

# Alexandria, Louisiana

## **Executive Summary/Land Development Code**

Concordia/Duncan Associates  
August 27, 2014





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# I. The Project

## A. GOALS AND CONSULTANT TEAM

The City of Alexandria issued a Request for Proposals for assistance completing the THINKAlex Resiliency Plan. In March 2012, the consulting team of Concordia/Duncan Associates was chosen to carry out that project, with Duncan Associates took the lead on the code update phase of the project.

The project team is led by Concordia, based in New Orleans, and includes Duncan Associates, a national planning firm that specializes in plan implementation. The firm has assisted local governments in three dozen states in developing growth management strategies, writing and updating land development regulations, and dealing with issues related to financing growth. The firm has worked with local governments in Louisiana and other Southern states for more than 20 years; and, in fact, authored the original City of Alexandria Land Development Code in 1992.

The City of Alexandria Land Development Code (hereinafter referred to as “the code”) has been updated to implement the ThinkALEX Resiliency Plan and Land Use Plan, contained therein. In addition the update provided the opportunity to wholly review, correct internal inconsistencies and unnecessary redundancy, and to otherwise update the code consistent with current administrative practices and preferences.

## B. PROCESS

The code update part of the project is completed in four major phases:

- Orientation
- Choices Report
- Drafting
- Adoption

As part of the Orientation Phase, and as background for the Choices Report, the consulting team conducted a number of stakeholder interviews in Alexandria, and held two public open houses, one for Planning Areas 1 and 2 (May 13, 2013, at the Bolton Avenue Community Center), another for Planning Areas 3 and 4 (May 14, 2013, at the Central Louisiana Business Incubator). The purpose of the interviews and open house was to gain an understanding of the issues that should be addressed as part of the project.



After the Orientation Phase, Duncan Associates prepared and presented the Choices Report (July 8, 2013). The report provided the consultants’ diagnosis of the issues facing the City as it considers updating the code. The consultants have reviewed the code in the context of:

- The May 2013 draft ThinkALEX Resiliency Plan and policy document
- Comments from stakeholders, citizens, staff and public officials
- State law
- The consultants' understanding of legal principles that affect local authority to regulate particular uses or types of development
- The consultants' experience with zoning practice and plan implementation in other communities of similar size in the South and, as relevant, in other parts of the country.

The report is provide a review tool for the Zoning Commission and City Council to consider in deciding how to proceed with the information and recommendations provided by the consultants. In subsequent work sessions and working with staff, the City made policy choices about whether and how to address these issues and others that where identified by the consultants throughout the project.

## C. USER FRIENDLY ELEMENTS

Most people use development regulations on an infrequent or occasional basis, while a few individuals use them regularly. Well-organized development regulations take both types of users into consideration by providing a clearly labeled, logical structure.

### 1. Users' Guide

Staff typically spends a significant amount of time with new code users explaining basic procedures and answering simple questions. We compiled a few of the most frequently asked questions and appropriate answers and them placed in a simple users guide (FAQ's) and located immediately inside the front cover of the new code. This brief section answers such questions as:

- Which rules apply to my property?
- How do I file an application?
- What is the process for a variance?
- How can I change my zoning?

A well-designed user's guide will save both time and frustration for new code users by providing ready answers and instructions to their questions in an easy to use format.

### 2. Consolidated Use Table

Currently, each of Alexandria's zoning districts includes separate lists of permitted, special exception, accessory and temporary uses. This cumbersome and repetitive system makes it difficult to compare districts. In the new code, these lists are replace within consolidated use tables where all allowed uses are listed in rows and the zoning districts are shown as columns. The sample use table, below, is an excerpt taken from the new code – this table is likely to be the most frequently used part of the new code – and it is based on current zoning patterns in the City. Specific uses listed in the table are limited to principal uses only, with accessory and temporary uses grouped separately. The new use tables, one for base residential districts and another for base nonresidential districts, incorporate a broad use classification system and provide a column for references to use-specific standards (right column), which can be administered through an administrative or public review process, as the City deems appropriate.

