

M-E-M-O-R-A-N-D-U-M

TO: The City of Carbondale Planning Commission

FROM: Chris Wallace, AICP, Development Services Director

RE: PC 13-07, Proposed amendments to Title 15 of the Carbondale Revised Code

DATE: February 15, 2013

(Public Hearing Reconvened on February 20, 2013, 6:00 p.m.)

On January 23, 2013 the Planning Commission held a public hearing on proposed amendments to Title 15 of the Carbondale Revised Code. After considerable discussion, the public hearing was recessed and scheduled to reconvene on February 20, 2013. Staff has been working in the weeks since the hearing to address concerns expressed at the hearing and through other correspondence. Councilman Monty submitted his concerns in writing, which is attached as Exhibit A and includes staff's responses. The new version of the Zoning Ordinance that was provided to each member includes all changes made since the last edition. New language is underlined and deleted language is indicated with a strike-through. In addition to the changes made in response to Councilman Monty's comments, the following revisions were made:

Definitions were added for Anchor Store, Extended Stay Hotel, Home Office, and Town Square.

In addition to adding a definition for an extended stay hotel, language was added to Article 3.2. to address occupancy.

The definition of a Home Occupation was amended and additional language was added to Article 3.4 that would allow certain home occupations as a permitted use.

The definition of land area was amended by deleting (b). The ability to include right-of-way as part of the land area was removed from the code several years ago, but the language remained in the definition.

The definition of Group Home II was revised

The average lot size section in the R-1 district was amended by removing the requirement that no lot shall be 10% more than the average minimum.

The commercial use and recreation space provisions were amended in the PUD, Planned Unit Development district.

Language was added to the PUD district requiring public notification prior to council action on any final PUD plan.

Upon approval of a preliminary plan, the time frame for submittal of a final plan was increased from 12 months to 18 months in the PUD district.

Language was added in Article 4.8.6.11 requiring lights poles to be numbered in parking lots containing more than four poles. This language has been added to assist in notifying an owner of the location of lights that are not functioning properly.

A new Article 3.4.4. was added to prohibit recreational play equipment in any required minimum front yard.

A provision was added in Article 7.3 allowing the reconstruction of non-conforming structures located in the R-1 district that existed in 1974. Although setbacks existed prior to 1974, the City's aerial photos were taken around 1974 and serve as an accurate reference for determining what existed at the time.

There were additional items discussed at the last meeting which will require further discussion. These items should be discussed in detail and direction should be given to staff:

Accessory dwelling units: Proposed language is attached as Exhibit B. This provision would allow property owners the ability to provide an accessory dwelling unit on the same property as the principal structure.

Structures within the Floodway district: The current code allows building to be constructed within the floodway as long as they are elevated to a point one foot

above the base flood elevation. The City should consider prohibiting construction within the floodway.

Council review of building design in the BPR district: The proposed Ordinance includes provisions in Article 2.23 that will require buildings being constructed or remodeled in the BPR district to meet certain design standards and receive Council approval. The City should consider if the City Council should be involved in design review and approval or if this should be handled administratively.

Side yard setbacks in R-1 districts: The Ordinance currently states that the side yard setback is 10% of the lot width, but shall not be less than 8'. The proposed Ordinance would read 10% of the lot width, but shall be no less than 5'. This would only apply to lots less than 80' in width and is intended to accommodate infill development in older neighborhoods with narrower lots.

Article 3.1, Use Categories: The proposed Ordinance includes a table showing different use categories. Staff finds this table difficult to use and problematic. Staff is in favor of deleting this table with the Commission's consent.

Staff is still working on some items within the proposed code. These items include:

Amending the footnotes that are currently attached to the Business Matrix in Section 15-2D-29. These footnotes will need to be reviewed and incorporated into the use table as necessary.

The NB, Neighborhood Business district will need to be amended along with the use table. This will be discussed as a separate text amendment, which will affect the current code, during the March 6, 2013 Planning Commission meeting. Those changes will be rolled into the proposed Ordinance.

The acceptable tree species list in Article 4.1 will be updated.

Article 4.4, Drainage will be amended. Staff is currently working on standards to improve storm water detention requirements.

Additional formatting will take place once a final document is in place. This will affect spacing, page breaks, etc.

EXHIBIT A

Written Comments on Draft Zoning Ordinance Revisions

Submitted by Donald Monty

Item	Comment or Question	Staff's comments
1.9	Rules of Interpretation: Is "Article 12" the right reference? Interpretation is also considered in Article 6.	Changed to 6.12
2.5.2.A.2	Someone needs to remember to change citations in 4.1.11 of City Code where it refers back to these zoning provisions.	noted
2.5.4.A.2	Demolition permits for historic structures: Is this a new provision? I could not locate it in existing zoning code.	Language was taken from Section 4-1-11.A.5
2.7	Can public bridges, roadways and pedestrian paths in FW be of impervious surface?	A note referencing private property was added
2.7.3.C.1(a)	Manufactured Homes in FW: This should have been numbered as 2.7.3.D and all following sections renumbered. But should manufactured homes even be allowed in FW? Likewise, why allow travel trailers in FW as shown in 2.7.3.C.5.	This requires further discussion, staff agrees that we may want to prohibit Mobile Homes and other structures in the FW
2.7.3.2, .3, .4, .6, .7, .8,.9, and .10	All these provisions in FW seem to be identical to the same provisions in 2.6 for FF. Why not list "See 2.6 . . ." after each title in FW to refer to the same provisions?	
2.8.1	Based on the Statement of Intent for the Forestry District, future consideration might be given to rezoning Green Earth's properties to Forestry.	noted
2.28	Why is fire station no longer to be a permitted use in Forestry district?	Corrected
2.28	Why are travel trailer parks and playgrounds no longer listed as a special use in Forestry? Parks in particular would seem to be compatible with this district.	Corrected
2.28	Why were municipal water treatment plants and municipal sewage disposal plants made permitted use instead of special use in AG? Municipal water treatment plant occurs twice in the major utilities category. Sewage disposal plants can be a nuisance if not done right. Special use gives more public input into location decision.	Corrected
2.28 and 2.29	It is common for growing of crops to occur on vacant land in many different zoning districts, both in and outside the city limits. This is not listed as a permitted use for the various districts. How do you distinguish "raising hay" from simply letting the grass grow tall to avoid mowing costs? They may not be "accessory uses" since they are often the principal use of the land.	Corrected
2.28	The proposed code allows "Raising or breeding of animals." The existing ordinance also allows "training and boarding of animals." Why the change?	Amended to include all four designations
2.28	How does the raising of chickens in various zoning districts get shown in the table? Are they just considered as an "accessory use" in residential districts?	This would be considered an accessory use
2.28	Why were wireless communication facilities (WCF) changed from permitted to special uses in the AG district?	Corrected, there are provisions in the WCF section that may trigger a special use.

