

January 30, 2018

Mr. Guernsey,

The Zoning and Platting Commission has the following request concerning the 3<sup>rd</sup> CodeNEXT draft.

1. Draft 3 should include a complete list of uses in one table similar to the table in § 25-2-491 of the current code. There are uses in some zones that aren't listed and it is occasionally not clear whether they are left off the list deliberately or by oversight. For example, public schools, safety services, and religious assembly are allowed in the current code LA, RR, and SF-1 zones, but not in equivalent zones in Draft 2. A complete table will help clarify and avoid errors. This table is also very useful when the land use commissions and Council considers zoning cases.
2. Provide a list comparing uses in Draft 3 and the current code so that we can understand which uses are equivalent, deleted, or new. A few specific examples are the following.
  - "Library, Museum, or Public Art Gallery" replaces Cultural Services which seems more clear but does this use prohibit "similar facilities" that were included in the Cultural Services definition in the current code. "Community Garden" is not on any use table although it appears frequently in Draft 2. Is it intended to be included as part of "Community Agriculture" or is "Community Agriculture" only equivalent to "Urban Farm"? A word search for Community Garden revealed that locations (such as 4C-2 pg. 4) in the draft include words that in a white font and therefore invisible. Why?
  - Are the Recreation uses (Indoor, Outdoor, Formal, Informal, Natural) equivalent to Community Recreation (Public, Private)?
  - Are certain uses being eliminated entirely, such as "Club or Lodge" and "Family Home" or are these now included in some other use with a different name?
  - When uses are combined or realigned such as "Medical Office <5000 sq ft", "Medical Office > 5000 sq ft", "Hospital services, limited", and "Hospital services, general" in the current code into fewer categories "Hospital" and "Medical Services" it is important to be specific about what is allowed in each category. Are surgery centers allowed in "Hospital", "Medical Services", or both?
  - Clarify how Short Term Rentals (STR) Type 2 will or will not apply in live/work and work/live zones.
3. For the near equivalent zones, list all changes in permitted uses for the equivalent zones. For example, if a use changes from CUP to P or N/A to something else, include it in the list of changes.
4. Provide clearly specified quantitative criteria for use permit (CUP and MUP) approvals. Certain uses (for example restaurants or medical offices) should have hours of limited if they are within a certain distance of a residential use. If they are further away, the hours could be expanded. For other uses the criteria may depend on the size. For example, a "Meeting Facility" use includes auditoriums, so a large space needs tighter restrictions than a smaller space. Clear criteria tables will provide the predictability that applicants and residents want and ease the decision-making burden.
5. Establish objective criteria for Planned Unit Developments (PUDs) as required by the City Auditor.

Sincerely,



Jolene Kiobassa, Chair, Zoning and Platting Commission

Cc: CodeNEXT consultants and City Council