| Use categories                       | Use Types   | Residential Districts |     |       |       |       |       |       | Nonresidential Districts |     |    |     |     |     |     | Use Standards |     |       |         |
|--------------------------------------|---|-----------------------|-----|-------|-------|-------|-------|-------|--------------------------|-----|----|-----|-----|-----|-----|---------------|-----|-------|---------|
|                                      |   | E S                   | A R | S F 1 | S F 2 | S F 3 | M F 1 | M F 2 | M F 3                    | M U | O  | B 1 | B 2 | B 3 | C 1 |               | C 2 | C B D | I 1     |
| <b>RESIDENTIAL USES (SEE §3.6.3)</b> |   |                       |     |       |       |       |       |       |                          |     |    |     |     |     |     |               |     |       |         |
| Household living<br>(See §3.6.3.A)   | Single-family dwelling                                  |                       | P   | P     | P     | P     | P     |       |                          |     | SE | SE  | SE  | SE  | SE  | P             |     |       | \$4.2.3 |
|                                      | Duplex dwellings  |                       |     |       |       | P     | P     | P     |                          |     |    |     |     |     |     | P             |     |       |         |
|                                      | Townhouse   |                       |     |       |       |       | P     | P     | P                        |     |    |     |     |     |     | P             |     |       |         |
|                                      | Mobile home park  |                       |     |       |       |       | P     | P     | P                        |     |    |     |     |     |     |               |     |       |         |
|                                      | Multifamily   |                       |     |       |       |       | P     | P     | P                        | P   |    |     |     |     |     | P             |     |       |         |
|                                      | <u>Retirement center apartments</u>                     |                       |     | SE    | SE    | SE    | P     | SE    | SE                       | P   |    | P   | P   | P   | P   | P             | P   | P     |         |
|                                      | <u>Condominiums Upper-story residential<sup>1</sup></u> |                       |     |       |       |       |       |       |                          | P   | P  | P   | P   | P   | P   | P             | P   |       |         |

The marked changes indicate changes we made relative to the City’s existing use lists. The City Council may wish to review these changes carefully to be sure they accurately reflect your preferences.

### 3. Tables or Matrices

Whenever possible, the code uses tables or matrices to present information. Use of a tabular format allows the presentation of large amounts of information in a clear, compact style. Tables are particularly valuable for zoning district comparisons and the presentation of development regulations, such as dimensional standards. It is never necessary or advisable to present information in more than one way. Residential and nonresidential dimensional standards are presented in tables:

#### §3.7.1. Residential districts

| RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS | ES      | AR     | SF-1  | SF-2  | SF-3  | MF-1  | MF-2  | MF-3 | MU  |
|---|---------|--------|-------|-------|-------|-------|-------|------|-----|
| Lot area, minimum (sq. ft. or acres)        | 3 acres | 43,560 | 9,000 | 6,000 | 4,500 | 3,000 | 1,500 | 750  | 750 |
| Height, maximum (ft.)                       | 35      | 35     | 35    | 35    | 35    | 35    | 50    | 50   | 50  |
| Setbacks, minimum (ft.)                     |         |        |       |       |       |       |       |      |     |
| Front                                       | 50      | 50     | 30    | 25    | 25    | 25    | 25    | 25   | 25  |
| Side, interior                              | 20      | 20     | 7.5   | 5     | 5     | 0     | 0     | 0    | 0   |
| Side, street                                | 25      | 25     | 15    | 12    | 12    | 12    | 12    | 12   | 12  |
| Rear  | 25      | 25     | 15    | 5     | 5     | 5     | 5     | 5    | 5   |
| Open Space, minimum (%)                     | --      | --     | 50    | 45    | 40    | 40    | 30    | 20   | 20  |

