to remove the overlays and make them into designations that would show what would be allowed.

Mr. Townsend displayed a list of additional requested information from Council and other representatives that staff had put together over the last 60-day period that would provide a better understanding of what the document includes. The list was as follows:

I. Comparison Based on 2030 Imagine Roswell Comprehensive Plan
II. Conversion Chart – Existing Zoning to UDC Districts
III. Specific Use Requirements transferred to the UDC
IV. Parcel and Acres in Current Zoning Districts and UDC Zoning Districts
V. Parcels receiving additional development rights compared to current Zoning
VI. Total City Spreadsheet current Zoning to UDC
VII. Comparison Chart – Dimensional Requirements
VIII. Comparison Chart – Permitted and Conditional Uses
IX. Bulk Plane Chart
X. Height Information
XI. Open Space – Green space – Amenity Space
XII. Site Plan Examples
XIII. Boutique Hotel room number information
XIV. Appendix “A” prior approvals with conditions from 2000 to present (Mr. Townsend said that Council was provided this information in a three-ring binder that includes the conditions from 2000 to present related to rezonings, conditional uses and two target areas. Once there is a firm date as to how far they would be going back, this could probably be created electronically. They did not want to create an electronic date. Will probably also include what would have been the approved site plan for each of these. What Council has tonight has the approval letter but does not have the approved site plan which would be useful information.)
XV. 17 separate maps showing UDC Districts (Mr. Townsend said the maps show the breakdown of each category and noted that most of the residential are grouped together, multi-family townhouses are grouped together as well as the employment district and civic district are grouped together. Therefore it can be seen how much land is in that area, where it is impacted and who the neighbors are.

Mr. Townsend concluded his presentation and then recognized UDC Subcommittee members and said those residents had done a great job. He thanked the Boards and Commission members who played a role

as well because they have particular issues they need to control. He expressed appreciation to the Councilmembers, especially Councilmember Diamond for going through this process with them. He said some of the discussions had been difficult going through but he believed the City would win national awards for this UDC and would be the envy of a lot of communities in this area because Roswell is the first to have something that looks like this.

Mayor Wood asked to hear the first reading of the ordinance and said public comment would be heard following the reading. They would then have Council comment before entertaining a motion.

City Attorney David Davidson conducted the first reading of ***AN ORDINANCE OF THE CITY OF ROSWELL GEORGIA TO CREATE A UNIFIED DEVELOPMENT CODE (UDC) AND MAP:***

An ordinance to repeal the existing Zoning Ordinance and Official Zoning Map of the City of Roswell, Georgia, initially adopted April 14, 2003, as amended from time to time, and to repeal and replace said ordinance with a new Unified Development Code (UDC) and map for the purposes of regulating the location, height, bulk, number, size and appearance of buildings and structures, the size of yards, and other open spaces, the distribution of population, the uses of buildings and structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; preserving buildings, structures, or areas having national, regional, state of local historic significance; creating zoning and overlay districts for said purposes and establishing the boundaries thereof; providing for environmental protection through the regulation of trees, rivers, streams, floodplains, and watersheds; providing the imposition of development impact fees; defining certain terms used herein; providing for the method of administration and amendment; defining the powers and duties of the Planning Commission, Board of Zoning Appeals, Design Review Board and Historic Preservation Commission; defining the administrator of the review authority over certain articles; providing for the effective date of such Code and a penalty for the violation thereof; providing for the manner of amending such Code; and for other purposes.

This ordinance shall be known and may be cited as "The Unified Development Code and Map of the City of Roswell, Georgia."

WHEREAS, the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the City may adopt plans and exercise the power of zoning; and

WHEREAS, the municipal corporation of the City of Roswell, Georgia, is specifically authorized by its City Charter at Section 2.20 (24) Planning and Zoning, to provide comprehensive city planning for development by zoning to provide subdivision regulation and the like as the city council deems necessary in the interest of public health, safety, order, convenience, comfort, aesthetics, prosperity, or general welfare, and for the purpose of regulating the location of trades, industries, residential dwellings, or other uses of property; or for the purpose of regulating the alignment of buildings or other structures, near street frontages; or for the purpose of preserving buildings, structures, or areas having national, regional, state of local historic significance; or for the purpose of maintaining or improving the aesthetic appearance of any buildings, structures, or area. The Unified Development Code (UDC) and map regulations may be based upon any one or more of the purposes above described. The city may be divided into such number of zones or districts, and such districts, may be of such shape and area as the Mayor and Councilmembers of said city deem best to accomplish the purposes of the Unified Development Code (UDC) regulations and map; and

WHEREAS, the municipal corporation of the City of Roswell, Georgia, is further authorized by State law to exercise a wide range of powers, including but not limited to preventing the pollution of natural streams, regulating the erection and construction of buildings and other structures, developing zoning regulations, providing for public improvements, regulating and controlling signs, billboards, trees, shrubs, fences, buildings and all other structures or obstructions adjacent to the right-of-way of streets and roads or within view thereof, regulating various special uses; and to exercise all other powers necessary or desirable to promote or protect the health, safety, peace, security, good order, comfort, convenience and general welfare of the city and its inhabitants; and

WHEREAS, The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, The City finds that the regulations contained in this Unified Development Code (UDC) and map are necessary for the purposes of implementing its 2030 Comprehensive Plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Unified Development Code (UDC) and map have been prepared and considered in accordance with the zoning procedures law, O.C.G.A. 36-66; and

WHEREAS, this UNIFIED DEVELOPMENT CODE ODE (UDC) and map is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the City; creating new street types; securing safety from fire, panic, and other dangers; providing adequate light and air; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the City; conserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the City; and

NOW, THEREFORE, the Mayor and Council of the City of Roswell, Georgia, pursuant to their authority, do hereby ordain, enact this Unified Development Code (UDC) and map its articles, chapters, sections, and Appendix "A" attached hereto and incorporated by reference.

Mr. Davidson noted that if approved this would be the first reading.

City Administrator Kay Love explained the time limit rules for the audience.

Mayor Wood opened the meeting for public comment.

Public Comments:

Lee Fleck, Martins Landing, made the following comments:

- It is unusual to have comments from the public before "the board has initial discussions." The public should be able to respond to any amendments that may be brought forward. Asked that this process be reconsidered.

Joseph Ahlzadeh, no address provided, made the following comments:

- Concerns regarding his properties: 1237 Strickland Road; and 1212-1232 Alpharetta Street.
- Asked Mayor and Council about an "application that was made to initiate an amendment" and how that is being addressed; should he provide his points this evening.
- Stated the card that he received stated his property would go from C-3 Highway Commercial to shop-front.
- Commended Brad Townsend, the Planning Department staff, and specifically Kevin Turner, for working closely to explain the new zonings and what direction his properties may be best suited for.
- Clarified for Mayor Wood that his property at 1237 Strickland Road is on a dead end street; no pedestrians walk through there; the present building, a light-warehouse design type of building, has been there over 30 years; it is two stories; the roll doors of the building do not face any residents; it faces the storage building; has no visibility to be a shop-front.
- He has understood that a shop-front is supposed to be used very sparingly; a single story building; drawings and illustrations for shop-front show similar to a 3-story building.
- In order to have shop-front type of zoning for his building, "it would have to be something that is charming, and that is conducive to pedestrian."
- His building has "no visibility to pedestrian or automotive traffic or car traffic."
- Clarified for Mayor Wood that his request is to be considered for Commercial-Heavy (CH).

- Clarified for Mayor Wood that his second parcel of concern is located at 1212-1232 Alpharetta Street; it is zoned C-3, Highway Commercial; he requests C-C, Commercial Corridor.
- Clarified for Mayor Wood that the request for C-C is that, "The new zoning is supposed to be Shop-Front. At the space where our building is there is a smaller collection of buildings; there is no light; there is very fast moving traffic passing by our buildings. There is no cross-way. Typically, if there is pedestrian motivated or pedestrian designed area, you would be looking for an area where people can cross the street or be able to cross very safely. We do not have any of that. There is a four lane road that is very difficult to cross. For Strickland Road I am asking for C-H, and for Alpharetta Street, I am asking for C-C."
- Inquired again how these concerns will be addressed.

Mayor Wood responded that it will be up to Council as to how the concerns will be addressed. Mayor Wood asked staff for a brief response regarding the staff's position on this; it could be addressed either tonight, or between now and the next reading, or at the next reading. The Mayor thanked Mr. Ahlzadeh for coming to this meeting and to continue his dialogue with staff if the amendments are not made to his satisfaction tonight. Mayor Wood requested that a map be displayed showing these properties of concern, and a brief response.

Mr. Townsend referred to a map of the locations displayed on the overhead. Mr. Townsend stated this has been the most difficult commercial area to try to determine how it should be redeveloped. He stated there have been some uses found to be unfavorable that staff would like to see change into other uses. Mr. Townsend stated, "The black-hash-red is the downtown shop front for mixed-use." He illustrated how much land it is within the City of Roswell. He stated "It is so crucial because it connects what we believe is our important downtown district to our Holcomb Bridge – North Alpharetta District. We are trying to figure out how to represent that. That is why I think Code Studios put together shop-front as a category and that is why in dealing with what we want for that location, we felt it was important to do the shop-front designation. That is staff's comment at this time." Mr. Townsend clarified for Mayor Wood that it is on 1237 Strickland Road and 1212-1232 Alpharetta Street since both are in the same district. Mayor Wood asked if they are adjacent. Mr. Townsend replied that one is across the street. Mayor Wood asked why Mr. Townsend would find that the C-H and the C-C are not appropriate. Mr. Townsend referring to the map displayed stated, "This is the C-H in the City. Heavy automotive; Highway 9 corridor uses. This is where our C-C is located. I think a lot of it from a planning exercise of where you put things on the map, if it is not adjacent to something that is compatible with it you find the most compatible designations."

Council Questions:
Councilmember Wynn inquired what the existing uses are, and what businesses exist at 1237 Strickland Road, and 1212-1232 Alpharetta Street. Mr. Ahlzadeh replied that the lower part of the building on Strickland Road is automotive; the upstairs area is a caterer and a cabinet maker. At the Alpharetta Street property there are two automotive uses, and a small grocery store. Councilmember Wynn asked for clarification of "automotive uses." Mr. Ahlzadeh clarified that the Alpharetta Street property automotive uses is car sales and car repairs.

Councilmember Diamond stated, "We had talked about this before, because we were trying to create for those C-3 districts, an area that wasn't quite as intense commercially, and one of the options that seemed to make sense, and I know you talked me out of it and I need to remember why, is in that shop-front district allowing general building. Would that not solve our problem?"

Lee Einsweiler, Code Studio consultant, responded, "It may, and it depends on how you use the shop-front district. Really what that district is suggesting is that each building along that frontage eventually has the capacity to be retail. So, the building itself while the use may not be that on day one, it may have

an office in it on day one, it may have a caterer in it on day one, it may have something else in it that is an allowed use within the district, the intent is that a new building built, be set-up to be retail one day. So that basically, this connection that we are trying to make is a walkable retail connection between the two areas. The general building has lower transparency meaning less windows, theoretically, and is mostly intended for a couple of things. It is typically an office; it is sometimes, if the district allows it, used for a hotel, but it has a lower transparency and therefore it is not as interesting to someone who is walking along the adjacent sidewalk. If what we are trying to do is draw people up and down that street in that section, then the shop-front buildings will do a better job of that than other building types. On the other hand, this is clearly at a certain point, a policy question for you to answer yourselves and suggest that we concentrate our shop-front more carefully, or in some other way, modify that shop-front to allow some additional flexibility. The one thing that I would point out is that anybody that is there now, gets to stay. It is important to note that the non-conforming provisions regarding use allow you to continue in perpetuity to run that business in that place. Even though the rules for building a new building would ask for a shop-front, you may continue to use the existing buildings for the existing buildings for the existing uses."

Councilmember Dippolito referring to the fact that the existing uses can stay, asked Mr. Ahlzadeh if there are specific concerns that he might have going to the shop-front designation. Councilmember Dippolito said he had reviewed this and the uses seem very similar to C-3. He asked if Mr. Ahlzadeh was concerned that there are things that he will not be able to do that he can do today. Mr. Ahlzadeh replied, "The challenge would be the structures that we have in place. In order to make those conducive to the shop-front in the future, they almost have to be demolished. That could be hardship in order to be more conducive to future shop-front, if that is the zoning."

Mayor Wood clarified there is a not a requirement to convert to a shop-front, he could continue the current use in the current building. Mr. Ahlzadeh said, "Correct. Am I to understand that as long as our tenants are there, continue to be there, but is there a gap if a tenant goes out of business and there is a period of six months or so before we are able to lease that space there?" Mayor Wood asked for staff response. Mr. Townsend replied, "Ninety days."

Mr. Einsweiler replied, "Although that is ninety days for a use that is not allowed. If it is an allowed use, it continues whether there is a ninety day gap or a one hundred sixty day gap, or a three hundred sixty five day gap. If the use is allowed, it is allowed."

Mayor Wood asked what uses there is concern about that may not be allowed. Mr. Ahlzadeh replied, "In case of the Strickland Road in particular, would be the automotive, and I don't believe that is part of the shop-front use." Mayor Wood said, "I understand you are worried about losing a tenant, having more than a ninety day gap and not being able to fill it with the same tenant. Good point."

Councilmember Price asked that staff reference the pages being looked at. Mr. Einsweiler replied the pages referenced include Page 4-35 Use Table, does allow minor vehicle repair, major vehicle repair in the shop-front, as well as car wash.

Mayor Wood stated that perhaps the solution is to give a longer gap-span because the City is not trying to force Mr. Ahlzadeh to change the use. Further comments by unidentified speakers not audible. Mayor Wood clarified that the gap would not matter; automotive is an allowed use in shop-front. The Mayor suggested that Mr. Ahlzadeh confirm with Planning and Zoning to confirm after this meeting.