2.9.3.E	Reference to 5.4 should be to 4.4. "Open storage incidental to principal use" is allowed in AG district, but subject to provisions in 4.4 concerning "Outdoor rubbish, garbage and storage and burning." See note below at 4.4. Also, why was specific reference to prohibiting junk yards removed?	
2.28	Why were government offices; airports or heliports; all eating and drinking establishments; private clubs and lodges . . . ; cabins, lodge, etc.; all retail sales and service; sales oriented; all retail sales and service, repair oriented; and all wholesale trade added as special uses in AG?	To accommodate eco-tourism
2.28	Why does the AG District not contain an equivalent to "Living Quarters for a person employed on the premises and his/her family on parcels less than 10 acres" which is in the existing ordinance?	Corrected
2.28 and 2.29	Check references in these tables to other sections of the proposed ordinance for accuracy. Most seem to be wrong.	
2.28	In RR why were "churches and subordinate uses" changed from permitted uses to special uses as "all religious institutions" in the new ordinance?	To provide additional oversight
2.28	In RR why were the following uses changed from permitted uses to special uses: Day care home I, grade and high schools, and public utility substation with 8 foot screen except electrical . . . in the new ordinance?	To provide additional oversight
2.28	In RR why were "cemeteries" added as a permitted use?	To accommodate family plots in accordance with State regulations
2.28	Why was "electric public utility substation" not allowed as a special use in RR? It is a special use in the existing code.	Corrected
2.28	Why was "cabin, lodge, etc." added as a special use in RR in new ordinance?	To accommodate eco-tourism
2.28	Why was "kennel" not listed as a special use in RR in new ordinance? It was in the existing ordinance.	Corrected
2.28	Why is "Living quarters for a person employed on the premises and his/her family" not included as a special use in RR? It was in the existing ordinance.	Corrected
2.28	Why are "railroads" not continued as a special use in RR?	Railroads are listed as special use
2.28	In R-1 why were "recreational buildings" changed from permitted uses to special uses?	To provide additional oversight
2.28	In R-1 and R-1-D why was "public utility substation with 8 foot screening or fencing except electrical utility substation" changed from a permitted to a special use?	To provide additional oversight
2.28	In R-1 and R-1-D "electrical utility substation" was only allowed as a special use if it had 8 foot fencing. Why is the fencing requirement dropped in the new ordinance? The same question applies to the R-1-D district. The matrix in 2.28 allows for two categories of electric utility substation, one with an 8 ft. minimum fence, and the other without fence. Was the wrong category chosen for R-1 and R-1-D?	The two categories were combined into one that requires a fence along with a Special Use Permit.
2.11.6	"longest dimension generally parallel to the street" How are exceptions determined? Who makes the decision?	This has been deleted.
2.11.6	Entrance to dwelling shall face street: What about "L" shaped structure where the short leg of the "L" is closest to the street? Can the principal entrance be on the side of the "L" facing toward the center of the lot?	Language was added to require the front entrance to exit onto the front yard.
2.11.7	Average lot size: Can someone buy two lots and straddle lot line with a house? Are there any limitations on the order the lots develop. Could all the small or large lots be sold first leaving the remainder vacant for long times?	Yes, policy has been to allow property owners to combine two lots. There are currently no limitations on the order of lot dev.
3.3.1.2	Where are the special use performance standards for Day Care Home I in RR, R-1 and R-1-D? There are such standards in the existing ordinance.	Standards were added/combined

2.28	Why was “Day Care Home III” dropped as a special use in R-1 and R-1-D?	In conflict with the statement of intent for the R-1 district
2.11.11 and 2.12.10	Minimum Side Yard Width in R-1 and R-1-D: Do not reduce below 8 feet. There is a fire spread and fire fighting issue. Also, in the absence of alleys, access to the rear yards of houses becomes difficult for occupants and utility workers who need to work on easements behind the house. Homes have been built in R-1-5 and R-1-8 since 1974 to meet 8 foot setback. Homes built under the zoning ordinances adopted in 1962 and 1967 in districts comparable to R-1 and R-2 had to meet side yard setbacks of at least 8 feet. It appears that the first zoning ordinance with set backs was adopted in 1962. Building codes typically require minimum separations between residential buildings for fire safety. The City had adopted one or more building codes prior to 1962. A change now to less than 8 feet for side yard setback would allow those homes built after the 1962 ordinance to expand into the former side yard area. A better approach to accommodate 8 foot side yards would be to find a way to allow the narrow width of the home to face the street in R-1-5 zones with the requirement for windows and the primary door to face the street. If there is a desire to grant relief to pre-1962 homes and their accessory structures with nonconforming setbacks, one might consider allowing reconstruction in R-1-5 back to the original foundation line in case of destruction of a home or accessory structure.	Requires further review
2.11.12	Why change the minimum floor area in R-1-5 and R-1-8 from 800 square feet to 1000 square feet? How many non-conforming buildings will this create? As a compromise, consider leaving R-1-5 at 800 sq. ft. and move R-1-8 to 1000 sq. ft.	Corrected
2.11.13	Why was maximum height in R-1 changed from 30 feet to 35 feet? This seems inconsistent with the 30 foot maximum height in the existing and proposed ordinances for RR, R-1-D, R-2 and PAR.	To accommodate construction of larger homes
2.28	R-1-D shows allowing as permitted use “condominium (residential) with 2 or fewer units” as a permitted use. It is special use in existing ordinance. Why make the change?	A condominium with two units is synonymous with a duplex.
2.28	In R-1-D “recreational buildings” were a permitted use, but are proposed to be changed to special use. Why?	To provide further oversight.
2.28	In R-1-D “rooming house” was a special use. The proposed ordinance does not permit this use in R-1-D. Why the change?	It is a low density residential district.
2.12	In R-1-D, should there be a building orientation requirement similar to that in 2.11.6 for R-1? If this is added, remainder of R-12-D needs to be renumbered.	
2.12.1	In R-1-D statement of intent <u>require</u> that zoning to R-1-D only be for properties that have adequate public water and municipal sewer service.	
2.12.13.B	In R-1-D maximum occupancy is shown for “rooming house.” But rooming houses are not shown in 2.28 as permitted or special uses.	Language was removed
2.28	In R-2, condominium with 4 or fewer units was added as a permitted use. Why?	It is the same as a 4 unit dwelling that is permitted
2.28	In R-2 “Group Home II in compliance with administrative occupancy permit . . .” was changed from a permitted to a special use. Why?	To provide additional oversight
2.28	In R-2 “senior housing development conversion” was added as a special use. Why?	It is allowed in R-1, it should at least be an option in R-2.
2.28	In R-2 the following uses were changed from permitted to special use: Day care home I & II, recreational building, and public utility substation with 8’ screening or fencing except electrical. Why was each changed?	To provide additional oversight.