#### §3.7.2. Nonresidential districts

| NONRESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS | O  | B-1   | B-2 | B-3             | C-1              | C-2              | I-1 | I-2 |
|--|----|-------|-----|-----------------|------------------|------------------|-----|-----|
| Lot area, minimum (sq. ft.)                    | -- | --    | --  | --              | --               | --               | --  | --  |
| Height, maximum (ft.)                          | 35 | 20    | 50  | 75 <sup>1</sup> | 100 <sup>1</sup> | 100 <sup>1</sup> | 100 | 100 |
| Setbacks, minimum (ft.)                        |    |       |     |                 |                  |                  |     |     |
| Front  | 25 | 25    | 20  | 20              | 20               | 20               | 20  | 20  |
| Side, interior                                 | 10 | 0-    | 0-  | 0-              | 0-               | 0-               | 0-  | 0-  |
| Side, street                                   | 12 | 12    | 10  | 10              | 10               | 10               | 10  | 10  |
| Rear   | 5  | 10    | 5   | 5               | 5                | 5                | 5   | 5   |
| Floor area, maximum (sq. ft.)                  |    |       |     |                 |                  |                  |     |     |
| Per establishment                              | -- | 3,500 | --  | --              | --               | --               | --  | --  |
| Per district <u>or site</u>                    | -- | 8,000 | --  | --              | --               | --               | --  | --  |
| Open space, minimum (%)                        | 20 | 20    | 20  | 10              | --               | --               | --  | --  |

<sup>1</sup>Height may be increased if authorized as an exception by the board of adjustment and appeals.

## 4. Improved Format, Fonts, Use of Graphics

The code makes use of graphic elements to enhance the visual organization of the information and facilitate document navigation. For example, the use of larger, graphically distinct fonts for titles and subtitles, the use of indented text, careful application of headers and footers that include chapter and section numbers allows the user to navigate through the code with greater ease. Graphics are utilized as necessary to illustrate planning concepts and promote understanding. The importance of such improvements to the understandability and usability of the document should not be underestimated.

*These benefits are frequently lost as result of publishing in standard legal format. Rather than standard legal format publishing, we recommend that the City maintain the document in-house, keep it up-to-date and republish a PDF version, with hyper-links periodically, on the City website.*

The image shows a page from a code book with several red annotations pointing to specific features:

- Chapter Name:** Points to "CHAPTER 5/DESIGN AND PERFORMANCE STANDARDS" at the top left.
- Section Name:** Points to "Sec.102/Signs" at the top right.
- Indented Format:** Points to the text under "D. Special Event Signs".
- White Space:** Points to the margin area on the left side.
- Variable Fonts:** Points to the bolded section headers like "102.6 Sign Measurement".
- Graphics:** Points to diagrams illustrating sign face area calculations and a sign on a building.
- Subtitles:** Points to the header "B. Sign Area of Multi-Faced Signs".
- Document Title:** Points to "CITY OF WESTON/ Land Development Code" at the bottom left.
- Page Number:** Points to "16" at the bottom right.



## II. Organizational Structure

To make understanding and navigating the regulations the following changes to the code outline and organizational structure have been made. The new organization places the most frequently used provisions toward the front of the code, the less frequently-used provisions toward the back of the code.

| Current Ordinance Outline                      | New Ordinance Outline                       |
|--|---|
| Art. 1 General Provisions                      | Art. 1 General Provisions                   |
| Art. 2 Definitions                             | Art. 2 Zoning Maps                          |
| Art. 3 Zoning Districts                        | Art. 3 Zoning Districts                     |
| Art. 4 Subdivision                             | Art. 4 Use Standards                        |
| Art. 5 Site Development                        | Art. 5 Subdivision Design and Improvement   |
| Art. 6 Administration and Procedures           | Art. 6 Site Development                     |
| Art. 7 Nonconformities                         | Art. 7 Decision Making Bodies and Officials |
| Art. 8 Telecommunications Transmission Devices | Art. 7 Development Review                   |
| Art. 9 Sexually Oriented Businesses            | Art. 8 Nonconformities                      |
| Art. 10 Disaster Relief Temporary Housing      | Art. 9 Enforcement                          |
| Art. 11 Street Lighting                        | Art. 10 Definitions                         |
| --   | Index                                       |

To make understanding and navigating the regulations easier, we re-organized the City's regulations into a more logical and consistent hierarchy of regulations, based on the procedural and substantive relationships of the various code provisions. We find it is easier to understand and administer land use standards when procedures are clearly separated from standards, and when like-standards are grouped with 'like-standards.

For example, all procedures and provisions related to administration are consolidated into the development review article; this required moving subdivision review procedures from Article 4 to Article 6, Development Review, and re-titling the balance of Article 4, "Subdivision Design and Improvement". Street lighting is a subdivision design standards which we moved to the new Article 5. Telecommunications transmission devices and sexually-oriented businesses are specific use standards; they are now found in the new Article 4.