Mr. Einsweiler replied, "The last piece of the problem is really illustrated on Page 13-34 which is the non-conforming structures, because his buildings would not comply with the rules about transparency and being close to the street, etc. Here are the ways in which those buildings can be added onto. If you recall,

you specifically requested that those be made for flexible than originally Code Studio had proposed. The approach to expanding that building, I would suggest, is very gracious, and there is every opportunity to continue to expand the existing businesses under the non-conforming provisions."

Public Comments Continuation:

Clara Cobb, resides at 153 Hill Street, made the following comments:

- Purchased her home on Hill Street in 2010 when property values were most likely at their lowest in recent years; tax records indicate that most homes in her neighborhood were built in 1974, although her home was built in 1940; her property was once part of the Smith Plantation property.
- Concerned about property designation changed to mixed-use.
- Notified City her concern regarding 121 Hill Street, a business on her street that appeared to be storage for "all sorts of vehicles with razor wire about the fence." This detracted from the homes nearby.
- Developers have approached her offering to purchase her home.
- Inquired if there has been a meeting between the City and these developers "to determine that the bottom of Hill Street will be an apartment development."
- Inquired if there has been a traffic study done. Friends in the Historical Society say "they cannot see how in the world another apartment could go up on Hill Street and pour out into the streets around Roswell."
- Inquired if there has been a tree study done for this neighborhood; there are 75 year old magnolia and oak trees as well as gardenia and camellia bushes.

Mayor Wood responded that he is not aware of any meeting with a developer to discuss an apartment complex with the exception of the existing apartments. Mayor Wood stated he was not aware of a traffic study for an apartment complex because there is no ongoing conversation about an apartment complex. The Mayor clarified that every time specimen trees are found to exist on a piece of property, the City's ordinance regarding a tree save plan must be complied with.

Charles Hawthorne, property owner on south side of Holcomb Bridge Road directly in front of Martins Landing (no address provided), made the following comments:

- His comments would also be made on behalf of two adjoining property owners, Gary Shirley and Lawrence Hawkins.
- Has owned his property 30 years; Shirley family has owned their property 80 years; Hawkins family owned their property over 100 years; total of 55 acres.
- Difficulty selling their property; developing the terrain of this property is very expensive; low density zoning.
- When original land-use plan came out in July, his neighborhood use was a neighborhood mixed-use which seemed appropriate but the land-use designation changed to agricultural sometime between July and December and this is not appropriate.
- Holcomb Bridge Corridor has become more and more urbanized; estimates there are 60,000 cars per day using that corridor; questions how this area can be reduced to agricultural use.
- Requested that Mayor and Council consider changing the land-use designation back to neighborhood mixed-use development as was originally planned.

Council questions:

Councilmember Dippolito inquired with staff regarding the current zoning of this property. Mr. Townsend replied it is zoned FC-A. Councilmember Dippolito asked what "the underlying is." Mr. Townsend confirmed that the underlying is A-Agricultural.

Councilmember Diamond, directing her comments to Mr. Hawthorne, stated, "I will tell you what we have told people in these work sessions about this. This mapping is not so much a commentary on the value of your idea for your property, but the original mapping that came out was, our request of staff to show us what, if we implemented the Comp Plan as they saw it as land planners, what does that look like. And when that came out, there was not a comfort level with doing that much change at that point. The feeling was, you're welcome to come in and apply for zoning once this is passed, but we did not want to assume an up-zoning in this area. The goal was to get back to as whole as you are now, and keep you whole and to your rights going forward, and then you can apply for whatever it is. So, it is not taking away anything, we just kind of backed off the up-zoning at that point."

Mr. Hawthorne replied, "It was my understanding that it actually was a higher zoning than agricultural. Is that not correct? Was it not an R-5 zoning?"

Mr. Townsend replied, "It probably was. It probably got lumped into everything." He asked for the map to be brought up on the overhead screen.

Mr. Hawthorne replied, "In effect, it really was a reduction of density. I understand what you are saying." Councilmember Diamond replied, "If yours wasn't, I know the Shirley property was AG, but I am not clear on yours specifically."

Mr. Hawthorne replied, "I thought Gary's was one acre; at least that is the information he provided for me. I am sorry he isn't here. For different reasons the families have owned this a long time. They just feel like now is the time for them to sell it."

Councilmember Diamond stated, "I think the feeling was we wanted to make sure that each property got its own hearing with the public and went through the process."

Mayor Wood replied, "I guess the concern was raised that you are saying that your property was zoned R-5, and so you make a good point."

Councilmember Diamond stated "That is another story, we need to fix that."

Mr. Hawthorne replied, "I assume we will probably collectively try to reach some agreement of understanding."

Mayor Wood stated, "I understand, but the intention of this Council has been to try to keep, although we are adopting a new zoning code, is to not re-zone property but to transfer it to an equivalent zoning. It appears that we need to make a correction as far as your parcel is concerned."

Mr. Townsend stated, "Just to clarify on this discussion, the mostly closely matched category to the R-5 would be an RS-18, single family designation."

Eric Shumacher, 145 Prospect Street, made the following comments:

- Planning Commission meeting stated they did not have a recommendation at this point, more information needed.
- Saddened that this process is moving forward without Planning Commission comments; Council appoints the Planning Commission members to do this kind of work; it is disrespectful to move forward without their comments.
- UDC should be implemented at a later date after it has been approved, as other cities have done; have a vote for approval and then perhaps a six-month delay to give staff time to train, and give

property owners enough time to understand what is different in the Code, and "perhaps if needed, build under the existing ordinances, if they are more generous that what we have in the UDC."

- Encouraged conversation regarding some type of delay; said Planning and Zoning will need additional staff to deal with the new Code; transition period will be necessary with the additional things that are coming in under the UDC.
- Wants assurance that the UDC is not more restrictive than the existing ordinances; wording should be included that says, "We cannot be more restrictive than our existing ordinances."
- Appendix A should be inclusive of all previously conditioned properties not just those properties that were conditioned earlier than 2000.
- Currently defined apartments; remove these as a conditional use or place greater controls including use fees; same is true for carriage houses.
- Building elements should not be allowed to encroach into the right-of-way; currently under UDC, building elements such as balconies can encroach into the right-of-way up to nine feet.
- Wording puts a lot of the decision making power on the specific directors over city departments; suggests language be changed for better flexibility in case we opt for public-private partnerships in the future; allow the departments to manage the process as needed rather than putting that decision making power with one person.
- Encourage legal review of the document to eliminate any loop poles or opportunity for abuse.
- Asked Mayor and Council to ensure him that he would be able to build the same addition on his home under the UDC that he can today, as an R-2 property owner.

Mayor Wood replied, "I cannot assure you that there will be no change in the ordinance. I cannot assure you that." Mr. Schumacher replied, "Well, we sent out a card to all property owners when we first kicked this off. It says, if you are a residential owner, you will not be affected by the UDC." Is that a true statement?" Mayor Wood replied he would have to read the card to give an answer. The Mayor said, "If you are asking me can I assure the public that there will be no effect of a passing UDC, I will say, why am I passing it if it has no affect? Otherwise, there is no reason to pass it. It will have an effect. It will make things simpler and clearer."

Mr. Schumacher's comments continued:

- There is a broad change happening; under the UDC he will not be able to build a detached garage next to his home.
- Disagreed with communication card from the City that a residential property owner will not be impacted; concerned that residents are not engaging.

Mayor Wood asked staff to respond to Mr. Schumacher's question regarding building a detached garage; the current rights and the future rights.

Mr. Einsweiler stated, "So it is possible that your regulations today allow building placement that is different than the building placement we've proposed. The detached garage itself is not an issue as a thing."

Mayor Wood said, "It is allowed as long as you meet the setback requirements."

Mr. Einsweiler replied, "There are setback requirements for it and those setback requirements in his particular case may have an impact. We haven't looked at his lot necessarily but we could certainly look at his lot and tell you what those impacts might be. The detached garage fundamentally is not something we banned moving forward."

Mayor Wood asked, “Are we, as a general rule, increasing the setbacks or reducing the setbacks, or trying to make no change in the setbacks.”

Mr. Einsweiler stated, “The principle structures did not change. Those are carried forward. The setbacks for the accessory structure are much clearer than they would have ever been in your prior code. They are definitely easier to understand, I suspect the gentleman understands them and read them correctly. Fundamentally, what you are talking about here is the fact that the accessory structure probably was allowed to come as far forward before, as the principle structure, and it may not be allowed to do that anymore.”

Mr. Townsend stated, “I’ll break it down simply. The rear setback in UDC for an accessory structure is fifteen feet. The rear setback in the current code is ten feet. We are changing it by five feet.”

Councilmember Wynn inquired about the right-of-way issue. Mayor Wood noted that the right-of-way issue was addressed during the conversation.

Mr. Einsweiler said, “It is on your list of proposed amendments and I’m certain we will talk about it. The issue is that the building elements are proposed to be allowed to encroach in certain cases, within the setback area. Not within the right-of-way.”

Mayor Wood confirmed it is not within the right-of-way. Mayor Wood stated that may be allowing more of a use than under the previous code. Mr. Einsweiler agreed. Mayor Wood said it giving more latitude than before. Mr. Einsweiler stated, “For the open elements like a porch or a balcony.”

Jack Wyche, 10460 Alpharetta Highway, owner of the Car Wash business with 10 bays, made the following comments:

- Noted his zoning is changing from C-3 Highway Commercial, to Commercial Mixed-use; “according to the draft, I have limited, if I do anything, there is a limited permission to do that.”
- Referred to the definition of car wash, Page 9-19, of B1; Page 9-21 additional definition regarding automatic equipment, restricted to convenience stores with gas pumps and 1 single bay, not self-service car wash, completely enclosed.
- Concerned about installing additional automatic equipment, or up-grade and use two of his ten bays instead of one; will that be acceptable.

Mayor Wood asked City staff to respond to Mr. Wyche’s concern. Mr. Townsend replied, “The simple answer is yes, you would be able to convert it to automate.”

Mr. Einsweiler stated, “The encroachment of section for Building Elements, does allow for some elements which are intended to provide pedestrian cover over the sidewalk. For example, The Gallery, which is a downtown concept in which you would have space and columns that actually sit across the sidewalk. No physical space, no habitable space from the building, just that exterior space.”

Mayor Wood said, “So, you would have a canopy over the sidewalk.” Mr. Einsweiler replied, “You can have a canopy and other elements over the sidewalk, and those would be allowed to encroach in the right-of-way provided the City gives them the right-of-way.”

Joe Elliott, resident of Hembree Road near the intersection with Crabapple (no address given), made the following comments:

- UDC is a great endeavor on the part of the City.
- He has been involved in re-development work in the City of Smyrna.

- Resident of Roswell at Hembree Road since 1995 in a forty-year old ranch home; 7 acres; has been working in Roswell since 1987.
- His neighborhood includes approximately 18 acre area that currently has no sewer; is a great area to re-develop into a lifelong community that has been adequately proposed and outlined by Code Studio for multiple uses and different types of homes where people could age in place; would like to see 1500 square foot cottages.
- Most recent draft, RS-4 and RS-6 have been eliminated or removed from the suburban residential; asked if that is current and is it being debated or discussed; confirmed for Mayor Wood that he would like to see the RS-4 and RS-6 back in.

Mr. Townsend stated, "The current draft does not have RS-4 and RS-6 in the suburban residential." Mr. Elliott confirmed for Mayor Wood that he would like to see it put back in the UDC because it would help to create the contemporary, progressive communities that he believes will be demand in the City, including a larger population of people sixty-five years and older that would like to see a lot more of that type of product available such as a cottage at the rear of his property. Mr. Elliott said, "My opinion is that those two types being incorporated in Suburban Residential would accommodate the needs that our community really requires."

Council questions:
Councilmember Dippolito stated he would like to ask a follow-up question with Legal. He said, "We had a meeting where we discussed the possibility of allowing RS-4 and RS-6 in Suburban Residential even though it didn't specifically outline that in the intent statement. Do we need to include that in the intent statement in order to implement that, in other words, if it is not specifically included, does that mean it is prohibited."

City Attorney David Davidson stated, "It is not prohibited if it is not in the intent statement, however, it would probably be better to include it in the intent statement so that it is clear that it is possible. You could even delineate it just to say that it is possible to have it in those districts, while keeping it separate from the other districts."

Councilmember Dippolito replied, "So, in appropriate locations with Suburban Residential, we can approve it." Mr. Davidson replied yes.

Councilmember Dippolito replied, "We could do that even as it is written but you are saying it would be clearer if we actually have stated that, but just because we say it is allowed, doesn't mean it is allowed everywhere, it is allowed where the Council feels it is appropriate." Mr. Davidson replied yes.

Scott Long, 1055 Martin Ridge Road, made the following comments:
- Complimented Mayor and Council for taking on the endeavor; it will be a big improvement when completed.
- Walkability in the City; Groveway and Frazier Street is a perfect concept for UDC; it is form-based and mixed-use; allowing increases in density in exchange for getting walkability and offsetting car use; dense residential does not give walkability, it requires all the services that go with it.
- Groveway now includes mostly townhouses; forty new houses, mostly townhouses going in at Goulding Place which is close to Groveway; three hundred apartments on Frazier Street going in; the vision is great; hopes the UDC will encourage the mixed-use not just say it is allowed, but make it happen.

- Zoning categories where communication towers are marked as limited; the chart states limited is basically permitted as long as height rules are followed.
- Inquired if communication towers are something that should also be conditional, in all cases.