2.28	In R-2 the following uses were added as special uses: Civic clubs and community centers, home museums, electrical utility substations [without fence or screen], and private clubs and lodges. Why each addition?	To increase options within the district.
2.28	In R-2 and R-3 bed and breakfast establishments were changed from a permitted use to a special use. Why?	To provide additional oversight.
3.3.1.F	If bed and breakfast is to be a special use in R-2 and R-3, then there need to be special use standards. If they are to be a permitted use, then there should be wording that they are to maintain “a residential appearance” as required by the current ordinance.	Language was added
2.28	In R-2 and R-3 should funeral home special use exclude crematorium? This has been a point of controversy in the past.	Additional language was added.
2.13	The R-2 and R-2.4 districts are identical in the existing ordinance. R-2.8 was added many years ago to give an intermediate density between R-2 and R-3. What is the consequence of dropping R-2.8 or its equivalent in the new ordinance?	No property is zoned R-2.8. Future proposals would require R-3
2.28	In R-3 “Senior Housing Development Conversion” was added as a special use. Why?	It is allowed in R-1
3.3.1.T	Do there need to be special use standards for senior housing development conversions in R-2 and R-3?	Language was added
2.28	In R-3, for “Day Care Centers, including . . .” where is the language about screening/fencing, licenses, etc. The use standards for these uses are found under special uses. If these are permitted uses, where are the comparable standards listed?	This was changed to a Special Use
2.28	In R-3 “public utility substation with 8 foot screening or fencing, except electrical . . .” is a permitted use under the existing ordinance. It is shown as a special use in the proposed ordinance. Why the change?	To provide additional oversight
2.28	In R-3 “Group Home III not in compliance . . .” was a special use. The proposed ordinance does not allow this use. Why?	It was added as a Special Use
2.28	In R-3 “Civic Clubs and Community Centers” and “Home Museums” were added as special uses. Why?	To increase the options within the district
2.28	In R-3, “Day Care Homes I, II and III” were permitted uses in existing ordinance. Now to be special uses. Why?	To provide additional oversight.
2.28	In R-3, “Day Care Centers . . .” is proposed as a special use. In the existing ordinance, the part about “workshops for mentally or physically handicapped” was a special use. Why were all made permitted uses? There were special use performance standards. Will there be no performance standards for these uses in R-3?	Reverted back to special use.
2,28	In R-3 “Travel Trailer Parks and Campgrounds” are added as special uses. Why?	Removed
2.28	In R-3, “Automobile Parking, Public and Commercial” was a special use. Under the proposed ordinance, it is not permitted. Why? But there are special use performance standards for this use in R-3 in 3.3.1.D. This is inconsistent.	The current and proposed ordinance does not allow off-site parking, any parking would be considered accessory to the principal use.
2.28 and 3.3.P	Need to use consistent terminology. In 2.28, reference is to “Self Service Storage.” In 3.3.P the term “Mini-warehouse” is used.	Language was amended to mini-warehouse for consistency
2.14.2	Why are there no “Maximum Intensity/Density” requirements for non-residential uses in R-3?	All non-residential uses are regulated by special use and site plan requirements
2.14.9	Should there be greater minimum yard requirements where R-3 uses abut an R-1 or R-1-D district where R-3 uses are not separated from R-1 uses by a street or alley? This has been a point of contention previously.	The bufferyard requirements have a 15’ buffer built-in to address this issue. This is greater than the minimum yard requirement.

2.15.2.A	In PUD, this section 2.15.2 .A needs to be restructured. First, should if be set up like the other residential districts to start out with the language “Principal uses and structures shown with a “P” . . . “ 2.28 shows most of the residential uses as “P” in the column headed PUD. The first three uses under Household Living should also be marked as “P” in 2.28. Something would need to be done to add the commercial uses into the table. Then a Section 2.15.2.B should be created to list the commercial uses shown under 2.15.2 A.2.	This section was amended to be consistent with other districts. The use table was amended accordingly.
2.15.A.1	For PUD, move these standards for Bed and Breakfast Establishment to 2.15.12.C. But note that 2.15.12.C (Performance Standards) needs to be renumbered to become 2.15.15. These are Performance Standards which should be pulled out of the middle of “Procedures for Granting Planned Unit Development Zoning. But note that “D” and “E” which followed “C” need to be re-designated as “C” and “D.”	Bed and Breakfast was amended to be a Special Use with reference to section 3.3.
2.15.2B	Change reference to be 3.4.1. But how does this fit into 2.15.12.A.6? Are they consistent or duplicative?	Section was amended for consistency.
2.28	In PUD “day care centers . . .,” “day care homes I” and “group homes I and II” were permitted in the existing ordinance. They are no longer to be permitted. Why not? If they are added back as permitted uses, performance standards will be needed also, probably to 2.15.12.C.	The use table was amended to allow Day Care Centers (commercial), Family Day Care and Group Home I as permitted. Day Care Home and Group Home II were made special use.
2.28	In PUD “family day care center” was permitted in existing ordinance, but will not be in proposed ordinance. Why?	Corrected, see above
2.28	In PUD “Public utility substation with 8 foot screening/fencing except electrical . . .” was dropped as a permitted use. Why?	Use was added as a special use.
2.28	Day care centers for children and adults, day care homes II and III, electrical transmission lines over 30 kv., electrical utility substation with 8 foot screening or fencing, fire stations, group home I and II not in compliance with administrative occupancy permit, inn, private access road or street, railroads and wireless communication facilities were all dropped special uses in PUD. Why was each dropped? Also, note that there are special use standards provided for some of these uses in 3.3.1. H and I	Day Care Center, Group Home I, and Day Care Home I were added as permitted. Day Care Home II, Substations, Fire Station, Group Home II, Inn, private access road, railroad, and WCF were added as Special Uses.
2.28	Licensed home or institution was added as a special use in PUD. Why was this added?	This use is similar to a Group Home II or nursing home and therefore should be considered.
2.15.12.A.5	In PUD the threshold for allowing commercial uses was lowered. Also the maximum size of commercial uses was lowered. Why were these changes made?	This section was amended to allow an increase in commercial space.
2.15.12.A.5	This provision on commercial uses in PUD reads more like a performance standard. It would fit better if it was moved to 2.15.12.C (which as noted above really should be renumbered).	This item was reviewed and slightly amended.
2.15.12.A.6	In PUD, should churches [religious institutions] and schools appear in 2.28?	Corrected
2.15.12.B.1	Should there be a limit on the number of times the City Council can extend the time for final design approval submission in PUD?	Each extension is granted at the Council’s discretion.
2.28	In RMH, day care homes I and II, family day care homes, group home I and II in compliance . . . , Laundromats, parks and playgrounds, and public utility substation with 8 foot screen/fence except electrical . . . were permitted uses. In the proposed ordinance, all are prohibited. Why for each?	Day Care Homes and Group Homes are not compatible in MHP’s. Family Day Cares, Laundromats, Parks and Playground will be permitted. Substations are Special Use.