Definitions typically serve as a supplementary reference tool rather than as a primary source of regulatory information, as such, they should be moved to the end of the document. Standards, such as method of measurement of dimension standards are moved up front to Section 1.5 and grouped with the other dimensional standards. Likewise, the nonconformity and enforcement provisions are used less frequently and are now located toward the end of the code.

A complete index has been added which will help the infrequent user navigate the code.

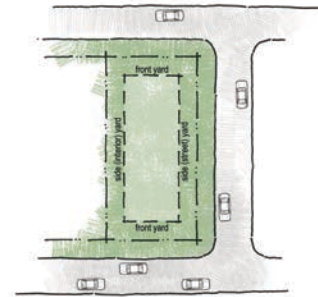
## III. Zoning Districts (Article 3)

### 1. Added/updated purpose statements for each zoning district.

We reviewed and updated district purposes statements consistent with the THINKAlex Resiliency Plan, and more specifically the Land Use Plan. New purpose statement are now included for the residential districts, all of which currently lacking such statements.

## 2. Grouped/clarified methods of measurement for dimensional standards.

Notably missing from the current code was the method for each of the respective dimensional standards. Some methods of measurement were found in the definition section, an easily missed location. Now they are all grouped together in Section 1.5.



## 3. Promoted and encouraged mixed use.

One of the goals of the ThinkALEX Plan is to encourage mixed use.

### A. Added a new MU, Mixed Use District.

Rather than to substantially change the character of existing residential districts

### B. Deleted the obsolete MO, Multifamily Overlay District, replaced with new upper-story residential use

The new code includes a new use, “upper story residential”, which is allowed as a permitted use in the new MU, Mixed Use District and in all nonresidential districts, except the I-2, Heavy Industrial District.

# IV. Use Standards (Article 4)

## 1. Added a modern use classification system.

A modern use classification system has been added to the district standards that relies on a series of broad land use definitions to identify additional allowable uses. The system consolidates land uses into simplified use categories, defined in terms of: common functional, product, or physical characteristics. The system provides a systematic basis for assigning present and future land uses into appropriate zoning districts administratively, without amending the code, and makes it possible to address multiple uses of a single parcel. The names of these sample uses should be generic, that is, based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “dwelling” but that involves renting rooms or the entire dwelling by the night or for less than 30 days included in the Overnight Accommodation category rather than the Residential category. This is because the actual activity on the site matches the description of the Overnight Accommodations category.

### D. Overnight accommodations

| Characteristics:<br>Residential units arranged for short term stays of less than 30 days for rent or lease                              |   |  |
|---|---|--|
| PRINCIPAL USES  | ACCESSORY USES  | USES NOT INCLUDED  |
| Bed and breakfast establishments<br>Recreational vehicle parks and campgrounds<br>Extended-stay facilities<br>Hotels and motels<br>Inns | Associated offices<br>Food preparation and dining facilities<br>Laundry facilities<br>Limited storage<br>Meeting facilities<br>Parking<br>Stealth cell antennae<br>Swimming pools and other recreational facilities | Transient lodging or shelters for the homeless (See Social Service Institutions) |

**2. Added an additional location requirement applicable to sexually-oriented businesses.**

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A number of stakeholders mentioned the unfortunate location of a sexually-oriented business directly across the street from the City zoo. To avoid similar problems in the future, an additional location requirement is recommended for such uses, which might read:

Such uses should not be permitted to locate within 1,000 feet of a zoo, playground or other location commonly frequented by children.

**3. Added a preference for monopole tower design to telecommunications towers and facility standards.**

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Monopole construction has less visual impact than lattice pole construction. Monopole construction is preferred in close-in, urban settings due to the reduced visual impacts.



Alexandria, LA



Augusta County, VA

**4. Added use standards for small scale, bee keeping, chicken and duck keeping as a residential accessory use.**

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Stakeholders interviewed suggest that the keeping of chickens and bees in residential districts should be allowed in residential districts. Standards address impacts on surrounding residential uses.

**A. Bees (Section 4.6.6)**

Bees may be kept in the ES, AR and SF-1 district, only, subject to the following:

1. Maximum of two hives per lot;
2. Hives must be in rear one-third of zone lot with a minimum fifteen foot setback from side and rear zone lot lines;
3. Hives must be screened so that the bees must surmount a six foot barrier, which may be vegetative, before leaving the property; and
4. No outdoor storage of any bee paraphernalia or hive materials not being used as a part of a hive.