Mayor Wood asked staff to respond if communication towers are by right, or are they conditional; what does that mean when it is marked as limited. Mayor Wood noted that this Council has been concerned about the location of communication towers. Mr. Townsend replied, "AG-43 has it as a limited designation. CX has it conditional. CC has it conditional. CH has it conditional. Not allowed in the downtown district at all. Limited in OP. Limited in IX. Limited in IL. The limiting designation then kicks into the Code. Communication tower use standards where telecommunication tower is allowed as a limited use is subject to Articles 21.2 Standards of Wireless Communications Facilities, which is our current code designation in the City Code. Anywhere you do it, you still have to meet the conditions of the City Code." Mayor Wood asked if that requires Council approval. Mr. Townsend replied, "If it is conditional, yes." Mayor Wood replied, "If it is limited, it does not necessarily require Council approval." Mr. Townsend stated that was right.

Denise Rauch, 170 Charleston Circle, made the following comments:

- Noted that she lives in the section of the city that a previous speaker was speaking about.
- RS-4 and RS-6 does not belong in that section of Roswell; she is pleased that it has been removed from Suburban Residential; most people who live there do so because it is low density; higher density will change the character of that section of Roswell.
- UDC would allow almost an 1000 square foot cottage could be built if on an acre; thinks that is a great idea; cottages belong in the section of the city where there is land available where it would be architecturally correct and could be implemented correctly.
- Does not want RS-9, RS-4, and RS-6 in Suburban Residential; proposals are better handled coming before Council, going through the process; feels she represents the majority view.

Joe Paris, 195 Chaffin Road, made the following comments:

- Quoted Kiplinger Letter of December 20, 2013, "Now that the economy is picking up there is no sign of reversal; both young folks and empty nesters will continue to be drawn to urban centers. The youngsters prefer to live close to work places and increasing shuns car ownership. The older group is eager to give up tedious commutes and caring for suburban homes and lawns."
- "Can never embrace the future by trying to cling on to the past"; this is exactly was has been done during the Comprehensive Planning process at the City of Roswell, and the UDC.
- Complimented Code Studio for their work across the country; the City of Roswell has employed Code Studio.
- Code Studio put RS-4 and RS-6 because dense development is the only way that we are going to build the lifelong communities; we said we endorsed it.
- Read: "Great neighborhoods are the building blocks of great communities and one of the characteristics of a great community is a representation of a variety of people, young, old, rich, poor. Neighborhoods should be places where people of all ages and abilities can live as long as they like. One of the preambles for lifelong communities is diversity and dwelling types."
- The City signed off on the Comprehensive Plan; Code Studio delivered a UDC that was representative of lifelong communities.
- More flexible zoning should be considered; RS-6 is a large lot.
- Requested that Council "put back in what stayed in here for two years and then all of a sudden we read one morning it disappeared; I'm wondering why because we have too many examples of fine small homes that are actually worth more than the larger homes, it all depends on who is doing the building."

No further public comments. The public hearing was closed.

The meeting adjourned for a break at 8:57 p.m. and reconvened at 9:10 p.m.

Council Comment:
Councilmember Diamond noted that she had prepared a list of "Draft amendments to First Reading Draft" and said copies had been provided to Council and were also available for the public in the back of the room. She said that staff members and Lee Einsweiler of Code Studio would discuss these amendment items.

Mayor Wood asked if these were amendments that she was proposing if she were making a motion that would be incorporated into the first reading. Councilmember Diamond replied yes.

Mr. Townsend placed the list on the overhead and said they would record the changes as they were discussed. He said Mr. Einsweiler had reviewed the list this afternoon and had already made notations.

Mayor Wood asked if they would be talking about the text and not the map. Mr. Townsend replied they were talking about the text.

******The amendment sheet dated January 13, 2014 was presented in two sections. The first section shown in grey included 20 items. The second section shown in pink included 32 items. The amendment items were discussed individually by Lee Einsweiler as follows:***

Draft amendment #1 of grey section – (Reference page 2-6, Section 2.2.6) – *Comment: Add the word "not" before considered.*
Mr. Einsweiler said this amendment had been completed and could be struck and noted that the change was in the current draft document.

Councilmember Price said she believed this amendment was referencing page 2-5 but it was not in the document. Mr. Einsweiler said he thought the section reference was incorrect because a new 2.2.6 was added. He apologized and said he thought the word "not" was in the next section. This was different than was originally intended; adding the word "not" would take the landscaped buffers which are a requirement in certain districts…(this comment was not completed.) Councilmember Price asked, "Where are we exactly, please?" Mr. Einsweiler said in the current 2.2.6 and said she was correct that the word "not" was not included in 2.2.6. Councilmember Price said it was at the bottom of the previous page. Mr. Einsweiler said that was correct, in green. Councilmember Price said, "It is 180 degrees in the opposite direction, meaning?" Mr. Einsweiler replied, yes and adding the word "not" would take the landscape buffer out of the 25% landscaped open space on a property that was required of certain building types. He said that was not typical practice but it would be acceptable policy. Councilmember Price said, "I know this is not an amendment, but the very next sentence; can you clarify what that means. Because it makes it sound like anything that is landscaped which includes grass; if it is like that it can never be built on." Mr. Einsweiler replied that the 25% that must be set aside is this concept; they have termed the phrase "landscaped open space" into a term of art and it is a defined thing now so it is not a front yard necessarily, it is a very specific thing for certain building types and in this case the walk up flat and the stack flat are now required to have 25% open space. The question at hand in the first line is whether the landscaped buffer that might be required to surround them if they abut a different kind of a district is considered landscaped open space. He said in most ordinances, a buffer would be considered part of that larger idea of open space for the property but it is not necessary to include it by any means.

Councilmember Dippolito said he had a question regarding that same paragraph. He said they talked about the landscaped open space being permanently set aside for public or private use and his only

concern was that if it was for private use, could then somebody put a fence around it and it becomes private to an individual resident as in the case of a townhouse community where fences are put around all of the yards and that becomes the open space when it was really not.

Mr. Einsweiler replied he thought the idea that shows up in the next piece got at that same concept and it could be called common open space which has a very clear definition that it be shared. Therefore in the townhouse example, there are townhouses that have common space and often have common drives and common other elements and they could have common landscaped area. Councilmember Dippolito said he would prefer that to using public or private. Mr. Einsweiler said they could expressly include it on a separate lot if that is necessary.

Councilmember Diamond referred to Section 2.2.6 B and said changing to "common" rather than "public or private."

Councilmember Igleheart said Councilmember Price's comment was that it is permanently set aside and asked, "Is it that a specific piece of property is never going to be anything other than grass or does it mean a percentage of the project as it is?" Mr. Einsweiler said it would be designated at the time of site plan and it would be set aside as part of that site plan approval that they could not build on it without coming and modifying the site plan in the same manner that they got it in the first place. Councilmember Igleheart said future planning could change that. Mr. Einsweiler said yes, everything could be taken down, move the 25% around and put it all back up again. Councilmember Igleheart said the "permanently" was the question on that. Mr. Einsweiler said it is not requiring an easement or anything like that although how it actually happens might be by easement or by deeded lot.

Councilmember Igleheart said, "On a larger question. I did send out late today but unfortunately it took me a week to get it all together, suggestions. Do we want to go through this entire list and then come back to things that I have put in which…(the remainder of the comment was inaudible)."

Mayor Wood said these were the suggestions that Councilmember Diamond proposed and that Councilmember Igleheart could ask her to include additional changes in her motion or if she did not, there could be a motion to add additional changes to her motion. He said as he understood these were proposed amendments that Councilmember Diamond would be including in her motion and additional changes could be made now as a suggestion or could be made in a motion if the suggestion was not accepted.

Councilmember Igleheart said, "Right. I had one that is close to the area of this one and one that, the 2.1.1 we have already passed. So how would you best like to proceed?"

Mayor Wood said that he could make his comments after Councilmember Diamond makes the presentation or he could make them now. Councilmember Igleheart asked Councilmember Diamond what she would prefer.

Councilmember Diamond replied on things like that, it might be helpful to address them all at once. She said there are things that talk about lot coverage that are substantial impact in other areas that might be better in a work session. She said they had not had a chance to go through some of this with staff or with Mr. Einsweiler to determine what the consequences are to changing them. Councilmember Igleheart said he agreed. Councilmember Diamond said they could try to hit the smaller ones.

Councilmember Igleheart said, "Ultimately, I don't want to go through a first reading that would then take two weeks from now. We have a work session and then we have two weeks and then decide the big things and then we come back for a second reading. That is my ultimate point. But, for that sake, because I think it would take a while to go through all of these; I'll wait until after we go through these.

But, again as we have had throughout this entire process, when is it that we are going to have the discussions on these big items? Hope we don't wait until the last reading."

Mayor Wood said he could make his comments now or could make them at a work session or could make them privately or at the last meeting. He said all of those options were open.

Councilmember Igleheart said, "Sorry to be so cynical but the very first item we've had, we've had the wrong page and the wrong resolution. So I hope we do better."

Mayor Wood asked Councilmember Diamond to proceed.

Draft amendment #2 of grey section – (Reference page 2-6, Section 2.2.7-B-5 a & b) – *Comment: Ground level – add "common area"; Upper level – add "common area"*

Mr. Einsweiler said again, the same idea in this case. They were talking about the outdoor amenities space which was being treated differently than landscaped area. This talks about ground-level and upper-level facilities and the suggestion is to include the notion that they are common area as Councilmember Dippolito asked for earlier and that seems like a very good idea. He said that was quite acceptable from Code Studio's perspective.

Councilmember Igleheart asked if he could jump in before moving on. Mayor Wood said yes if it was on that point.

Councilmember Igleheart said for those that are specific elements that they are dealing with, he would like to go ahead and add them. He said they have had discussion as to what should or should not be located at grade and one of the discussions they had was that it probably does not make sense in some of the larger areas to allow that to be above grade or on a roof. As they talked, it really was CX where that might be the most appropriate. As it is listed, it can be above grade everywhere except RM-2 and RM-3. He suggested changing that so the only place it is allowed above grade is CX. It is required at grade on everything else. He said additionally, even in CX it is 50% that can be located above grade. He said more towards their discussion at the last work session, yes they want things on the ground but there are places that are denser in a downtown area where it might not make as much sense. That is not what they have here now.

Councilmember Dippolito said his recollection of that discussion was that they talked about downtown districts only. He asked, did they not say that only the downtown districts could be above grade and everywhere else would be at grade.

Councilmember Igleheart replied, "Whichever way ultimately we decide, then yes but that is still not what…even what you said is not in here or even close."

Councilmember Dippolito said, right. Councilmember Igleheart said, "Then how about making that into the CX…" Councilmember Dippolito said it would not include CX because that is not a downtown district. Councilmember Dippolito asked if it would just be the D districts.

Mr. Einsweiler said Code Studio would gladly handle the drafting if they could come up with the policy.

Councilmember Diamond said she thought they had discussed that they would not allow any of it to be above grade unless they came forward with a plan that would warrant that. She asked if she had missed that.

Councilmember Igleheart said that was even better but that was not in here.

Mayor Wood asked if that point had been covered. Councilmember Dippolito asked if they were saying; take out "above grade" entirely. Mr. Einsweiler replied yes.

Councilmember Diamond said there were a few things on the change sheet the last time that did not make it into this draft and she believed that might have been one of them. She said they would make sure it was in this one.

Mayor Wood asked them to continue with the next item.

Draft amendments #3 and #4 of grey section – (Reference page 2-7, Section 2.2.8-B 6 & 7) – *Comment: Change the word "must" to the word "may".*

Mr. Einsweiler said the suggestion was to change the word "must" to "may" and he wanted to give an explanation of why the document reads "must". He said one of the challenges with both parking behind a garage which is set at a medium distance away from an alley for example and a side lot line is that when a space is created too small, it cannot be mowed or gotten into for painting, etc. The reason for 0 or 3 feet is that it is either at the lot line or it is moved back far enough that it can be mowed in between. That does not mean that it could be at 1 foot or 2 feet but it could be at 3 feet or more or at 0. He said the setback shown in 2.2.8 B 7 is 4 or 20 feet because if there is a garage for example that faces on an alley; at 4 feet the apron is small enough that the user is typically not teased into parking on it but if it is 8 feet, often the car will pull in sideways to the garage door. If it was 10 feet the car would be stuck out into the alley but nosed up to the garage door. Therefore, the 4 feet or 20 feet means that it is trying to get either a full parking space or just an apron. He said they were intentionally written as "must" because there is flexibility in that these are setbacks. For example, the 20 feet could be 21 or 22 or 23 but not at 16. The reason is that when pointing the car head in, it would be sticking out into the alley. Therefore these were intentionally done the way they offer. He said they could read "may" instead; some of that is drafting style as much as anything. The same results might be gotten from the word "may" in these sentences. What they do not intend is for 0, 1, 2 or 3 feet to be allowed or 5 through 19 feet to be allowed. He said they could try to draft that more clearly to implement the same concept.

Councilmember Dippolito said he was concerned that it could be interpreted as having a build-to zone on the back. He was trying to clarify how to get rid of the implication that it was a build-to zone because there should not be a build-to zone on the front and the back. That would be wall to wall building. Mr. Einsweiler said illustrating this might help as they did in many of the multiple lot instances with different setbacks shown for garages for example where it could be seen that options were available. He said sans an illustration, it was hard for people to get away from that because it is "must" language and that feels like a build-to even though it is fundamentally operating like a setback. Councilmember Dippolito said that was right and he thought that would be a good idea. They had wrestled with that and then had to ask Mr. Einsweiler and they would not want to have to do that in the future.

Councilmember Dippolito then referred to the paragraph before that, 2.2.8 B 5, and said the word "outside" should read "inside". He asked if that was a typographic error. Mr. Einsweiler said that was another instance where an illustration would be hugely useful and they would provide that and also make the language change. Councilmember Dippolito asked if that was supposed to read inside edge. Mr. Einsweiler said that would depend; if it is the adjacent neighborhood then it is the outside of the buffer but if it is the property owner, it would be the inside of the buffer. He said they meant the same place which was for this is inside the property. Councilmember Dippolito said he believed they used the word "inside" throughout the document so for consistency it should be "inside."