2.28	In RMH, bed and breakfast; day care centers . . .; day care homes III; dwelling units as allowed in R-2; electrical public utility substation with 8 foot screen/fence; electrical transmission lines over 30 kv.; fire stations; Group homes I, II, and III not in compliance with administrative occupancy permit; inn; private access road; railroad; and wireless communication facility were all special uses. Now they are proposed to be prohibited. Why for each?	Again these uses are not compatible with a mobile home park. Electrical transmission lines, WCF, and private access roads were added as a special use.
3.3.1	Special use standards are listed for bed and breakfast establishments, adult day care centers and inns in RMH, but these uses are not listed as special uses in 2.28 for RMH.	The RMH symbol was removed from the performance standards.
2.16.2	Home occupations were not allowed in RMH in the existing ordinance and are not allowed in the proposed ordinance. Should they be permitted uses in RMH?	Staff does not believe a MHP is an appropriate location for home occupations.
2.16.12.D	This "Procedures for Granting RMH Zoning" should be renumbered 2.16.13.	Corrected
2.16	In RMH there seems to be no intensity/density requirement equivalent to that in R-3 (2.14.2 or PUD (2.15.11). Is one needed for RMH or do the spacing between mobile homes and open space requirements suffice?	Spacing requirements should be sufficient.
2.17.2.A and B	In NB should this be reworded? Specifically, "will generally be about one-half acre (0.5 ac.)" infers an ideal size. But 2.17.2.B sets no limit. Should there be a limit on maximum size for NB district? Should 0.5 acres be the maximum district size?	The entire NB district is being reworked.
2.17.3 and 5 and 2.29	There are no permitted or special uses shown for NB. There is no NB column in 2.29.	
3.3.1	There are special uses standards listed for bed and breakfast establishments, day care centers and inns in NB, but these uses are not shown in 2.29 for NB.	
2.17.7.A	This requires no front yard setback in NB. This would be inconsistent with all other yards which try to match adjoining districts. Front yard in NB should also be consistent with others in the adjoining areas.	
2.17	Maximum floor area ratio was eliminated in NB. Why?	
2.17	In NB total gross area of retail or service uses in the districts was eliminated. Why?	
2.17.9	No off street parking is required in NB. This may be appropriate in dense urban areas, but in suburban areas many shoppers may be stopping while driving to or from work or other activities. Some provision should be made to require parking. The existing ordinance reduced parking requirements for grocery stores below that normally required. This probably reflected the opinion that some of the trips to the grocery would be by walkers.	
2.17.10	Change reference to be 4.4. Also, In NB existing code requires a "planting screen." The proposed 4.4 does not specify "planting." Why?	
2.18.1	Renumber second paragraph as 2.18.2 and renumber 2.18.2 and 2.18.3 to 2.18.3 and 2.18.4 respectively.	Corrected
2.29	In PA why are "Day care homes I" not a permitted use in the proposed ordinance? "Day care homes" are shown as a permitted use.	Corrected
2.29	Where are the footnotes? The existing ordinance placed conditions on some of the uses that were reflected in footnotes. Footnotes need to be restored or some other method devised to show all the conditions.	The footnotes section will be reviewed and added where necessary
2.29	Why was "Adult day care center" changed from permitted use to special use in PA?	It is still listed as a permitted use.
2.29	Why was "fire protection and related activities" changed from a special use to permitted use in PA?	This item has been combined with Fire Stations and the table amended.
2.29	In PA why were "Indoor sports facilities" added as permitted uses?	The use has been deleted in PA.

2.29	In PA and SB, the category “Veterinary clinics, small animal without boarding” is in addition to the category “Small animal clinic.” Small animal clinic in the present ordinance was silent on “boarding.” The definition of “small animal hospital or clinic” clearly provides for housing animals being treated. What is the intent in the new ordinance? Most veterinarian facilities board animals.	The category “Veterinary Clinic, small animal without boarding” has been eliminated. This use is covered by the “small animal hospital or clinic” category. Boarding during treatment would be allowed, a full scale kennel would not be allowed.
2.29	In PA “Inn” was a special use. It is proposed as a permitted use? Why?	Corrected
2.29	In PA “Private access roads or streets . . .” was a special use. The proposed ordinance does not allow it. Why? This use remains as a special use in PAR.	Corrected
2.29	In PA “Automobile parking public and commercial” was a permitted use. Under the proposed ordinance, it is not a permitted use. Why?	Corrected
2.29	Where is the equivalent of “Studios, offices or workrooms of painter (artist), sculptor, writer or musician” in PA and PAR in the proposed ordinance?	The category “Art. Music, and photographic studios” exist.
2.29	PA now allows “Automobile rental service” as a special use. Under the new ordinance it would not be allowed. This special use was added to the current ordinance at the request of a business as a text amendment. The proposed change would make this a non-conforming use. Why do that?	Corrected
3.3.1	This section shows special use standards for bed and breakfast establishments in PA and PAR, but this use is shown in 2.29 as a permitted use in both districts.	The PA reference was eliminated from the performance standards.
3.3.1	This section shows special use standards for “Inns” in PA. They are listed as a permitted use in 2.29 for the PA district.	This has been changed to a special use.
2.18.3.E	Front yard in PA was changed from 8 feet to ten feet. Why?	To be consistent with other district regulations.
2.18	Why were maximum floor area ratio requirements eliminated in PA in the proposed ordinance? See 15-2D-17.K in existing ordinance.	FAR is regulated through site plan requirements including parking regulations, green space, stormwater detention, etc.
2.29	In PAR, 2, 3, and 4 unit dwellings are shown as special uses in the proposed ordinance. They were permitted uses in existing ordinance. Why change?	To allow additional oversight.
2.29	In PAR, “Day care homes II and III” were permitted uses in existing ordinance. They are not allowed in the proposed ordinance. Why?	They have been added as a special use.
2.29	The existing 15-2D-18.B allows “finance, insurance, and real estate . . . services” without reference to the table in 15-2D-29. (There was no PAR column in the table of permitted retail, trades and services by business district in 15-2D-29 in the existing code.) This would seem to have allowed many uses not shown as permitted in 2.29 for PAR. Should more uses have been shown as permitted in PAR? Many that were allowed seem to not be allowed in the new ordinance.	Additional permitted uses were added to the PAR column.
2.29	Libraries, museums, community centers and public facilities were permitted in PAR, but are not to be permitted in the proposed ordinance. Why?	These uses do not lend themselves to a residential appearance.
2.29	Why is shoe repair to be permitted in PAR but not PA?	PA district is intended for office use.
2.29	Where is the equivalent of “travel agencies” as a permitted use in PA, PAR, SB, BPL and BRD districts in the proposed ordinance?	This is considered a professional office which would be allowed.
2.28 and 2.29	Insert “AND SPECIAL” into title for both. Also, insert a legend that shows what “P” and “S” mean.	Corrected
2.29	Why are fire stations no longer a special use in PAR?	This doesn’t seem necessary.