**B. Chickens and ducks (Section 4.6.7)**

Chickens and/or ducks may be kept in the ES, AR and SF-1 district, only, subject to the following:

1. Minimum lot area: 20,000 square feet

2. No more than six chickens/or ducks combined per lot; provided roosters shall be prohibited;
3. No structure used to house the animals may be closer than 15 feet to
4. A side or rear lot line; or
5. A structure on an abutting lot containing a dwelling unit.
6. The animals shall be maintained in the rear 50 percent of the lot depth; and
7. Such uses shall comply with the operational performance standards of §6.8..

#### **5. Added temporary use standards.**

Two of the uses currently found in the respective use lists are temporary in nature, i.e., temporary real estate sales, disaster relief temporary housing. These temporary uses and use standards are now grouped together, along with new standards that are needed for other, common temporary uses, such as: carnivals, asphalt batch plants, and storage pods, to name a few.

## **V. Subdivision Design and Improvements (Article 5)**

#### **1. Added new connectivity requirements, applicable to new subdivisions.**

“Complete streets” is a top priority of the THINKAlex Plan and strongly supported by the stakeholders interviewed. But bike lanes are not really needed along new residential streets. What is needed is improved connectivity between subdivisions and neighborhoods for all forms of transportation, including pedestrians, bikers and vehicles. The arrangement of streets in new subdivisions should provide for the continuance of local, collector, or arterial streets between adjacent as necessary for convenient movement of pedestrians, bikers and vehicular traffic. This would mean reducing the number of cul-de-sacs approved. Where cul-de-sacs are permitted, accessways, similar to sidewalks but not parallel to streets, should be required to provide pedestrian and bike connections to adjacent neighborhoods and streets.

Neighborhoods built before the late 1940s tended to have streets laid out in rectangular grids of straight streets. Over time this has changed. As auto use expanded, problems with cut-through traffic intruding into residential areas contributed to a movement to lay out subdivisions along curvy streets which branched into numerous cul-de-sacs. Few streets led into or out of the subdivision, and the few that did were curved to discourage speeding.

Connectivity implies a system of streets with multiple routes and connections serving the same origins and destinations. In a highly-connected area, there is always more than one route for getting to and from any destination. Street connectivity improves both accessibility and mobility for cars, and transportation connectivity in general improves transportation alternatives in general.

Connectivity generally results in shorter travel distances. Cars are able to select the most efficient route through an area, and reduce total trip time. Shorter travel distances encourage walking and bicycling, and, because of shorter walking distances to bus or rail stops, the attractiveness of transit might also increase.

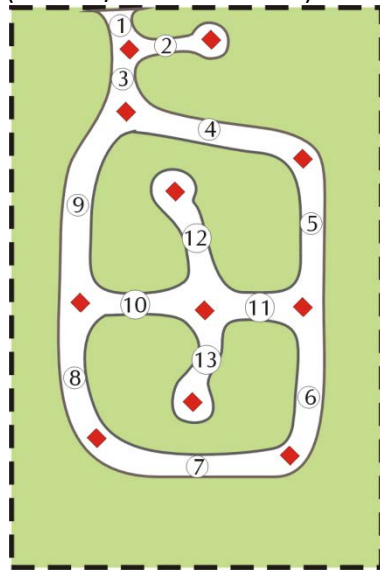
By itself, however, connectivity doesn't solve all problems. The appeal of connectivity is that it potentially brings people a little bit closer to desired destinations. But effective land use planning and smart growth policies are crucial to ensuring that desired activities do, in fact, locate near the highly-connected areas.

There are two basic types of requiring connectivity:

1. Establish or reduce maximum block lengths and limit the use of cul-de-sacs. The exact appearance of a subdivision isn't determined, but the resulting pattern will never break the maximum block length, ensuring some level of connectivity.
2. Establish a connectivity index requiring a minimum ratio of the number of street segments divided by the number of nodes (intersections or cul-de-sacs.) This approach provides a greater amount of flexibility in achieving connectivity. The ratio can be determined by the community, and might vary based according to plan criteria.