Draft amendment #5 of grey section – (Reference page 2-7, Section 2.2.9) – *Comment: drive-thru – build to zone.*

Mr. Einsweiler said Uses Allowed on the last paragraph of this page, suggests that uses allowed on the lot are allowed in the build-to zone. He said it is not perfectly clear that the intent of a build-to zone is to generate the equivalent of a setback. Therefore a drive thru lane would not typically be allowed in a build-to zone; it is allowed in a setback sometimes. If they want to make certain that they do not accidentally get a drive thru on the face of a building in a build-to zone then that should be added to this Uses Allowed language and be much clearer about it so they do not have that inadvertent problem.

Draft amendment #6 of grey section – (Reference page 2-12, Section 2.2.18) – *Comment: Building Elements – B 4 and C 3.*

Mr. Einsweiler said in both cases, building elements in B 4 and C 3 are encroachments into the required setback. In this particular case, these are not encroachments into the right-of-way. He said imagine a house in which the bulk of the building or the face of the house sits right at the setback line whether it is 15, 20 or 25 feet. The intent is to encourage a porch by saying it is a freebie that they could extend the porch out into the front yard which is basically the setback area up to a certain distance. It is set at 9 feet in order to allow a reasonably deep porch, therefore, the concept for allowing these encroachments is to encourage them. Otherwise, the entire building would be forced to be set further back on the site in order to get the porch behind the setback line.

Councilmember Price asked what would be the changes then to B 4 and C 3.

Mr. Einsweiler said there was not a proposed change but it was a highlight that these are an issue to some people; the fact that these extend into the setback area is different than the current approach.

Councilmember Igleheart said to clarify from the previous question, D 4 states "a balcony may encroach up to 6 feet into the public right-of-way" and E 4 states "a gallery may encroach up 9 feet into the public right-of-way." Mr. Einsweiler said that was correct, that is with permission because an encroachment agreement with the City would be required.

Councilmember Dippolito said these two items are setback, not right-of-way so neither encroaches into the right-of-way itself. Mr. Einsweiler said that was correct.

Draft amendment #7 of grey section – (Reference page 2-14, Section 2.2.18-F-1) – *Comment: Change 6 feet to 4 feet.*

Mr. Einsweiler said the proposed change was to the required depth of an awning from 6 feet to 4 feet. He said this was a policy question and that Code Studio did not have a fundamental problem with it, but a 6 foot awning is better and a 4 foot awning was better than no awning at all.

Councilmember Dippolito asked what a typical awning size was. Mr. Einsweiler replied there were two kinds of awnings, one was fundamentally decorative and the other was functional and that 4 feet would be the shortest for a functional awning that would create a 4 foot covered sidewalk. He said most sidewalks were 5 or 6 feet especially in a shopping area, the type of place where this would be expected, thus where 6 feet came from, however 4 feet is still acceptable and there is nothing that suggests someone could not extend it 6 feet or 8 feet if they chose.

Draft amendment #8 of grey section – (Reference page 2-14, Section 2.2.18-G-6) – *Comment: depth cannot exceed the general width.*

Mr. Einsweiler said this has to do with a forecourt and the intent is to not create skinny deep forecourts which are intended to be an interaction between the street and the people in the outdoor plaza section. If they are allowed to be narrow and deep then the impact of them would be lost on the street face. The proposed change is that they never be allowed to be deeper than they are wide. The forecourt shown in the illustration is 35' x 35' square so they would be similar in configuration to that drawing.

Councilmember Price referred to page 2-12, Section 2.2.18. Building Elements and said B 3 states, "A front porch must be roofed and may be screened, but cannot be fully enclosed." She asked why not.

Mr. Einsweiler replied they are allowed to be out into the setback area and must remain open and not habitable or there would be habitable space in the setback area. As soon as a porch is fully enclosed, it becomes three seasons and then four seasons that eventually becomes permanent space. It would be fine to enclose a porch that was behind the setback line and that could be expressly stated but they would have to remain behind the setback line and not encroach.

Councilmember Price said if that were compared to some of the restaurants that puts transparent…(she did not complete her comment). Mr. Einsweiler asked if she meant Visqueen or the roll down shades. Councilmember Price said yes and asked if that was considered enclosed. Mr. Townsend said all of those were on private property and not in the right-of-way. Mayor Wood said they were not allowed to come onto the public property. Mr. Townsend said correct. Councilmember Price said so there is no setback there. Mr. Townsend replied correct.

Councilmember Orlans asked for clarification if the awnings were at 6 feet or 4 feet. He said 6 feet made sense to him and he did not know where 4 feet came from. Councilmember Diamond replied it was a minimum. Mr. Einsweiler said it was a proposed amendment that Council would have an opportunity to decide on. He said he was just running through the amendments but none of them had been decided at this stage. Mayor Wood said nothing had been decided on at this state because they have not taken a vote.

Draft amendment #9 of grey section – (Reference page 4-20, Section 4.3.9) – *Comment: SH Build to zone measure 5' to 10'.*

Mr. Einsweiler said this question was about the build-to zone for the single-story shopfront suggesting that it be setback 5'/10' instead of being pulled all the way up front at 0'/5'. He said the way to think about this would be to ask if they were trying to widen the sidewalk by moving the buildings back on the private property and the reason for setting it to 5'/10' is because they would be pushing all the buildings back an additional 5' and theoretically expanding the perceived sidewalk at least. He said or would they want them right on the edge of today's sidewalk at the property line. Looking at the areas where they intended these would most likely show up, they thought bringing them up to the existing sidewalk would be acceptable. It might well be that in the discussions on mapping and other things that these are now in areas they were not thinking about in which the 5'/10' makes more sense. He said this was a policy decision and did not think there was much difference between those two options. If there are existing buildings at 0', they should probably stay at 0'. If the buildings are expected to be mostly replaced, then the 5'/10' would be fine or if the existing buildings are back 5' and it matches an existing pattern that would also be fine. Forcing buildings back from the pattern would mean that people would be constantly coming and asking for a variance to be up as close as their next door neighbor. Some consideration of the context is perhaps appropriate in considering where this would apply.

Councilmember Diamond said, "Part of that was, that shopfront is such a transitional area. I think the feeling was that you may not be comfortable being on a short sidewalk. You are Alpharetta Highway truly; that's where you become that. So, I think that was the…(she did not complete the comment)."

Mr. Einsweiler said it would be a good idea to consider backing it up further on Alpharetta Highway so they would not feel like there was quite as much traffic and they could widen the sidewalk and provide more landscaping. All of those reasons would be very good along Alpharetta Highway. If that was the primary place this would be used it would make good sense to set it at 5'/10'.

Draft amendment #10 of grey section – (Reference page 9-7, Section 9.4.1-E-1-a) – *Comment: "social services".*
Mr. Einsweiler said this refers to an error in drafting on the part of Code Studio. Social services is a defined set of uses which shows up on the Use Table and yet that term also shows up in the definition of Nonprofit Service Organization at the top of page 9-7. It should either be pulled out or a different term used in that definition in order to not comingle these two very different ideas about social service residential buildings which are regulated and this sentence about social services.

Councilmember Diamond said they would rewrite one. Mr. Einsweiler suggested rewriting the Nonprofit Service Organization definition because much of the remainder of the language was very good and thought they should write those words out of that definition.

Draft amendment #11 of grey section – (Reference page 9-10, Section 9.51-B-1) – *Comment: Remove aging*.
Mr. Einsweiler said they inadvertently used a definition on Adult Care Center that suggested adults had to be aging. That was never intended. There are many instances when adults who are not aging are in daycare settings in which the term aging would not apply. He said that should be removed.

Draft amendment #12 of grey section – (Reference page 9-13, Section 9.5.7) – *Comment: Parking – add number. Guest parking.*
Mr. Einsweiler said under Parking which is used for only parking as a standalone use, the suggestion was to add the term "guest parking". He said he was reluctant to do this because this is parking as a principal use. He said, for example, is it meant that someone could build a multi-family complex and have a separate lot down the street for their guest parking. H said he did not think they ever intended that. He said guest parking was always an accessory use and because of that it would not be part of this definition of parking and perhaps should not be. From Code Studio perspective, they should strike that proposed amendment.

Draft amendment #13 of grey section – (Reference page 10-12, Section 10.2.1-C 1 & 2) – *Comment: Remove use.*
Mr. Einsweiler said this was an interesting call and the proposed amendment was probably correct. Currently, the triggers for new landscaping include new building or increase in gross floor area improvement to site area. If adding parking spaces, the site would be landscaped; if back on the site working to build an addition, the site would be landscaped. However, changing use and not meaning the same use going in again, but truly a change in use for example office becoming restaurant. If they were not changing the footprint of the building, do they mean to trigger the landscape requirements? He said that was an open question but he believed for the most part a change in use rarely triggers anything but signs in most ordinances. He said sign compliance is frequently set to change in use but would not typically trigger landscaping in other communities. That would be a matter of choice but he believed that would be an acceptable amendment.

Draft amendment #14 of grey section – (Reference page 10-13, Section 10.2.5-A-4) – *Comment: change "outside" to "inside".*
Mr. Einsweiler said this was the same issue Councilmember Dippolito had brought up earlier of "outside" and "inside" as to the measurement of setbacks. This one has the drawing which helps clarify and he thought they would borrow that drawing and use it earlier as well. This would be an appropriate amendment.

Draft amendment #15 of grey section – (Reference page 10-16, Section 10.2.8-3) – *Comment: remove "glass block".*

Mr. Einsweiler said one of the material options for screening of service areas included glass block and Code Studio would be fine removing glass block. This is a local choice and up to Council.

Draft amendment #16 of grey section – (Reference page 10-18, Section 10.2.10-8) – *Comment: "does not" exceed.*
Mr. Einsweiler said the request is to clarify language to replace "may be no more than" with "does not exceed" which is more like the language in much of the remainder of the ordinance. He said this change should be made.

Draft amendment #17 of grey section – (Reference page 10-23, Section 10.3.7) – *Comment: excluding "neon window sign".*
Mr. Einsweiler said this is regarding language about illumination of signs.

Councilmember Dippolito said exposed neon for signage has been eliminated from the sign criteria. This would conflict with that because this allows for a neon window sign. He said LED open signs and those sorts of things are allowed.

Mr. Einsweiler asked if Councilmember Dippolito was suggesting eliminating paragraph 10.3.7-E-2 completely. Councilmember Dippolito replied yes unless there was another need for it; the intention here is to allow neon window signs but elsewhere it states that is not allowed and in his mind that would be a conflict and therefore the entire paragraph should come out. Mr. Einsweiler said then it should be deleted.

Alice Wakefield asked for clarification, if open signs is what was being talked about here. Councilmember Dippolito said they had discussed in one of the work sessions and agreed that they did not want exposed neon, but were okay with neon when it was behind Plexiglas or screened. To some extent there could be a neon window sign but it could not be exposed. If they need to somehow allow for window signs here then they need to make sure they are not exposed neon window signs. Ms. Wakefield said she would double check with Code Enforcement because she had asked them to do an inventory because there are neon open signs everywhere. Councilmember Dippolito said however, the point is they don't allow them anymore but this is going forward so if someone has a sign they would not be required to take it down. Ms. Wakefield said some of them that are up are not allowed and she just wanted to clarify that so she knows what she needs to do. Councilmember Dippolito said his understanding of what Council decided was there would be no exposed neon in a sign.

Mr. Einsweiler pointed out that Section 10.3.24-C-4 on page 10-39 would also need to be clarified because it appeared that the old language about exposed neon was still in the current draft and said this section states "Except in a –PV district, exposed neon may be used for lettering or as an accent." He said that they could provide clarifying language about neon being used as an indirect lighting source only. He gave an example of one of the signs shown on the right of the page that he suspected was neon lit but because it was behind the sign would be much more acceptable.

Councilmember Dippolito agreed and then asked if someone remembered it differently to let him know but he thought their discussion was that neon was acceptable as long as it was not exposed.

Councilmember Price said she had a broader question regarding signage and said, "I know since I have been on Council, every time there was any issue about changing our sign ordinance, we were always warned that we should not touch our sign ordinance since it had already withstood legal challenge and that if we were ever to change our ordinance with respect to signage, we would set ourselves up for future difficulties especially regarding billboards. Is that somehow or other not any longer an issue?"

City Attorney David Davidson responded to the question and said this issue is quite different. They have warned Council not to mess with the sign ordinance on off premise type signs. This is not really that issue now.

Councilmember Price said, "These are only on premise signs. Is that not part of our sign ordinance? That is my question. I thought it was a total package that we could not touch."

Mr. Davidson replied no, that it has been in relation to off premise signage like directional signs, reader boards and other things that people have wanted to put up. That is when they have cautioned Council about changing.

Mr. Einsweiler said he believed the language regarding off site signs has been carried forward. For example, off site real estate directional signs are allowed in exactly the same way as they are currently done.

Councilmember Price said, "The wording for those has not been changed."

Mr. Einsweiler replied it has not. Councilmember Price thanked Mr. Einsweiler.

Draft amendment #18 of grey section – (Reference page 11-3, Section 11.2.6-B-2-e) – *Comment: remove – Landscaped stormwater management facilities: and*

Mr. Einsweiler said this is the new definition of common open space, a term to be used for only a limited set of housing types but the most intense ones. Currently, this includes landscaped stormwater management facilities and the requested change is to take that out. If they were getting bad stormwater facilities such as concrete stock tanks and other sorts of unacceptable design solutions then this might have been a good idea. However, since most of the stormwater facilities are fairly innovative already he did not see any harm in taking this out of the open space and forcing it to be on the private property.