2.29	Why are wireless communication facilities allowed as special use in PAR, but not in PA in the proposed ordinance? It does not seem logical; however, that is the way it is in the current ordinance.	WCF's have been removed as a special use in the PAR district.
2.29	In SB, PA and BPL why is "All Group Living" proposed as a special use? In the existing ordinance, "Dwelling units as in R-3" or "Residential dwelling units as permitted in an R-3 district . . ." are special uses, but some group living (e.g. dorms, fraternities, and sororities) were not allowed. They are not dwelling units. In 2.28 for residential uses, fraternities and sororities are listed as specific categories. But in 2.29 these specific categories do not exist. Under the "Group Living" use category, one is referred to 4.1.7.A. There, under "Principal Uses" one finds listed many uses as "Group Living." Included are items such as dormitories, fraternities, group homes with more than 8 persons, boarding and rooming houses, and sororities. Is the intent to allow all these as special uses in SB, PA and BPL, when they were not in the present ordinance?	It is currently understood that sororities and fraternities are dwelling units and are permitted in the R-3 district. They would then be allowed under circumstances allowing R-3 type dwellings. Dormitories may also be considered dwelling units. Staff sees no objection to at least considering these as a special use
2.29	"Credit services (other than banks)" went from being permitted uses under the present ordinance to being special uses in the proposed ordinance. Why?	To limit the proliferation of "cash advance/title loan" type establishments.
2.29	Where in the proposed ordinance's list of permitted uses is the equivalent of "drug store" in the existing ordinance?	Many retail categories would include "drug store".
2.29	"Automobile repair and services," "Automobile wash," and "automobile and truck rental services" were permitted uses in SB; but are shown as a special uses in the proposed ordinance. Why?	To allow additional oversight. Staff has had extensive issues with auto repair services along Route 13.
2.29	"Lumber and building materials sales in enclosed building" and "Plant nursery or greenhouse" were permitted uses in SB, but under the proposed ordinance would be special uses. Why?	"Building Supplies and Lumber..." are permitted in the SB. Nurseries may have a negative impact on adjoining commercial uses especially along Route 13. Greater oversight may be achieved through the Special Use process.
2.20.4 and 2.29	In SB in 2.20.4 "Certain Uses Near Schools" lists uses within 250 feet of schools which become special uses instead of permitted uses. The list of such uses is much longer in the existing ordinance [such as liquor stores, drinking places (alcohol), video arcades, and video rentals]. Why was the list shortened? But if one looks at the table in 2.29 one sees a longer list of businesses with a footnote "13." Since the footnotes are not listed, it is not possible to determine what is intended. However footnote 13 in the existing ordinance deals with the 250 foot issue. Assuming footnote 13 will be the same in the proposed ordinance, then there is a lack of congruity between 2.20.4 and 2.29 in this matter which needs to be rectified.	The footnotes section will be reviewed and added as necessary.
2.20	Why was "Maximum Floor Area Ratio" (which was .60) deleted from the SB district in the proposed ordinance?	The FAR is regulated through site plan requirements.
2.20.13 and 5.4	The requirement in the existing ordinance for SB "Where accessory open storage abuts a residential district and is not separated from said residential district by a public street, said open storage shall be screened from view by a planting screen of at least six feet (6') in height." has been replaced in the new ordinance with a reference in 2.2.13 to section 5.4. This effectively removes the requirement that this screening be by plantings. Why?	Fencing is more effective and more easily enforced.
2.29	In BPL the present ordinance allows "Parks and playgrounds" and "Museums" as permitted uses. The proposed ordinance does not allow them. Why? (What about the two museums in the University Mall?)	Corrected

2.29	“Day care centers for children” are currently allowed as permitted uses in BPL (subject to approval as part of development plan) or special uses if not included in the development plan. They are not permitted in the proposed ordinance. Why? What if someone wanted to open a day care facility in the University Mall for children of workers?	Added as a special use.
2.29	In BPL “Day care centers for adults” are currently special uses. They would not be allowed under the proposed ordinance. Why?	BPL is generally reserved for retail trade.
2.29	In the current ordinance in BPL “Nursery School” is a permitted or special use depending on the time of approval. In the proposed ordinance it is only a special use. Why the change?	There are currently no Nursery School’s approved as a part of a development plan. The Special Use and the development plan may be approved concurrently in the future.
2.29	In BPL the existing ordinance under government services, “executive, legislative and judicial uses” are permitted. The proposed ordinance does not allow these uses. Why? The same question applies to “Protective functions,” “civil defense,” “fire protection” and “other protective services.”	The BPL is generally intended for retail and professional purposes. These uses are better suited for other districts.
2.29	In BPL, the current ordinance permits hospitals and nursing homes. The proposed ordinance does not allow them. Why?	Corrected
2.29	In BPL the current ordinance allows “transportation terminals” as permitted uses. The proposed ordinance does not allow them. The same issues applies in the BPR district. What does this do to the AMTRAK station which is in both the BPL and BPR zones? What about the proposed intermodal transportation facility for downtown adjacent to the present AMTRAK station?	Corrected
2.29	In BPL the current ordinance allows “Railroad” as a special use. Railroads would not be allowed under the proposed ordinance. Why? Keep in mind that the railroad property in the center of town is currently zoned BPL. This was designed to give the City control over any development of land that the railroad might sell off or use for other than track purposes.	Corrected
2.29	In BPL the present ordinance allows “House of worship” and “Welfare and charitable services.” The new ordinance does not allow them or comparable uses. Why?	The BPL is intended for retail and professional purposes and is located in prime retail areas.
2.29	In BPL the current ordinance allows “Wireless Communication Facilities” as special uses. The proposed ordinance would not allow them. Why?	Corrected
2.29	In BPL, electrical public utility substation with 8’ fence or screen or fence and electrical transmission lines over 30 kv. are currently special uses. They would not be permitted under the new ordinance. Why? Large commercial areas may need large amounts of electrical energy and need a substation. The AMEREN substation east of the University Mall parking lot (although zoned as a small island of AG) is an example?	Corrected
2.29	In the BPL zone, “Bowling Alleys,” “Dance Halls,” “Roller, ice skating,” and “Miniature Golf” are currently either permitted or special uses (depending on distance from a school). They would not be permitted under the proposed ordinance. Why?	Reverted to Special Use.
2.29	In BPL the current ordinance allows “Banking and financial institutions” with and without drive up facility. The proposed ordinance does not allow them. What about at least three banks that currently exist in BPL?	Corrected