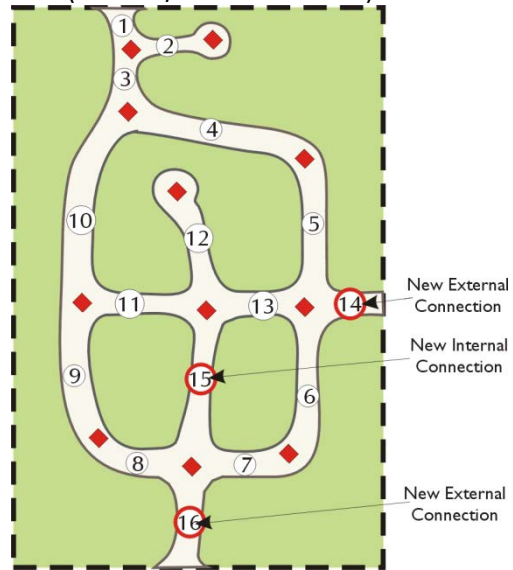
Both approaches will result in more street connectivity, although the connectivity index (shown below) allows more flexibility.

**EXAMPLE 1:** Does not meet ratio  
(13 links/11 nodes = 1.18)



KEY: Number = Link      ◆ = Node

**EXAMPLE 2:** Modified to meet ratio  
(16 links/11 nodes = 1.45)



New External Connection  
New Internal Connection  
New External Connection

The connectivity index concept can also be used to measure the community's street connectivity. The following examples and graphics show a comparison between two different levels of connectivity with roughly the same street layout (Total number of "links" divided by the total number of "nodes")

## VI. Site Development Standards (Article 6)

### A. ACCESS MANAGEMENT

#### 1. Added joint driveways and cross-access easement requirements between adjacent nonresidential and multifamily uses.

Closely related to the issue of connectivity is the idea of joint driveways and cross-access easements, providing vehicular access between adjacent nonresidential and multifamily uses. Like the connectivity requirements above, such driveways and easements are intended to reduce the driving distance between uses, and more specifically, to avoid the necessity of reentering traffic lanes in order to access similar, adjacent uses.

### B. OFF-STREET PARKING

#### 1. Reviewed and updated the off-street parking ratio requirements; established maximum parking requirements.

Existing parking ratios should be updated to accommodate contemporary parking trends – some uses may not have enough parking and others, too much.

Many communities are implementing maximum, rather than minimum, parking ratios in an attempt to reduce excessively large paved parking lots often requested by large retail users. Maximum parking ratios are often expressed as a percentage of the minimum requirements. For example, the City could permit no more than 110 percent of the minimum required parking. Any parking over the permitted 110 percent maximum would have to be paved with a pervious parking surface.

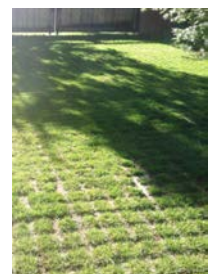
Many communities permit parking for churches, theaters, or assembly halls with peak attendance at night or on Sundays to be shared with users with off-peak hours. Such a provision might be included in the new code and expanded to apply to other uses with off-peak hours of operation, subject to submission of an alternative parking plan.

#### 2. Reviewed parking space and aisle dimensions and other requirements to make sure they work.

Stakeholders reported problems related to the dimensions of two-way parking lot aisle. It was suggested that the two-way aisle requirements need to be somewhat wider than currently required. We found the existing standards to be consistent with what we see across the country.

#### 3. Included provision for use of alternative, permeable parking lot surfaces.

Permeable parking surfaces help to hold down temperatures, offer a softer aesthetic appearance, and help to reduce drainage flows as compared to hard surfaces. There are a variety of new permeable paving products on the market today. The new code permits the use of such systems as an alternative to hard surfaces under specified circumstances.



## VII. Decision-making Bodies and Officials (Article 7)

- 1. Simplified staff administrative functions by assigning all such functions under the code to a single administrative official, the planning director, with broad delegation authority.**

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Personnel assignments should not require a code amendment. All staff administration, review, and recommendations responsibilities under the new code are therefore delegated to the “planning director”. Further, the planning director now has broad authority for the delegation of such responsibilities to subordinates, who could be any member of the city staff.