Draft amendment #19 of grey section – (Reference page 11-3, Section 11.2.6-B-2-f) – *Comment: easements for "underground" drainage*

Mr. Einsweiler said this was the idea of adding easements for underground drainage. For example, there could be a drain field in a common open space area. He said this change makes sense.

Draft amendment #20 of grey section – (Reference page 11-26, Section 11.5.3-C) – *Comment: need to amend at the end of this section – add "detention ponds, retention ponds, and water quality features shall be located outside any required buffers"*

Mr. Einsweiler said this applies to the section on public improvements with regard to the design of utilities but he was concerned because there was also a section that describes what is allowed in a buffer in the landscaping section. This language that suggests very clearly that detention ponds, retention ponds, and water quality features must be outside of buffers would be better in the definition of a buffer. It could be included in two places if that was what Council chose; however, when things are in two places in the ordinance and those things change in the future, it might get changed in one place but not the other. If there was a preference to include this in only one place he suggested it should be in the section on buffers.

Councilmember Dippolito asked if it could refer to the other section. Mr. Einsweiler replied yes. Councilmember Dippolito said perhaps it could be handled that way. Mr. Einsweiler said absolutely and perhaps that would be the best answer.

Mr. Townsend said the definition for a buffer was on page 14-4.

Mr. Einsweiler said they could include the description here in the definition of buffer so that it was clearly excluded from the buffer.

Councilmember Diamond said that concluded the discussion of the grey section on the spreadsheet that represented the items they believed were the easier ones.

Mr. Einsweiler began discussion of the amendments from the pink section.

Draft amendment #1 of pink section – (Reference page 3-5, Section 3) – *Comment: add "Suburban Residential" back into the intent statements for RS-6 and RS-4*
Mr. Einsweiler said this had had been heard in the public comment regarding RS-4 and RS-6 being added back into the suburban residential areas. He noted that the draft was initially prepared that way.

Draft amendment #2 of pink section of spreadsheet – (Reference page 3-12, Section 3.2.4) – *Comment: RS-9 – Common open space*
Mr. Einsweiler said this was regarding adding common open space to RS-9 properties. He said this would be a policy decision but in his opinion, a 9,000 square foot lot was big and would not normally be obligated to provide open space.

Councilmember Dippolito said he had an opinion to offer on this and noted that they recently had a project at Houze and Rucker roads that was essentially RS-9. They reviewed it from a zoning standpoint as being RS-9 and looked at the UDC and required it to meet a lot of those criteria. One thing that was added was additional open space. He said they have already decided that as a Council and it was important to include it here because it was from a recent rezoning that occurred only a month and a half ago that seemed to make sense.

Draft amendment #3 of pink section – (Reference page 3-16, Section 3.2.8) – *Comment: Cottage court – building coverage 60%*
Mr. Einsweiler referred to the cottage court version shown on page 5-10 but it would not matter which version of cottage court they looked at. He said the lot coverage requirement was not necessary because the smallest lot size allowed would be 22,500 square feet that would accommodate only five units. They could be a maximum of 1,200 square feet or 6,000 square feet of lot coverage on a 22,500 square foot site which was way down at the 30%. That is the principal building footprint but does not account for the accessory buildings. Even if that were doubled, it would be at 12,000 at around 50% lot coverage. He said he was not certain they needed to add that number to the table because the function of that district already creates it between the restriction on the footprint and the size for the lot.

Councilmember Price asked for clarification and said, "I have been trying to do the math on this page. If you say that the site area is 22,500 and then you say units per site is either 5 or 9 but all of the pictures show a minimum of 5 or maximum 9. But if you are saying that there cannot be a 9 why is there a 9 there at all. But then the correlated question is, under "F", what is the difference in lot area and unit. What is the difference in a lot and a unit? It is defined in the back as identical."

Mr. Einsweiler said he would address those separately. "First, the question of site area; the 4,500 square feet is site area per unit. If you did 6 units you would now be at 27,000 square feet because you would have to add 4,500 square feet more to the bare minimum 22,500 so to get to 6 units you need a little more and you need a little more to get to 7 units and you need a little more to get to 8 units and you need a little more to get to 9 units. So, you are allowed to have a cottage court with between 5 and 9 units provided you have enough land area." He said if they had not made that clear, they could work on the draft.

Councilmember Price said no, she understood.

Mr. Einsweiler said, “That is the first one; you add lot area for each additional unit past 5 so the 22,500 is only allowed for 5 units and it requires 27,000 and then 31,500…(he did not complete the comment)”.

Councilmember Price said, “But the difference in ‘B’ and ‘F’; there is just 4,500 square feet for one of them.”

Mr. Einsweiler said, “That is two different things. If you look at the very first drawing; I’m going to use the word parcel for the big thing, the parcel it sits on. The site is 22,500 square feet so the big green square is 22,500. Note though that there is common area on that site and there is the court on that site. The common area is going to be used for parking in the final configuration that you see there so the lot is actually right under the footprint of the building at 1,200 square feet. 1,200 square feet is the biggest building you can build. That’s at the bottom of the next column, principal building, 1,200 square feet max. So, you could actually in a cottage court, sell 1,200 square feet plus an interest in the common area which would get you your parking spaces and your courtyard so the overall site or tract or parcel; we happen to have used site consistently throughout the ordinance, but the big piece is 22,500. But someone would be buying a smaller piece as a lot with then an interest in the common area. It is the same way we sell townhouses; the same way we sell certain other kinds of things. This may have no lots at all; they might all be rental; they might all be condominium.”

Councilmember Price said, “It just looks like ‘F’ and ‘B’ in the graphics are identical.”

Mr. Einsweiler said that “B” doesn’t show up in the graphic because it is sort of a theoretical chopping up of the parcel.

Councilmember Price thanked Mr. Einsweiler.

Councilmember Igleheart said he hesitated to try and explain but it was not that it has to be in that site just in the overall location. There could be a house unit there at 1,200 square feet but the 4,500 was added to the entire area. He asked if that was correct. Mr. Einsweiler replied that was correct. Councilmember Igleheart said that was why it did not have a letter associated with it. Mr. Einsweiler said yes. Councilmember Igleheart said he had mapped this out and it actually works very well; a number of the elements require that it be bigger than it might otherwise be. He said one thing that concerned him, because the building separation was either at 0’ or 6’ and if there was no separation that would essentially be just creating a row of townhomes that face each other across a court. He said they should keep it at only 6’ and delete the 0’; otherwise they would not be doing what was intended. He said everything actually worked very well but that just becomes two rows of townhomes facing each other.

Mr. Einsweiler said part of that would depend on which district this showed up in; if it was in a district that was more intense and would allow those other “closer to” attached types then it would be okay to have them attached but if it showed up in a district that did not, then it would not. He said that was a very good question and noted that currently, the cottage court was in its own district by itself. It was in the townhouse district and in the two multi-family districts, RM-2 and RM-3. It would show up again in other districts. All the drawings show it as single-family but in concept those units could attach. The land area would still be there and the overall relationship of building form to land area would be there but there might be a tighter clustering.

Councilmember Igleheart said he was saying they should not allow that. His suggestion would be to eliminate the “0”.

Councilmember Dippolito agreed with Councilmember Igleheart and said he liked the idea of it being a cottage court and not a townhouse court. If you were going to do townhouses, then do townhouses. The intent of this is really just to be cottages. He said he thought it needs to be detached.

Councilmember Diamond stated they would eliminate the "0" for 3.2.8-2-G.

Draft amendment #4 of pink section – (Reference page 3-26, Use Table) – *Comment: Institutional - remove from R-TH and make it conditional in RM-2 and RM-3*

Mr. Einsweiler said this was an issue with the Use Table for the residential districts. He said "institutional residential" is a term of art from the current regulations that was carried over. Currently it is allowed by right in the townhouse district and is a conditional use for up to 18 residents in the multi-family district RM-3 only. That was a direct porting over of the current approach to that idea which does not mean that has to be left intact. It would be acceptable to delete that idea.

Councilmember Dippolito said he thought it was particularly important to at least have a conditional use for institutional residential which was essentially assisted living and independent living. It is really senior residents in RM-2 and RM-3 certainly as a conditional use because if apartments are allowed there then they should also have assisted living. He said, "Once again, we are trying to push the ordinance to when we have townhouses, have a townhouse community or a townhouse district, we have townhouses in them. My thought was to eliminate those since they are more apartment like; to take those out of the townhouse district but conditional both in RM-2 and RM-3."

Councilmember Diamond asked Councilmember Dippolito if he meant on both "up to 18 residents" and "more than 18 residents." Councilmember Dippolito replied, in both.

Mr. Einsweiler said it was quite acceptable in most communities to allow it in exactly the same pattern that multi-family was allowed. He said they would be fine with this change; it would also be great to eliminate the above and below thing as well.

Draft amendment #5 of pink section – (Reference page 4-12, Section 4.3.5) – *Comment: Townhouses – building coverage – 75% in all districts*

Mr. Einsweiler said the suggestion is that the lot coverage should be 75% in all districts. This change would be a local decision for Council and Code Studio would be fine with this change. He said that would generate a fairly green townhouse project.

Councilmember Diamond said it was really more of a discussion in the downtown district where the proposal is 90%. There were some areas where it was 70% and some at 80%. They thought 75% would simplify and they would talk about open space later. Mr. Einsweiler said if there was a site plan she was comfortable with, they should set the numbers to that.

Draft amendment #6 of pink section – (Reference page 4-18, Section 4.3.8) – *Comment: Commercial House - should front setback be the same across building type (General Building and Mixed Use Building)*

Mr. Einsweiler said this comment was about commercial house setbacks. They are often asked why they are setting variable setbacks for varying building types and the answer is that if they don't feel the need to set varying setbacks, there is no need to regulate using the building types if they are not going to change the metrics among the building types. For example, on page 4-7 within the CX district, today in the draft, they are allowing every building type in the book. Without building types, all of the setbacks and all of the other metrics would allow the same maximum. It is the same as today in that some people set back further than their setbacks and some do not maximize their site. Presuming that especially in commercial areas where people try to use up the maximum land potential that they are given simply to maximize the

return on their investment; then creating some change in character where certain kinds of things occur is completely appropriate. The example this actually points to is the commercial house which was wholly designed for areas that have existing homes which are used for office and other commercial purposes, perhaps a restaurant. Those homes sit back 10'-15' or 20'-25' from the roadway, whatever their original setback was. He said if that home was torn down and the exact same building was built at a 0' setback, he did not think they would like it as much because it has a different character. The interesting thing about a good mixed use district is that it has pieces that have different character because they presumably have a different function as well and things change within the district. There is some flexibility in the setback lines, in some cases 5'-10' or more in other cases. Even in a build-to, there is some modest flexibility in what the street wall turns out looking like. The real intent of using the building types is to say that a townhouse sits up a little and back a little and is a little greener out front than a shopfront building that sits right up to the street and has lots of glass. Therefore, the building types are used to actually generate those differences. He said his primary answer to how a commercial house sits, is that it sits like the thing it emulates which are the original houses that had setbacks. He said this would be a policy choice but the Code Studio recommendation would be "no".

Councilmember Dippolito said he understood Mr. Einsweiler's point on the commercial house and agreed with that but he did not understand the difference for a general building versus a mixed use building.

Mr. Einsweiler said a general building has lower transparency with uses that are not as active on the street and they are often set a little further back so it could be greened up a little or have more flexibility to do something interesting in order to be a better neighbor along that same street. Therefore, if going from shop to shop and then there is a stretch of office building, especially a multi-story office building – single tenant, then that ground floor would likely be a quiet space. The shades would be down and the blinds would be closed if it were pulled all the way up to the street. He said they would back it up and give it a little more privacy and hope that it might be a little more active or a little more landscaped or something else.

Councilmember Dippolito thanked Mr. Einsweiler.

Draft amendment #7 of pink section – (Reference page 4-29, Section 4.3.13) – *Comment: PV approvals should be processed like a rezoning, change section to 13.4*

Mr. Einsweiler said the comment is for PV approval to be processed like a rezoning. He said that was a procedural issue and it was true that Parkway Village acts a bit like rezoning even though it is not. He said using the same fundamental procedures was acceptable to Code Studio.

Councilmember Dippolito said they are changing that now to a zoning category; whereas before it was an overlay, it is now actually a district. He asked if that was correct. Mr. Einsweiler replied it was but the function of the Villages on 6.0 acres, where this question comes in, is that it operates the same way in the base district that it formerly did in the overlay. Therefore it is a change in options available within the district without rezoning based on available acreage. Councilmember Dippolito said he did not understand that. Mr. Einsweiler said Parkway Village basically says that you don't get commercial stuff until you are big enough. It still says that but it is just a base district instead of an overlay that says that. They just replaced the underlying district that acts almost like a rezoning of the property. As soon as 7.0 acres are put together in a contiguous mass, there are more options available than the next door neighbor has. Councilmember Dippolito said then the options are still there, the process was changing. Mr. Einsweiler said the notice and all of those things and how they come before Council. He said simply, the suggestion is to use the process from rezoning. Councilmember Dippolito thanked Mr. Einsweiler.

Draft amendment #8 of pink section – (Reference page 5-10, Section 5.3.6) – Comment: Cottage court – *building coverage 60%*

Mr. Einsweiler said this item had already been discussed.

Draft amendment #9 of pink section – (Reference page 5-12, Section 5.3.7) – *Comment: Townhouses – building coverage – 75% in all districts*
Mr. Einsweiler said this item had already been discussed.

Draft amendment #10 of pink section – (Reference page 5-14, Section 5.3.8) – *Comment: Why are front setbacks varied?*
Mr. Einsweiler said this item had already been discussed.