2.29	In BPL the current ordinance allows the following permitted uses: educational and scientific research, employment services, printing services, radio and television studios, small animal hospital or clinic, bed and breakfast establishments, automobile parking (public and private), antique and second hand merchandise, furniture, home furnishings and equipment, medical appliances and supplies, nursery products and greenhouses, laundering and dry cleaning (self service) radio and TV repair, shoe repair, apparel repair, electrical repair (except radio and TV) fur repair and storage, re-upholstery and furniture repair, watch/clock/jewelry repair, and travel agencies. They are not permitted in the proposed ordinance. Why for each? There are also some others that I have skipped over.	These uses were revisited and amended as necessary.
2.29	In BPL the current ordinance allows "Auto service including quick and minute lube" and "Automobile wash" as permitted uses. They are not allowed under the proposed ordinance. Why?	Added as a Special Use.
2.29	In BPL the current ordinance allows retail sales of marine craft and accessories; motor vehicles (used cars only) and tires, batteries and accessories as permitted uses. They would not be permitted under the proposed ordinance. Why?	These uses have been amended.
2.29	What happens to various uses now listed as permitted uses, but which become special uses within 250 feet of public schools in the existing ordinance? How are these dealt with in the proposed ordinance? Also see 2.20.4 for how this is handled in SB and comments on 2.20.4 above.	Footnotes will be revised.
2.21.5	In BPL, why not set minimum district size? Is "Minimum Lot Area" the correct term? Should it be "Minimum District Size? Beyond minimum district size, should there be any minimum lot size in BPL? The current ordinance calls for "A minimum tract of four (4) acres for entire development," but it is silent on actual minimum lot size. In practice there is no minimum lot size for individual uses.	Staff believes that a minimum lot size would be appropriately determined through the City Council review process.
2.21.6	In BPL for "Minimum Lot Width" what is the "entire development?" Is it the entire area covered by a BPL preliminary development plan? Or, is it the land covered by a final development plan? Does the land covered by each final development plan have to be at least 150 feet wide?	This would be better enforced on a per lot basis. Current development practices have shifted towards more outlots and fewer developments with multiple buildings on one tract.
2.21.7	In BPL the proposed minimum front yard depth is 10 feet. The current requirement is 40 feet for the entire development. Ten feet is too shallow. Perhaps 20 feet like in the SB district would be more appropriate. BPL developments can be very expensive. What happens if a street has to be widened and the structures are "too close" to the additional needed right-of-way. The government would have to pay for the structures or abandon the project. A 20 foot front yard would allow room to add another traffic lane without getting into the actual buildings.	Changed to 20'.
2.21.8 and 2.21.9	In BPL minimum rear yard and side yard depths are "for the entire development." This again raises the issue of what is the "entire development." Is it all the land approved in a request to rezone property to BPL? Is it the property shown in the "preliminary development plan?" Is it the land shown on a "final development plan?" Often land covered by a preliminary development plan is subdivided and sold or leased for individual developments. In such cases, what is the "entire development?"	The "entire development" concept is outdated. The City would be better served looking at each individual development on individual lots.
2.21.11.B.1	In BPL is the 12 month period provided to submit a final BPL development plan realistic given the routine manner in which extensions have been given? What happens if a final BPL development plan is submitted for only a portion of the area covered by the preliminary development plan. Are extensions required for the remainder? Should the process of rezoning the remainder be commenced?	This should be more closely regulated during the rezoning process.

2.21.11.B.7 and 2.21.12.D	In BPL should there be a limit on the number of times an extension can be granted if the final development plan is not submitted within 18 months?	This should be left to the Council's discretion when considering whether to grant an extension or not.
2.21.11.C.2	Instead of "this date" should the ordinance adopting the 1974 zoning ordinance be referenced?	Further discussion required, although I think we can stay with this date.
2.21.12	In BPL should title "Final Design Approval" be expanded? This may be confused with 2.21.11.B which should also be renamed "Final Plan Design Review and Approval." 2.21.12 might be reworded "Final Design Approval for Lands Previously Zoned BPL without Zoning Review Process."	This section has been deleted as it is no longer valid. All land zoned BPL in 1974 has been developed.
2.21.12	Should the reference to "effective date" be to the current zoning ordinance adopted in 1974?	See above
2.21.12	If the City zoned property in 1974 to BPL without a development plan, what are the minimum lot size, yard requirements, etc.?	See above
2.29	In BWA "Drinking places (alcoholic liquor)" was changed from special use in the existing ordinance to permitted use in the proposed ordinance. Why?	Corrected
2.29	In BWA the current ordinance allows "business office, the office of any commercial enterprise." What is the equivalent designation in 2.29 of the proposed ordinance? Should there be one? In 2.29 what uses are exactly covered by "business administrative and professional offices except those listed separately?" Does this allow for more or less uses than in the existing ordinance?	This would allow for any type of professional office as defined.
2.29	In BWA "Bed and breakfasts establishments" were permitted uses in the existing ordinance. They will be prohibited in the proposed ordinance. Why?	Not a compatible use.
2.29	"Art, music and dancing schools" are proposed as permitted uses in BWA. Currently they are not allowed. Why change?	This will allow for the adaptive reuse of old commercial buildings. There are currently two in existence in the BWA.
2.29	Why not allow "Building services, including janitorial . . ." as a permitted use in BWA?	Corrected
2.29	What provision allows the sale of gasoline at grocery stores in the proposed ordinance?	The sale of gasoline is permitted in the BPL district.
2.29	In the proposed ordinance what zoning districts will allow gasoline service stations that are not with convenience stores or grocery stores? In 11.4 the definition of "convenience store" includes the following: "When a convenience store is in conjunction with a gasoline service station, the principal use shall be considered a gasoline service station for the purpose of determining permitted zoning district." I can find no listing of "gasoline service station" in 2.29. But, there is a listing for "Convenience stores with gasoline service" which shows as permitted in SB, BPL and BWA. There does not seem to be a listing in 2.29 for convenience stores that do not sell gasoline. Are they "grocery stores?"	A category has been added for convenience stores.
2.22.3.A	In BWA the special use section provides that "any use shown with an 'S' (for 'Special Use') in the PA column on the use table in 2.29" will be a special use in BWA. Was this reference to PA wrong? It seems to be wrong.	This error has been corrected.
2.29	In BPR "Civic, social, and fraternal organizations" are permitted uses in the current ordinance. They would not be allowed in the proposed ordinance. Why?	Corrected
2.29	In BPR, various special training schools are permitted by the current ordinance. None except art and music schools are allowed in the proposed ordinance. Why? Conversely, professional schools would be allowed in BPR by the new ordinance, but they are not allowed in the existing ordinance. Why the change?	This section has been amended
2.29	In BPR does "Government services" allow all government uses in the proposed ordinance?	Section has been amended