- 2. Consolidated descriptions of all decision-making bodies and officials.**

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Descriptions of all but one of the decision-making bodies and officials are currently grouped in Section 28.6.1. However, the designation, duties and responsibilities of the floodplain administrator are found in Section 28-5.4. We consolidated all such descriptions in a new code article entitled, “Decision-making Bodies and Officials.”

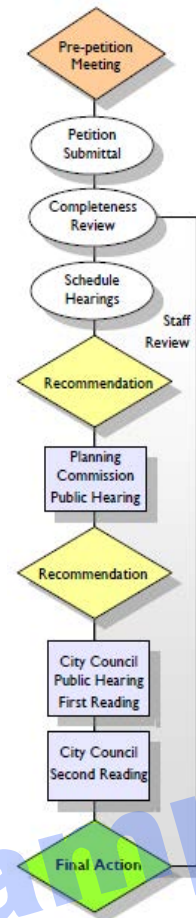
## VIII. Development Review (Article 8)

A solid set of review procedures is an important foundation for any unified development code. The length of review processes should be commensurate with the complexity of the review. Review processes should be predictable, fair and cost-effective. Making development decisions predictable, fair, cost effective and user-friendly should important objectives of any code update process. The following recommendations are offered to clarify and improve the County's development review procedures.

### 1. Consolidated all development review procedures in the Development Review Article and illustrate the procedures with graphical flow charts

The current code includes a separate article for Administration and Procedures but not all procedures are grouped in the article; subdivision procedures are currently found among the subdivision design and improvement standards, floodplain development permit requirements are found with the floodplain damage prevention standards, and sign permit requirements are found among sign standards. The infrequent user would be confused if they looked in Article 4 for these procedures.

The modern trend in code writing and our recommended practice is to consolidate all procedural provisions into the Administrative and Procedures article. This enables the user to locate all procedures and criteria governing the review of each type of application for development approval in one place. In addition to consolidation, we suggest that a summary table be developed that lists all procedures and the associated review and decision-making bodies, and that each procedure be illustrated by a graphical flow chart similar to the one at right.



*Procedural flowchart*

### 2. Added a common review procedures section and "group" review provisions that tend to be repeated in the respective procedures therein.

Some review procedures tend to be repeated in each separate procedure. In the interest of minimizing redundancy, the new code should consolidate such provisions into a single section. Candidates for such a section include: minimum submission requirements, public notice requirements, a statement authorizing consolidated review provisions, explanation of what constitutes a complete application, description of the completeness review procedure, application review fee provisions, and etc. Thereafter, the specific review procedures will need only to include a cross-reference back to the respective common review procedures.

### 3. Removed all specific fees from the code and replace with statement that fees will be established by resolution.

A part of the common review procedures should be a statement that application review fees will be established on an annual basis by resolution of the City Council, and that the fees will



be commensurate to the cost of the review process or the value of services rendered. That way no public hearing will be required and the fees can be adjusted as needed.

**4. Added mandatory preconference requirements for the more complicated types of development applications.**

A preconference is currently required only for subdivisions (Sec. 28-4.9). The City may wish to expand this requirement to other of the more complicated review procedures. We find that the application process can often be expedited by requiring that applicants for subdivision, text and map amendments (rezoning), planned development, and special exception sit down with staff prior to preparing the application. The preconference affords applicants with opportunity to discuss the procedures, standards and regulations required for development approval.

**5. Included a summary of review procedures at the beginning of the Article.**

A summary of review procedures is presented up front within the development review article to help the infrequent user. The summary looks like this:

| DEVELOPMENT REVIEW                              | STAFF REVIEW BOARD | PLANNING DIRECTOR | HISTORIC PRESERVATION DISTRICT COMMISSION | BOARD OF ADJUSTMENT AND APPEALS | RAPIDES AREA PLANNING COMMISSION | ZONING COMMISSION | CITY COUNCIL | REF    |
|---|--------------------|-------------------|---|---------------------------------|----------------------------------|-------------------|--------------|--------|
| Zoning Map Amendment (Rezoning)                 |                    | Review            |   |                                 |                                  | < Review >        | < Decision > | §8.3   |
| Ordinance (Text) Amendments                     |                    | Review            |   |                                 |                                  | < Review >        | < Decision > | §8.4   |
| Planned Development Reviews                     |                    | Review            |   |                                 |                                  | < Review >        | < Decision > | §8.5   |
| Short Form Subdivisions                         |                    | Review            |   |                                 |                                  |                   | Decision     | §8.6.2 |
| Final Plats/ Other Subdivisions                 | Review             | Review            |   |                                 | Review                           |                   | Decision     | §8.6.3 |
| Subdivision Waivers/ Modifications <sup>2</sup> |                    | Review            |   |                                 |                                  |                   | Decision     | §8.6.6 |
| Special Exceptions                              |                    | Review            |   | < Decision >                    |                                  |                   |              | §8.7   |
| Variances                                       |                    | Review            |   |                                 |                                  |                   | Decision     | §8.8   |
| Administrative Adjustments                      |                    | Review            |   |                                 |                                  |                   |              | §8.9   |
| Floodplain Development Permits                  |                    | Decision          |   |                                 |                                  |                   |              | §8.10  |
| Site Plan Reviews                               |                    | Decision          |   |                                 |                                  |                   |              | §8.11  |
| Sign Permits                                    |                    | Decision          |   |                                 |                                  |                   |              | §8.12  |
| Landscaping and Tree Permits                    |                    | Decision          |   |                                 |                                  |                   |              | §8.13  |
| Certificates of Zoning Compliance               |                    | Review            |   | < Decision >                    |                                  |                   |              | §8.14  |
| Certificate of Appropriateness                  |                    |                   | Review                                    |                                 |                                  |                   | <Decision>   | §8.15  |
| Temporary Use Permits                           |                    | Decision          |   |                                 |                                  |                   |              | §8.16  |
| Administrative Appeals                          |                    |                   |   | < Decision >                    |                                  |                   |              | §8.17  |

<Public Hearings>

## **6. Added a new administrative site plan review procedure, applicable to and nonresidential and multifamily development, regardless of district.**

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We added a new, site plan review procedure in the new code applicable to nonresidential and multi-family developments, and to changes of use between land use categories. Such development are more complicated and have the potential to affect more people, a mandatory site plan requirement would help to ensure that such developments are in compliance with site development standards and other applicable requirements of the code. Final approval could be delegated to the administrative official or to the zoning commission.

Site plan review procedures should also include a method for approval of minor modifications to approved site plans. This approval should occur at an administrative level, so that minor or obvious changes can be corrected administratively. This type of streamlining allows the Community Development Department to operate more efficiently, and reduces the burden placed on developers for human errors. The provisions should include clear procedures and decision-making criteria (findings).

## **7. Added administrative adjustment procedure and approval criteria.**

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Stakeholders suggested that staff be given more administrative flexibility with respect to subdivision standards. There are currently two types variances in the code, subdivision variances (Sec. 28-4.10.D), are approved by city council, subject to criteria, and traditional (zoning) variances which are specifically required by state law (Sec. 28-6.4). Only the board of adjustment and appeals is authorized to approve such variances.

In addition, under the new code, the planning director may authorize adjustment of up to 20 percent from any numerical standard set forth in §3.7, Dimensional Requirements or Article 6, Site Development Standards, subject to criteria:

- A. That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. That granting the adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
- C. That granting the adjustment will be generally consistent with the purposes and intent of this code; and
- D. The strict application of the provisions of the code would result in unnecessary hardship.

## **8. Added a new administrative, temporary use permit review procedure.**

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To assure that the new temporary use standards are followed, the code includes a simple, one-step administrative procedure for review of temporary use permits.

## IX. Nonconformities (Article 9)

The nonconformities article is somewhat disorganized and some clarification is needed.

### 1. Reorganized provisions applicable to nonconformities.

We reorganized the existing provisions to more clearly distinguish between provisions applicable to nonconforming lots, uses, and structures.

### 2. Clarified exactly what is required for nonconforming status.

The new code makes clear that nonconforming status always refers to lawful uses, uses that were lawful when established and have continually been so since establishment, and that demonstration of such status is the burden of the property owner, not the City's.

Experience has taught us that this provision can save city staff and decision-makers lots of problems.

## X. Definitions (Article 10)

We reviewed each definition relative to its current use in the code, updated those that required updating and moved those that contained development standards to more appropriate locations in the code, again, grouping like subjects together.