Draft amendment #11 of pink section – (Reference page 7-9, Use Table) – *Comment: Park, Recreation field (up to 2 acres) – conditional*
Mr. Einsweiler said this is regarding the Civic and Conservation districts, the only place these parks are allowed. The original idea was that a small park would be allowed by right and they had thought pocket scale parks could get through the system easier, but that would mean no one was looking at what was in them. He said if there are concerns about parks that are less than 2 acres; this could be changed as recommended; there would be no problem with re-combining the size of parks and making them all conditional. This would be a matter of choice.

Councilmember Dippolito asked if there was a distinction between a passive and an active space related to parks. Mr. Einsweiler said not in this piece. For conservation purposes, they do not allow anything but a very small recreational field which was where the 2 acres came from. He thought that was an attempt to get at only a limited amount of active within the bigger passive piece so there could be a little ball field within a large preserve for example. Councilmember Dippolito said a little ball field next to a residential subdivision could be a concern. Mr. Einsweiler said yes if it were lighted, etc. but outdoor lighting would control some of that. However, it would be fine to consider these conditional instead.

Councilmember Price said, "On that same chart, what about the more than 2 acres? Why would we want to leave that as a permitted use as opposed to conditioning that one as well?" Mr. Einsweiler replied because that was City land. Councilmember Dippolito said the change was just to the Civic. Councilmember Price asked, "Only Civic and Conservation or just Civic?" Councilmember Dippolito said just Civic. Mr. Einsweiler said most everything in Parks and Recreation was City owned so what the City does with that was already a part of a process that would be discussed; this just gets zoning out of the way. He did not believe they changed anything that was allowed currently. Councilmember Price asked someone to explain the boxes shown on the table. Mr. Einsweiler said "up to 2 acres" would be C, P, C and "more than 2 acres" would be blank, P, blank because Recreation could be permitted by right because there were other processes to see how the parks would look.

Draft amendment #12 of pink section – (Reference page 9-14, Section 9.5.8-D-2) – *Comment: 5,000 to 7,500*
Mr. Einsweiler said this was in a small section under Personal Service but the same idea applies to Restaurant and Retail Sales. The existing regulations in the office district allowed a certain quantum of commercial activity to take place inside an office building where certain uses were allowed and this is a translation of that language brought over. 5,000 square feet was the limit before and the recommendation is to change that to 7,500 square feet. The impact would only be in the OR-Office Residential district, the only district with this limited use language. Currently there are only 5,000 square feet as a limited use in the office district and after it is converted it would stay at 5,000 square feet. The recommendation is to change it to 7,500 square feet but he suggested they be modestly cautious because these sit in close proximity to residential. In this case, office residential is a transitional district and lies in many cases between a major road and residential and there is some concern about that. It is required to be completely

inside a multi-tenant building, not in a stand-alone building. Perhaps in that perspective, changing from 5,000 to 7,500 square feet would be a non-issue.

Councilmember Dippolito asked if this applied only to Personal Service in OR. Mr. Einsweiler replied yes because the section only applies to Personal Service allowed as a limited use and is only a limited use in OR.

Councilmember Dippolito said this amendment was his recommendation. He then withdrew the requested change and stated he was fine with it remaining at 5,000 square feet in OR because he had thought it was across the board.

Draft amendment #13 of pink section – (Reference page 9-14, Section 9.5.9-C-2) – *Comment: 5,000 to 7,500.*
Mr. Einsweiler said this also applies to OR only, so Personal Service, Restaurant and Retail. Councilmember Dippolito said restaurant in OR would only be 5,000 square feet. Mr. Einsweiler replied yes; this is restaurant inside a multi-tenant building. Councilmember Dippolito said many restaurants are between 5,000 and 7,000 square feet. Mr. Einsweiler said but not in a transitional district; the office-residential idea is there because it is a nice neighbor for the adjacent presumed single family and expressed concern about putting too much intensity into those. He said it is kept down to 15% of the gross floor area, so this would be for Council to decide but it has worked as a transitional district so far and they might consider carrying this over.

Councilmember Dippolito withdrew this requested change as well.

Draft amendments #14 and #15 of pink section – (Reference page 9-15, Section 9.5.10-C and 9.5.10-D-1 & 2-B) – *Comment: Gas to Fuel – 5,000 square feet to 7,500 square feet*
Mr. Einsweiler said this change would be across the board. Convenience Store with or without gas pumps is limited currently to 5,000 square feet. The recommendation is to allow Convenience Store with or without gas pumps to be 7,500 square feet. The suggestion that it should be a little larger probably better matches current trend. The requested change for these items is acceptable to Code Studio.

Councilmember Price said she thought she heard a withdrawal to the requested change for these items. Mr. Einsweiler said no, and he thought because since it was all Convenience Councilmember Dippolito would like to see those changed. Councilmember Dippolito said yes, because convenience stores are typically larger than 5,000 square feet, most are probably larger than 7,500 square feet and he thought that was a dated square footage.

Councilmember Price said, "We are just changing the word from gas to fuel. Is that what that was?" Councilmember Diamond said yes. Councilmember Price said, "In those two locations, changing the word in two locations?" Councilmember Diamond said, "I think wherever we had gas; but I think the heading on that section…(she did not complete the comment).

Mr. Townsend said, "Yes, wherever gas is…where it changed to fuel." Councilmember Diamond said, "Because it might not be gas." Mr. Einsweiler said it is becoming different. Councilmember Price said, "Like 2 has gas and 2.a has fuel; anyway, wherever it says gas, just change it to fuel?" Mr. Einsweiler said, yes they would search for gas and in the right places change it to fuel.

Draft amendment #16 to pink section – (Reference page 9-16, Section 9.5.10-G-1) – *Comment: Remove PV – required in all retail districts*
Mr. Einsweiler said there was a correction to this line item. The spreadsheet referred to Section 9.5.10-F-1 but should have referred to 9.5.10-F-1

Mr. Einsweiler said currently there was a prohibition on any individual building exceeding 65,000 square feet in the Parkway Village district. When Parkway Village was drafted, the original design standards and some of the other elements clearly intended it as a community to generate little clustered villages along that roadway. This anti-big box provision was included in that because it was fundamentally not a village thing if it was 65,000 square feet of single building. Mr. Einsweiler said he was uncertain of what was being asked here and noted the only place where 65,000 square feet comes up is in Parkway Village.

Councilmember Dippolito said this was a reference to the existing big box ordinance that is city-wide. There is a restriction on any retail use over 65,000 square feet with the exception of redevelopment, therefore this was a direct take from the specific use provision big box ordinance. Mr. Einsweiler said it was possible they missed that; it does not exist in the draft as it stands. Councilmember Dippolito said that was the point because it was missed but it is currently within the ordinance. He said it was up for discussion if Council wanted to allow boxes larger than 65,000 square feet and added that there are not many left.

Councilmember Orlans asked if the suggestion was to remove the word PV so it would apply city-wide instead of just PV.

Councilmember Dippolito said correct, in all districts which would be consistent with the current ordinance. He said there was already a provision in the UDC that says "unless such space existed on original adoption date." He said he believed that was consistent with the current ordinance.

Mr. Einsweiler said they just looked at it and yes. If Council wants to carry the original big box development standard across, they could do that and it would naturally replace this section because it was more inclusive.

Draft amendment #17 of pink section – (Reference page 10-2, Section 10.1.3-B-2) – *Comment: change 20 to 10*

Mr. Einsweiler said this refers to how many units in a development would require guest parking. The initial draft says 20 units and the recommendation is to change that to 10. However, the parking space rate is .2 spaces per unit and that times 10 units would equal 2 parking spaces. He said it is currently set to 20 because that would equal 4 parking spaces which would be more like a small pod somewhere. If 2 parking spaces were considered appropriate, this change is fine.

Councilmember Dippolito asked if there was a requirement for it to be straight in parking or could it be parallel parking on the street. Mr. Einsweiler said it could easily be anything that was credited under the ordinance. Councilmember Dippolito said he could easily see putting in two parallel parking spaces on the street in some of the smaller neighborhoods. Mr. Einsweiler agreed.

Councilmember Igleheart said for clarification, if it was less than 20, there would be no guest parking and asked if that would be better than only having 2 spaces. Mr. Einsweiler said he was not suggesting that, but managing 2 spaces and laying out a site with 2 spaces would be very strange, unless using parallel spaces which was a good idea. Usually spaces are allocated to units. Councilmember Igleheart said he could see that point but the problem ultimately was that one of the biggest issues in existing townhome projects or smaller projects was that there is no guest parking and there are times when cars are parked up and down the street which was a continual problem and that was why they were bringing guest parking in to begin with. He said they should consider increasing that but he did not have a number to recommend right now.

Mr. Einsweiler said it would be worth looking at other communities but this standard was relatively common but it could be made higher or triggered at a lower number. He said as long as they continue to allow credit for on street parking spaces and other things like that, he thought it would be fine to set it down to 10 and allow them to parallel park some of those spaces.

Draft amendment #18 of pink section – (Reference page 10-9, Section 10.1.13-I) – *Comment: push building and parking around – review*

Mr. Einsweiler referred to the drawing on page 10-9. He then said he was not certain what this comment meant.

Councilmember Dippolito said it was actually two comments. First, the drawing does not show the building pushed up to the street which he thought was unusual and it looks like there might be parking between the street and the building. Mr. Einsweiler said there is but it was only allowed in one district. This is a commercial corridor and the only place this style of development would be expected to happen. They could pull the building up to the street but it was a rare…(he did not complete the comment). Councilmember Dippolito said he thought it was odd because they are pushing buildings up to the street but this looks like it gives an example of parking out front but said he understood Mr. Einsweiler's point.

Councilmember Dippolito said the other comment was that typically with a drive thru lane there would be parking around the sides and for a drive thru restaurant like this, more parking would be needed than just the few spaces out front. Having a drive thru lane screened from the parking did not necessarily make sense. He said he understood the intent of screening the drive thru lanes but asked if that was really necessary when they are traveling through a parking area.

Mr. Einsweiler replied perhaps not, but the challenge was that they are always reluctant to bring the customer across the travel lane and with side parking like this, there was no choice except to bring them across the travel lane. The front parking option shown in the drawing allows someone to not cross the travel lane if they were parked in one of the spaces out front. Although it was not drawn in enough detail to be seen, that was the only reason this kind of design exists. It is a peninsula design instead where only a nominal amount of parking sits out front. That might not be nearly enough parking for the kind of use that is provided so there might have to be a whole bay that runs down along the side and those bays are always a challenge. The screening is about noise, glare, activity, etc. and it could be that this standard would be set so it on applies within a certain number of feet of the side property line.

Councilmember Dippolito said they need to make sure they don't show examples that would not actually exist in this ordinance; he did not think that would ever get built and that was his concern. It might be built in a very urban area but in the City's CH district there was just not enough parking and in reality that would never happen. He said he was not trying to be critical but it should be made realistic as to what would actually be on the ground.

Mr. Einsweiler said it would be fine to change the drawing but asked if they would also want to change the standard so that it would not happen if there was an aisle of parking in between. He asked, if more than 30 feet from the property line, would this screening standard disappear.

Councilmember Dippolito said they should assume that there would be parking on either side because that was reality. He asked for ideas about how that could be screened effectively.

Mr. Einsweiler said frankly there was not one because at that point, the screening would be between the user and the door and would be dysfunctional. They would not be able to make the user come out to the

sidewalk and go around to the front door. In that model, there probably would not be any screening. He said it was also not up against the property line so there would not be impacts on the adjacent neighbor which was what screening was about, eliminating the noise and an aisle of parking would dissipate a lot of that.

Councilmember Dippolito asked how to correct what was shown in the drawing.

Mr. Einsweiler said the drawing was correct if the drive aisle was adjacent to a property line and they would correct the language to reflect that. Also, it would not be required if it were not adjacent to property line. Councilmember Dippolito agreed.

Draft amendment #19 of pink section – (Reference page 10-15, Section 10.2.6) – *Comment: parking lot standard – island – 200 square feet should be 150 square feet*

Mr. Einsweiler said that 200 square feet was common in many places and the idea is that this basically replaces a parking space. 200 square feet is a bit large because an actual parking space is about 9' x 18' which calculates out to 126 square feet. 150 square feet is about what would be left over if an existing parking space was curbed and turned into an island, therefore 150 square feet would be fine. He said this was an open question and up to Council to decide.

Councilmember Dippolito asked a question that was inaudible. Mr. Einsweiler replied, '10 x 20' instead of 9' x 18'."

Councilmember Orlans said, "I agree with little bit larger spacing." Councilmember Dippolito said the problem with having 20 foot deep islands was that there are only 18 foot deep parking spaces which somewhat conflicts. Councilmember Orlans said it could be wider rather than longer. Councilmember Dippolito said the question is what was really needed for a tree to be healthy in the islands because they would not want islands that are not large enough for the trees to thrive. Councilmember Orlans said from a visual standpoint it should be a little wider than a normal parking space, not longer, just wider which would be visually better rather than looking like a parking space that was converted to a tree hole.

Councilmember Diamond said there was an issue with people making right turns and hitting them. If they are sticking out, the curbs get damaged as people drive through parking lots.

Councilmember Dippolito asked if there was a parking standard manual.

Mr. Einsweiler said there was an e-manual on parking lot design and in this instance and they would probably find that they differentiate between the terminal island at the end of a row and the median islands that sit between. In this case where there is not a median in the center across the nose of all of the cars and there is only an island on the ends, they are all terminal islands so these have been set at all terminal island dimensions. In a sense, that may not be appropriate but would usually be appropriate where designating a major cross aisle and would change the dimension back to 20 and pinch the drive to keep people from speeding across the crossing lane. There is a reason for that design in some instances but setting it to 150 feet would not harm the way the parking lots are set up. At this point, it was really only a question of aesthetics.