2.29	In BPR the current ordinance allows hospitals, medical clinics, medical laboratories and nursing homes. None would be allowed under the proposed ordinance. Why?	Hospitals and Nursing Homes are not compatible uses in the BPR. Clinics are covered under medical offices. Labs have been changed to permitted.
2.29	In BPR passenger terminals will not be allowed. Why? Perhaps there should be a separate category for "transportation terminal, passenger." Why not allow AMTRAK, taxi, and bus terminals in the downtown area? They could be classified as special uses in BPR as they are in the current zoning ordinance. That would allow setting reasonable standards for their use in BPR.	Corrected
2.29	In BPR "religious activities" including churches and synagogues is currently a permitted use. Under the proposed ordinance, "houses of worship" will not be permitted. Why? There are at least 3 churches zoned BPR now.	These have been changed to a Special Use. Recent planning practice has shifted to discouraging churches downtown as they are underutilized most days of the week.
2.29	In BPR "Welfare and charitable services are currently allowed. They would not be under the proposed ordinance. Why?	This has been added as a Special Use.
2.29	In BPR, "Electrical transmission lines over 30 kv." are currently special uses. They would not be allowed under the proposed ordinance. Will this affect any existing lines?	It should not affect any existing lines.
2.29	In BPR billiard parlors, pool halls, bowling alleys, dance halls, miniature golf, and roller and ice skating are all permitted uses under the current ordinance. They would not be allowed under the new ordinance. Why?	Pool halls, and dance halls have been added as permitted uses although they generally are always accessory to eating and drinking places. Miniature golf, roller and ice skating remain prohibited.
2.29	In BPR, the new ordinance would no longer allow "Inns" as a permitted use. Why?	Corrected
2.29	In the proposed ordinance why is no "public or commercial parking" to be allowed. The current ordinance allows this with certain restrictions. Also see 2.23.10.	Corrected
2.29	In BPR currently "auto parts and accessories" can be sold with certain conditions. They will not be permitted in the proposed ordinance. Why?	Other districts can easily accommodate these sales.
2.29	In BPR, "electrical supplies;" "heating and plumbing equipment;" and "paint, glass and wallpaper" can be sold if within enclosed buildings. Are these uses permitted under the proposed ordinance?	No, they can be accommodated by other districts.
2.29	Currently "medical appliances and supplies" are permitted retail uses in BPR. They will not be in the proposed ordinance. Why?	Corrected
2.29	In BPR, electrical repair (except radio and TV); radio and TV repair; re-upholstery and furniture repair; watch, clock and jewelry repair and fur repair and storage are permitted. They will not be under the proposed ordinance. Why?	These are outdated use categories and would generally be accessory to a permitted use.
2.29	In BPR the current ordinance allows "Studios, offices or workrooms of a painter (artist), sculptor, writer, lecturer, photographer, commercial artist, dancer or musician" as a permitted use. The proposed ordinance lists "art, music and photographic studios." What is the difference, and why?	These terms are interchangeable.
2.29 and 2.23	In BPR where are the restrictions requiring theaters and auditoriums to be special uses if they are within 250 feet of an elementary or high school? Are they still needed? These restrictions were in the current ordinance. Right now, none are within 250 feet of any BPR district.	Footnotes to be removed
2.29	Why are private access roads no longer to be special uses in BPR?	Requires further discussion.

2.29	Are “all terrain motor vehicle and motorcycle sales” appropriate in BPR even as a special use? The City Council amended the City Code and granted a special use to permit someone to open such a place on N. Illinois Ave. a few years ago, but the place appears to have been closed for a long time.	
2.23.3	In BPR, accessory structures are currently permitted with certain exceptions. The proposed ordinance does not allow any. Why?	Due to the urban nature of the BPR district these types of structures are incompatible and may e a fire hazard.
2.23.4.A	In the current ordinance all drive-in facilities in BPR are special uses. Where is this provision in the proposed ordinance?	A new category was added to address this.
3.3.1.J	The proposed ordinance has a special use standard for drive-in or drive-through facility in BPR. (This same standard is in the existing ordinance.) Where is this special use listed in 2.29 or elsewhere in the proposed ordinance?	Corrected
2.29	Why were wireless communication facilities changed from special use to permitted use in LI?	Corrected
2.29	In LI the proposed ordinance lists the following as permitted uses that were not permitted in the current ordinance: Retail sales of furniture, home furnishings and equipment; retail sales of hardware without lumber and building supplies; light industrial service-transportation equipment; wholesale trade of commercial and industrial equipment, construction equipment, farm and grain mill products, and mail order houses; and plant nursery or greenhouse. Why was each added as a permitted use? Some of the uses were permitted uses in GI but not in LI in the existing ordinance. Why were they shifted to be permitted uses in LI?	Retail sales of furniture and home furnishings have been removed. The other uses are common in Industrial areas.
2.29	In LI the current ordinance lists several exceptions to the wholesale trade of machinery, equipment and supplies. The proposed ordinance does not contain these exceptions. Why?	
2.29	In LI and GI “Stockyards or Livestock sales barns” are listed as special uses in the proposed ordinance. They were not allowed in either district in the existing ordinance; however, they were listed as “Stockyards and livestock sales” as permitted uses in the Industrial Isolation (II) district in the existing ordinance. With the abandonment of the II District, they appear to have been place in other industrial districts. But, why should they be allowed as special uses in LI? Should there be special use performance standards for them?	Standards can be applied at the time a special use is issued. There isn’t a large demand for this use.
2.29	In LI and GI why are “Tanneries” listed as a special use in the proposed ordinance, but they were special uses in the existing ordinance?	I cannot find this use category in the current ordinance.
2.29	In LI the current ordinance permits fire stations and retail sales of coal and heating fuels and retail sales of motor vehicles and automotive equipment. They do not appear to be permitted in the proposed ordinance. Why?	Fuels has been permitted. The others remain unchanged to remain consistent.
2.29	In LI the current ordinance allows many uses under “Business and Administration Offices . . . “ How are all of these items addressed in the proposed ordinance?	These offices are accessory to a permitted principal use.
2.25.3	“Special Uses” This is the wrong title. It should be “Permitted Accessory Uses and Structures.” A new section 2.25.4 will need to be created with the customary language found in other districts saying that special uses are shown in 2.29 and referring to 3.3.1 for special use standards. This will also require renumbering all following items under LI. (GI has an example of how this is handled.)	Corrected
2.25.12.G	Should reference to “this code” specify “Revised Code of the City of Carbondale?”	Corrected
2.29	See notes above about permitted uses in LI.	