Draft amendments #20 and #21 of pink section – (Reference page 10-15, Section 10.2.6) – *Comments: Landscape strips & Perimeter screening that is not next to a public street*

Mr. Einsweiler said he did not know why this says landscape strips because those are in section 10.2.7.

Councilmember Dippolito said it was the same issue but in two places. He said one was in 10.2.6-B Perimeter Screening and the discussion was about having screening around all parking areas regardless of

whether they were public streets. He thought it was the same issue because 10.2.7-A talks about all surface parking areas. The question is does it really matter that a parking area is against the street or not because wouldn't they want to screen the cars particularly if there was adjoining property. In instances if they were behind buildings in the back of the property where they would not be seen anyway, it would not matter.

Mr. Einsweiler said part of this was a drafting challenge on their part to incorporate an idea that was already in place for landscape strips. Currently, the ordinance does not tell people how to landscape their parking lots; that was left to the design manual and the review process so they left those separate. He said Councilmember Dippolito was correct that it should be integrated. He said they could remove 10.2.7 and put it in place of 10.2.6-B which really was just a pointer to the next section.

Councilmember Dippolito said he was not sure he understood and asked if they would be saying there should be perimeter screening around all parking lots.

Mr. Einsweiler said at present, perimeter screening is only required when the property is abutting the public street but the applicability of those requirements could be changed as they are moved and combined. The image that was shown only screens the public street however; he could see why even in a parking lot within 30 feet from the lot line might still want to be screened.

Councilmember Dippolito said he thought there were a couple of issues. They would want to screen the cars when they are in a parking area but would not want to create a situation where little five foot landscape strips would be between commercial areas that don't actually do anything except create dirt spots because there are already far too many of those. It should be set up to effectively screen the cars but not create meaningless landscape strips. The strips should have shrubs and truly be effective rather than just being patches of dirt.

Mr. Einsweiler said they could change the 10.2.7 concept to what "B" intended which was that it would be a perimeter screen for all parking lots. Councilmember Dippolito thanked Mr. Einsweiler.

Draft amendment #22 of pink section (Reference page 11-3, Section 11.2.6) – *Comment: change 20 units to 10 units for common open space requirement*

Mr. Einsweiler said this was the trigger for common open space and a size challenge at 20 units. In most cases, they would generate 25% of the lot of the main tract as open space. Therefore, there were smaller developments under 20 lots that were not being subjected to that standard so that small end fill did not have common open space requirements. There was a point at which there should not. He was not sure that 20 was exactly the right point but from a policy perspective, changing it to 10 would be fine. He said for example, at 5 lots, common open space starts to be a silly design feature because it ends up with little scraps and bits because 25% of the land area does not turn into a meaningful piece that feels like open space and it would look more like an odd yard. He said, "I know that is true at 5; it is maybe true at 8, there is somewhere between there. We picked 20 from our side of the table. We are changing a number of these. We are proposing a change in the number that triggers down to 10. I would be quite comfortable with setting this trigger at 10 as well."

Councilmember Dippolito said, "So, at 10 in a 4,000 square foot lot, you would have a minimum of 40. Realistically, probably 10-15 percent more than that in land area; so, 25%. And you would still have 10,000 feet which is significant." Mr. Einsweiler replied, yes it would be like one empty lot.

Councilmember Igleheart said, "10 does make sense because 11-19 is a pretty big number between there that we don't kick in, so10 sounds good to me."

Draft Amendment #23 of pink section – (Reference page 11-3, Section 11.2.6) – *Comment: add RS-9 and R-TH*

Mr. Einsweiler said currently RS-9 and R-TH allow building types that are not required to provide common space; they require outdoor amenity space. While combing through this for the last time, there are now three ideas together and that is a little unfortunate. They are landscaped open space, common open space and outdoor amenity space. If they worked at a little, they could craft one or at most two and not three concepts to regulate with because these are similar ideas but said he did not have a great answer at this time. That was just a thought he had in crafting the third piece, especially if more elements were going to be moved into this common open space piece. It was important to understand what the intent is from Council and try to draft that using the most consistent mechanism possible. There was nothing wrong with saying that they want more green on the ground in this kind of development. That was kind of what was being said in this statement; it should just be done the same way if possible. This issue should be crafted now if there is consensus on a lot of the triggers and other ideas in order to bring these closer together.

Councilmember Igleheart said, "Some of my suggestions later are basically that I put them both in there because I was not sure which one applies best to basically open up the discussion of how do we figure it out." He asked if there was a percentage in the charts of what the common open space needs to be. Mr. Einsweiler replied, yes it only shows up for a limited set of building types so it shows up in place of outdoor amenity space for some uses. Councilmember Igleheart asked if it replaces outdoor amenity space. Mr. Einsweiler replied yes right now there is landscaped open space, outdoor amenity space and common open space. Councilmember Igleheart thanked Mr. Einsweiler. Mr. Einsweiler said they should figure out possibly two ideas or better, one idea.

Councilmember Dippolito said the issue they were struggling with was that by not having landscaped open space, there could potentially be no green, there could just be a plaza in an area that was more suburban in feel that would really stick out. They were trying to craft something that could have a lot of green space with the idea being that whatever it was called amenity, open, or landscaped, there would be an area that had a lot of green. Mr. Einsweiler said it could be that the term would go with a set of districts instead. It could be that outdoor amenity space was only a downtown district or a very intense other commercial district term and the other ideas would kick in with the other kinds of districts. Fundamentally, in a residential district it would always be common landscaped open space or whatever it was called in which case, it could just be called open space and outdoor amenity space for example and the definition would include the landscaping requirements, etc. He thought there was a way to get at that and might be more districts driven in the future. Councilmember Dippolito said that made sense to him.

Draft amendment #24 of pink section – (Reference page 14-9, Article 14) – *Comment: add a definition of multi-family*

Mr. Einsweiler said that definition already exists on page 14-9 of the draft that reads, "Three or more dwelling units in a single principal structure." He said that requested change should be struck.

Councilmember Dippolito said there was also a definition for a townhouse and what was confusing was that townhouses were being called multi-family and they were used interchangeably and in their minds, they are not, they are attached houses versus apartments. Mr. Einsweiler said yes, they have added townhouse to the Use Tables and in the course of doing that, it is a building type and the building type definitions were modified. But the building type definitions are not referenced in the back in the definition section and they probably should be. He said looking at townhouse, it clearly says it is three or more, again, which sounds like multi-family but then separated vertically by a common sidewalk, cannot

be vertically mixed. Councilmember Dippolito asked Mr. Einsweiler if they would be adding the building types in the back. Mr. Einsweiler said in the definitions they should be cross referencing all of the building types because cottage court and others deserve it the same way that townhouse does. He said the definitions chapter was not yet as rich as it could be.

Draft amendment #25 of pink section – (Reference page 5-32, Use Table) – *Comment: add "Carriage Houses" P-Permitted into DX*

Mr. Einsweiler said he did not have a problem with this except. It should be Limited instead of Permitted because there are use standards associated with the carriage house that they would want to retain. Those are shown in Article 9-Use Provisions.

Councilmember Price said something that came to her attention as she absorbed all of this was that there was no distinction of ownership anymore. In the former zoning code there was fee simple, etc. She thought they had the term apartments and now it was walk up flats, now it is all building type as opposed to any sort of ownership. She was concerned that leaving those terms out could get them into trouble for instance when talking about something that was owner occupied versus not owner occupied which was a statistic that was kept at other levels and they wouldn't be able to provide that information.

Mr. Einsweiler said it was discriminatory to regulate using some of that information and one should be cautious about that. Zoning is in theory at the highest level blind ownership. An apartment building could be in a single ownership and rented or it could be condominium or divided by a co-op or could be co-housing. There are a variety of ownership approaches that could be applied and zoning stays clear of that most times. Yes, in some communities only certain building types and lot layouts are allowed. For example, townhouses cannot be rentals in certain instances because they are required to be on individual platted lots and therefore are typically sold. But there could be townhouse condominium developments especially for seniors with managed care of all the landscaped areas, etc. There could be other forms of ownership.

Councilmember Price said, but this is a major policy shift that we have never really discussed. Mr. Einsweiler said it was an issue on which they could get into deep trouble very easily if those elements are included. Councilmember Price asked with whom they could get in trouble. Mr. Einsweiler replied over the Fair Housing Act and others; you cannot be discriminatory in housing practices and form of ownership is a possible area of discrimination. Councilmember Price said then nobody is collecting information anymore about owner occupied.

Mr. Einsweiler said, "Feel free to collect information about it. That's after a choice has been made about an applicant; that is a decision between two people freely made. But when we regulate, we can't in our community say all owner occupied or else, for example would be considered discriminatory, right? We don't talk about that whether it is owner occupied or not; it is a single family house. But you rented it. As long as it is for 30 days or more, most communities don't regulate the rental of your home. These are issues that modern codes try to stay away from because forms of ownership are or can be a slippery slope." Councilmember Price said when the state owns everything it really won't matter.

Councilmember Dippolito said he was looking ahead about carriage houses and he referred to page 5-5 about building type standards and said Carriage House was shown under DR, DX and DH but on page 5-32 it was shown only as limited under DR and page 9-21 actually references DH. He said this had moved around a few times and he was now not sure where it ended up. Mr. Einsweiler said he would prefer that they decide which districts they would want it to be allowed on page 5-5 for example on the building type tables and after that was done, they would correct the other elements that reference that such as on page 9-21. Councilmember Dippolito said he thought it was originally slated as DR, DX and DH and asked if anyone had a concern about any of those three.

Councilmember Diamond said not as long as it was in all of those three. She believed it was a property owner who thought they had it now and did not want to lose it.

Councilmember Igleheart said it was shown in some other places in the residential and somewhere in Section 3, Carriage House was on the list but under Uses it was not. He said this was on his list of items and could perhaps be discussed later, but he was concerned about putting carriage houses in the more dense areas. It makes sense where there was more room but there was concern when sticking more into a small area.

Councilmember Diamond said when they originally took this out; there was concern about it being as big as some of the houses there. She believed it had a restriction in the downtown district of around 500 square feet.

Councilmember Igleheart referred to page 5-7 under Section 5.3.4 and said Carriage House conditioned space (max) was shown as 500 square feet and he thought that would be too small to squeeze in somewhere.

Councilmember Diamond said she thought they should revisit the entire carriage house issue as it pertains to each one and talk about that as a separate thing. Mr. Einsweiler said that would be great to decide which districts and then Code Studio would make the remainder of the document consistent with that because this captures an inconsistency and needs to be corrected. Councilmember Diamond suggested laying it out with staff in a work session.

Draft amendment #26 of pink section – (Reference page 14-4, Article 14) – *Comment: add a definition of carriage house*
Mr. Einsweiler said this should be added along with the rest of the building types.

Draft amendment #27 of pink section – (Reference pages 4-2, 4-3, 5-2; Articles 4 & 5 Intent statements) – *Comment: add statement from the CX intent statement related to mixed use into the NX and DX intent statements*
Mr. Einsweiler said that currently NX-Neighborhood Mixed Use and DX-Downtown Mixed Use do not have the same language as CX-Commercial Mixed Use with regard to mixing of uses being encouraged. This request is to carry that language over and if it was felt that the CX descriptor was better it could be carried over. He said however it reads, "the inclusion of residential and employment activity is strongly encouraged" because CX is mostly a commercial district which is where they want to have office and residential. However, DX already read, "is intended to promote and foster downtown as the residential, entertainment and cultural hub of the community". He said they could add an encouragement but he was not sure which uses they would be trying to encourage and he would like to have more clarification for this one. He did not think a direct carryover of the CX language would be exactly right but something probably needed to be done there.

Councilmember Diamond said she did not know whose comment that was.

Mr. Einsweiler said it was raised again this evening when a gentleman suggested wanting to do more about the mixing of uses and this was the one place where there wasn't expressed encouragement in the intent statement about that.

Draft amendment #28 of pink section – (Reference page 11-26, Section 11.5.3-C) – *Comment: add a "d" – All development or redevelopment that requires detention ponds, retention ponds, water quality features, such features shall be located outside any required buffer*

Mr. Einsweiler said this had already been discussed but a cross reference was needed to say that stormwater does not belong in buffers.

Draft amendment #29 of pink section – (Reference page 13-19, Section 13.7.4) – *Comment: remove – parking lots*
Mr. Einsweiler said these are the Minor Certificates of Appropriateness and it would be fine to remove parking lots and make them major which meant that the authority to approve them does not devolve to staff but stays at the commission level.

Councilmember Dippolito asked if parking lots would be reviewed by staff. Mr. Einsweiler said they could not be staff reviewed but would be important enough that HPC would look at them.

Draft amendment #30 of pink section – (Reference page 7-11, Use Table) – *Comment: add to be normally incidental to one or more permitted principal uses*
Mr. Einsweiler said the suggestion here was to be clearer on the Use Table that Accessory Uses are normally incidental to one or more Permitted Uses. He referred to Article 9 under Section 9.7 for Accessory Uses and said the first thing this section states is that they are incidental. He said he was not certain this suggested language was needed but it could be added if Council felt it was important.

Draft amendment #31 of pink section – (Reference page 13-10, Section 13.4.8)
Draft amendment #32 of pink section – (Reference page 13-31, Section 13.11.7)
Mr. Einsweiler said these amendments were requested by the City Attorney and should be entered word for word.

Mr. Einsweiler said the final request was for a map change. He said this completes his comments from this draft amendments list and noted that did not include Councilmember Igleheart's materials.

Mayor Wood asked Councilmember Diamond what her intent was with these amendments.

Councilmember Diamond said she would make a motion summarizing where they ended up.

Mayor Wood said he first wanted to go back to Councilmember Igleheart. He said this could be handled one of two ways. They could entertain a motion or Councilmember Igleheart could ask for his comments before entertaining a motion.

Councilmember Igleheart said that would depend on how long they would want to be here. He said most of his comments were big issues and he thought it would be better to wait. In the overall, there was so much in the open that he hoped they would wait and fix some of that before actually having the first reading to approve.

Mayor Wood said that would be the decision of Council, but as far as how Councilmember Igleheart would like to proceed. Mayor Wood said he gave Council the opportunity to make comments before entertaining a motion. He said Councilmember Igleheart could propose amendments to the motion but asked if he would like to make his comments now before entertaining a motion.

Councilmember Igleheart said that would mean going through two pages. He said, "No, unless I'm misunderstanding."

Mayor Wood said he would ask for a motion and a second and then take a break and then have discussion of the motion and then entertain amendments to the motion. Mayor Wood asked for further comments before hearing the motion.

Councilmember Dippolito said he had a few minor changes that he would propose that should not take very long because they were not big issues.

Councilmember Dippolito referred to page 3-30 under residential districts and said in RM-3, one of the multi-family districts; livestock raising is conditional and it seemed odd that they would even discuss having livestock in apartment zoning. He proposed taking that out. Mr. Einsweiler said that was acceptable to Code Studio and he suspected they had carried over an existing provision of the multi-family districts.

Councilmember Dippolito referred to page 4-31, Section 4.4-Neighborhood Compatibility and said they had put together a chart that compared single family districts to one another and asked if now that the chart was put together was there not a need to have charts in each of these Neighborhood Compatibility districts. Mr. Einsweiler replied they were concerned that if they continued to make changes to what was protected, that in amending one portion of the ordinance; it would be missed in another piece. The chart that was shown in one place was needed because that was internal to that set of districts but in all of the other districts, it was just those districts up against residential so it was easier, for example on 4-31, where they could just say when it was up against a protected district. The other was protected districts against each other but still buffering which was why they had to create the table. Councilmember Dippolito said he thought that worked great. Mr. Einsweiler said it was more complex but in a sense simpler if there was only one definition of protected district with all of them in it. Councilmember Dippolito said he agreed but he just wanted to ask the question. He then asked if at the next work session, they could have a chart or matrix that would show all of the buffers and what does and does not get buffers. He said this had changed a bit but he thought in a glance, they could make sure it was right.

Councilmember Dippolito referred to page 5-31 and said Remote Parking was shown as a Permitted Use under DH and he thought they would want to have a little more control over remote parking so he suggested changing that to a Conditional Use.

Councilmember Dippolito referred to page 6-25 in regards to Employment districts. He said Personal Service is allowed in OR-Office Residential but not in OP-Office Park. He asked why those were not made limited in OP. Mr. Einsweiler replied that it could be, but OP was currently pure office and OR was carrying over the ability to do it in a multi-tenant building; it could be added to OP since it was 5,000 square feet. Councilmember Dippolito said he believed currently in Office, they allow those as ancillary uses and he thought it would be appropriate to have those as limited. An unidentified speaker asked what section he was referring to. Councilmember Dippolito replied under OP, personal service and restaurants. He said it could be conditional or limited. Mr. Einsweiler said limited was pretty functional; it is 5,000 square feet and inside a multi-tenant building and fairly constrained. Councilmember Dippolito said he thought limited made the most sense. An unidentified speaker asked what the other one was. Councilmember Dippolito replied personal service and restaurants.

Councilmember Dippolito referred to page 6-26 and said they also had Livestock Raising as a Conditional Use in all four of the Employment districts and he thought they would want to discourage that. He said Poultry Raising was shown as limited use but neither of those was appropriate in those districts. Mr. Townsend asked if he wanted those struck through. Councilmember Dippolito replied correct, in his opinion.

Councilmember Dippolito said his last item was that he did not see where they discussed the requirement for pedestrian lighting in residential streets. He said it was not in the current ordinance but it has been problematic and it could be a bigger issue if they want to require pedestrian lighting. Mr. Einsweiler said this expressly did not get into any flavor of street lighting and that all lighting in the public right-of-way

was not covered here but it could be. He said normally they would reference a technical manual and perhaps that was missing from the City's technical manuals today. He agreed it was an important topic but said the lighting in this code was only on private property. If a path was put on private property, it would have to be lighted but if a public sidewalk was in the right-of-way, then the City rules for building in the right-of-way would be followed. City Attorney David Davidson said that could be put in either the subdivision regulations or in the construction standards. Councilmember Dippolito said it needed to be addressed wherever it was; if not in the code it needed to be somewhere. Mr. Einsweiler asked if it was not in the construction standards. Councilmember Dippolito said it was his understanding that it was not required.

Alice Wakefield said one of the things that they would be bringing back some time this year would be a revision to the construction standards and they could include more detail on pedestrian lighting at that time. He said that was on their list.
Mayor Wood asked for further Council comment before entertaining a motion.

Councilmember Igleheart said he had changed his mind. Mayor Wood said he would like to make his comments now.

Councilmember Igleheart said he was not going to make detailed comments. He said, "We have made a lot of good progress here and done a lot of good work and I appreciate Lee's input and all of these things and everyone else's input and attention. But, in just human behavior, all of the things we have said and what they come out at the end and what we see are probably not going to be what we all understood it to be. So I just don't think that we are ready to have a first reading and start the clock. I would hope that we try and get things more settled before we do that."

Councilmember Price said, "I think I have to echo that. I know there have been many times when we have tried to modify potential ordinances. I know I can hear this in my brain; the Mayor saying we aren't writing ordinances on the fly. But it sure appears tonight that we are writing this on the fly. There is no way we have got consensus. I still have my 20 questions that I haven't asked. We could go on for several hours or we could defer this to a time that more questions could be answered. I think as we talk, it actually brings up more questions than we are solving in some instances. I don't think we are anywhere close to voting on this."

Mayor Wood said if this was a final vote he would agree but this was a first reading and they have many times had a first reading with discussions and comments to be changed at the second reading. Because it was the first reading, he said he supported moving forward. He said if they would like to make a motion to defer, he would entertain that motion.

Councilmember Igleheart said, "In that case, I will make a motion to defer because this is not like our standard ordinances or a standard zoning case...(remainder of comment inaudible)."

Motion to Defer: Councilmember Igleheart made a motion to defer. Councilmember Price seconded.

Further Council Comment:
Councilmember Dippolito asked if this ordinance passed tonight how much time there would be before the second reading. The response from an unidentified speaker was, "65 days." Mr. Townsend said March 10th.

Councilmember Diamond said, "I want this to come out respectfully, but it has taken until tonight or until this last week to get to this point. We have had work sessions and we have begged and pleaded and asked for comments and questions. I tend to agree on the things that when we have vetted all those through

staff and through our consultant and through the process. The ones that we got at 4; I'm happy to consider the more minor stuff but I do feel like we need some more time on that. And we are looking at doing a work session between now and the next reading; maybe more than one. But I feel like it doesn't happen if we keep putting it off. Unfortunately, you know, this is more progress than we have ever made and I truly believe it is because we are in this room getting it done. I don't think we have made things that are so substantive and so vastly different from our conversations that it really changes the substance of what we have been doing."

Mayor Wood asked for further Council comment.

Councilmember Dippolito said he had another question. He said they had a lot of work sessions planned over the next couple of months for budgets and so forth and asked for the availability of time for work sessions.

Mayor Wood said he would call work sessions as needed.

City Administrator Kay Love said staff had been trying to get some dates in January. They were trying to get January 22nd but she does not think that worked out for everyone because there were other things going on that day. She said staff would continue to work diligently to find a day that worked for everyone and perhaps they would need to get a couple of dates on the calendar so it was already out there and they were not scurrying around trying to corral everyone's schedule and there was ample time to plan and notify. She said they had been working last week to try and set a date but she did not think they were there yet.

Mayor Wood said whether there was a deferral or a first reading, there would be more work sessions that might be on Saturdays or in the evenings but there would be more work sessions and they would continue to diligently pursue this to come to a resolution. He asked for further Council comment.

Councilmember Dippolito said he partly wanted to defer this but he thought having the pressure of time would help get this resolved. He said therefore he was in favor of moving it forward. He said there were a few things he would like for them to look at. He said they had already talked about the amenity green space, open space discussion which he thought they all agreed they needed to have. He said he would like to see the buffer chart which should be fairly simple and they need to have a discussion about building heights. They have looked at the map a few times but he did not think they had really focused on that and said they all agree where that needs to be. With respect to Appendix A, the zoning conditions, they really have not talked about what the cut off dates would be. Some dates have been thrown around and as Brad mentioned, they have been moving it back and they need to have a discussion about what is the real date and they need to cut that off. He said also there was a big discussion to be had about the map itself and they did not even get into the map tonight. He said he personally had a lot of questions on that; not necessarily problems but a lot of questions and he planned to spend a lot of time with Brad over the next few weeks since he was the map guru to get his questions answered. He said those were his thoughts and added that he was all for getting this done.

Councilmember Orlans said he agreed with Councilmember Dippolito. They have done this on a million different things and yes this was much more extensive but getting through the first reading and the additional things that came out tonight like Councilmember Igleheart's items that were received today; they could go through them at the work session that they would have. He said Councilmember Price also had some other items and they should get them on the table and get them through the work session. They would still be coming back in 30 days for the second reading and if they were not ready at that point; they could delay it for another month as well. He said they should keep on track for now until they run into a big stumbling block.

Vote on Motion to Defer: Councilmembers Igleheart and Price voted in favor. Councilmembers Diamond, Dippolito, Orlans and Wynn opposed. The motion failed.

Mayor Wood noted they would not have closure tonight and that the Transportation agenda item had been removed. He said following the break, they would entertain a motion and hear a discussion of the motion and entertain any amendments to that motion before taking a vote.

****The meeting adjourned for a break at 11:19 p.m. and resumed at 11:31 p.m. ****

Motion: Councilmember Diamond made a motion **for Approval of the First Reading of the text (official zoning map deferred to the 1/27/2014 Mayor and Council meeting) of an Ordinance to create a Unified Development Code (UDC) with the following amendments (from Draft amendments to First Reading Draft dated 1/13/14):**

1. **Grey section – 1, 2, 3, 4, 5, 7, 8, 9, 10 (rewrite), 11 and 13-20.**
2. **Pink section – 1, 2, 4, 5, 7, 9, 11, 14-18, 20-23, 25, 28, 29, 31, and 32.**
3. **Page 2-6, 2.2.6 B –remove public and private use – change to common open space**
4. **Page 2-7, 2.2.8 B 5 – change "outside" to "inside"**
5. **Page 10-39, 10.3.24 C 4 – remove the word "exposed"**
6. **3.2.8.2 G – eliminate "0"**
7. **Article 14 – reference all building types as definitions**
8. **Page 3-30 - remove Livestock as a conditional use in the RM-3 district**
9. **Page 5-31 – 5.5.2 (use table) – change the "P" to a "C" for remote parking in the DH district**
10. **Page 6-25 – Personal service and restaurant – "Limited" in OP**
11. **Page 6-26 – Remove Livestock raising and Poultry raising from all employment districts**
12. **Page 2-6 – all outdoor amenity space shall be located at grade (from Councilmember Igleheart's sheet)**
13. **Page 2-9 2.2.12 A – remove "theater fly space"**
    (Mayor Wood said Councilmember Wynn would like to make a change per Councilmember Diamond's acceptance. Councilmember Wynn said she had called Councilmember Diamond a couple of days ago in reference to this but wanted to make sure it was in here. She referred to page 2-9 2.2.12 A and requested to remove "theater fly space" because that is a conditioned space currently and does not need to be in that paragraph. Councilmember Diamond accepted this change.)

- **Make a chart for all buffers for the work session**
- **All height set at existing**

Councilmember Price said she did not think they had come to a conclusion on the wording of amendment #10 on social services. Councilmember Diamond said she left it as per the discussion to accept the idea that the paragraph would be rewritten. Councilmember Price asked if that would be approving a paragraph for which they did not know what it would say. Councilmember Diamond said it was not in there; it was put in the wrong place. Mayor Wood said the first reading could be approved with the expectation that it would be amended but approved as written on first reading with the direction that they want a further study approach. Councilmember Price said okay and thank you.

Councilmember Orlans asked what was done on amendment #7 from the grey section. Councilmember Diamond said she put it in as read to change 6 feet to 4 feet because that was a minimum. Councilmember Orlans said he preferred Mr. Einsweiler's explanation of keeping it at 6 feet.

The Second Reading to be on 2/10/14.

Second to Motion: Councilmember Wynn seconded the motion.

Mayor Wood asked for further discussion or potential amendments. There was no further Council comment.

Councilmember Price made a comment that was inaudible. Mayor Wood said no, there was a motion to approve the draft with the listed changes. It does not include the map. It is not a full approval of everything but with the expectation to defer the map discussion to January 27. There will be work sessions to go over all of this and entertain additional amendments at a work session prior to the second reading. He asked if further clarification was needed. Councilmember Price said she would like to be assured that she could bring up her 20 items at some point. Mayor Wood said she could bring up her 20 items either at the January 27 meeting or at the next work session. Councilmember Price thanked Mayor Wood.

Vote: Councilmembers Diamond, Dippolito, Wynn and Orlans voted in favor. Councilmembers Igleheart and Price opposed. The motion passed 4:2.

Mayor Wood said the first reading of the text excluding the map was approved and the map would be voted on January 27th. Staff would provide available dates for work sessions to Council. He said he presumed they would take all of these changes and incorporate that into a new draft. There has been direction for further things to study and hopefully those studies could be completed by the next work session. Mayor Wood thanked all of the Council for their patience and diligence in working through this. He said he was confident that everyone would have an opportunity to be heard and all ideas would be considered well before the second reading provided they bring their ideas to the work sessions and the meeting. Last minute things would still be discussed at last minute but he encouraged Council to bring items forward as soon as possible.