2.29	The current ordinance allows all permitted uses in LI as permitted in GI. Why does the proposed ordinance list “Retail, general, except as otherwise listed” and “wholesale trade of paint, glass and wall paper” as not permitted in GI but permitted in LI?	Corrected
2.29	The Nonresidential Districts Use Table contains a use “Retail, general, except as otherwise listed” under the use category “Retail Sales and Service, sales oriented.” This category “Retail, general, except as otherwise listed” is marked as a permitted use in SB, BPL, BWA, BPR, and LI. Exactly what is covered under this classification? Is this opening up these districts to many retail uses that were not explicitly listed as permitted in the present ordinance?	This allows for uses that may not have been identified in the table. This category helps simplify the table by not listing every conceivable retail sale and potential future markets.
2.29	In GI the current ordinance allows wholesale sale of “Transportation equipment” as a permitted use. This use does not appear to be allowed in the proposed ordinance. Why?	A new category has been added to address this.
2.29	The current ordinance does not permit “Junk yard” in LI. The propose ordinance shows it as a special use in LI. Why?	The category contains more uses than just a junkyard.
2.29	The proposed ordinance lists several uses under the Use Category of “Heavy Industrial” in GI as special uses. They were permitted uses in the existing ordinance in the Industrial Isolation district. Should the Industrial Isolation district be kept? Are people going to resist rezoning property to GI due to the potential for a future City Council to grant a special use for one of the listed uses? Thus, making it more difficult to zone property for GI.	Staff doesn’t see this as an issue.
2.29	“Wood preserving operations” can be as much of a nuisance as other uses listed as special uses in LI and GI, but they are shown as permitted uses in the proposed ordinance. Should “Wood preserving operations” be listed as special use? (Think of the former Kopper’s tie plant.)	Corrected
2.26.2.B	In SIU district, “Fire station” is proposed to be eliminated as a permitted use. (This is a historical situation. In 1974, the City had a fire station located on SIU campus. Subsequently that station was closed. The City has no intent to build a new fire station on campus. If SIU decides to, that would fall into the University’s permitted use category.)	The SIU column was removed from the use table.
2.26.3	Change the reference to be 6.11. The reference in “2)” lot area, lot width, yards, height, etc. of “this district unless specified otherwise in the special use” makes no sense. No such lot area, lot width, yards, height, etc. are established for the district in either the existing ordinance or the proposed ordinance. I propose rewriting 2.26.3 and adding a new 2.26.4 as follows: 2.26.3. Special Uses 2.26.3.A. After a public hearing before the Planning Commission, the City Council may permit as special uses any of the uses shown in 2.26.3.B subject to the “Procedures” as prescribed in 6.11. 2.26.3.B. Allowable Special Uses: 2.26.3.B.1. Any land zoned SIU on the official zoning map which is not owned by Southern Illinois University shall be treated as a special use in the event of a change of use of land, use of structure or use of land and structure in combination. 2.26.3.B.2. Electrical transmission lines over thirty (30) kilovolts. [This is from the existing ordinance.] 2.26.4 Minimum lot area, minimum lot width, minimum yard depths, maximum height, minimum off street parking and loading, and outdoor storage: 2.26.4.1. There are no standards for minimum lot area, minimum lot width, etc. listed above for permitted uses in this district. 2.26.4.2. Min. lot area, min. lot width, etc. for special uses shall be established as part of the SU approval.	This section has been slightly amended.

2.26.2 and .3 and 2.29	There are uses marked in the "SIU" column in 2.29. But if these uses are listed in the text for the SIU district, there is no need for a "SIU" column in 2.29. This would free up room in 2.29 for a "NB" district column. Also as written in 2.29, the category "University and college" is not exclusive to SIU which was the intent of the zoning district.	SIU column has been removed.
2.27	The entire contents of the Planned Airport District (PAD) were negotiated and agreed to with the Southern Illinois Airport Authority. The proposed ordinance appears to make many changes to the PAD district. Any changes in substance must be discussed with the Airport Authority. While the zoning ordinance is being revised, there may be changes that the Airport Authority will want. For now, the proposed PAD district and items such as permitted and special uses in PAD must be redone so that it replicates the substance of what is in the existing ordinance. Changes in organization and style are OK, but the substance must be the same.	The PAD has been added to the use table and all existing uses have been transferred. There should be no change to this district.
2.27.2 and .3 and 2.29	2.27.2 says that the permitted uses for PAD are those shown in the PA column in 2.29 and special uses in PAD are those marked in the as special uses in the GI column of 2.29. This would appear to be at great variance from what is allowed in the PAD district in the existing ordinance. A column needs to be created in 2.29 for the PAD district.	
2.3.1.A and 3.1.1 and 6.12	Sections 2.3.1.A and 3.1.1 seem to be in direct conflict. The last sentence of Section 2.3.1.A says: "All uses not expressly permitted as a permitted use, and accessory use, or a special use are prohibited." Note the use of the words "expressly" and "prohibited." Section 3.1.1 established a mechanism whereby the "Zoning Administrator" (Development Services Director?) has the unilateral authority to make rulings on uses that are not listed as permitted uses or special uses and to determine that they will be allowed. Section 6.12 contains a provision for "Interpretations." However those persons who are allowed to request an interpretation are limited to the owners of a piece of property, tenants, contract purchasers, mortgage holders, easement holders, and owners of other property located within 500 feet of the property for which the interpretation is sought. The 500 foot limit and its limitation to "owners" excludes many people who might want to challenge an interpretation. Furthermore how are these persons going to know that an interpretation under 3.1.1 has been made that they may object to? What happens if the Zoning Administrator makes an interpretation that only the property owner knows of and that owner proceeds to build something, but subsequently another party challenges the interpretation and the interpretation is reversed? Also, section 6.12.5 provides an appeals process for interpretations as listed in section 6.10.1.A. This change from prohibiting items not expressly listed as permitted to a system that allows an administrator to allow other uses not specifically listed is a major policy change that needs to be fully debated. If a use not specifically listed is going to be permitted by interpretation, then there should be a mechanism to notify the public that such an interpretation is being considered and allow the public an opportunity to comment before the interpretation is made.	Additional language has been added that should eliminate any conflict. Generally if a use cannot be found in the use table, the use would not be permitted. The applicant may apply for a text amendment to have the use added to the use table and then the decision is made by the City Council with proper notification to adjoining owners.
3.1.7.E	This section lists "Blood Plasma Donation Centers" as a type of medical facility. But in 2.29 the use category "Medical Facilities" does not list "Blood Donation Centers" as a use type. There is such a use in Carbondale. Will it no longer be a permitted use?	This has been added to the table
2.29	Where is "Transient lodging or shelter for the homeless found in 2.29? Section 3.1.7.I classifies it as a "Social Service Institution." This is an example of a use that needs to be explicitly listed as special use or permitted use or not permitted in 2.29 for each district so that it is not up for interpretation by the zoning administrator.	This has been added to the table

3.1.7.H	Religious Institutions: Uses not included lists "Soup kitchen." Is this even allowed as an accessory use? Day Care "on a daily basis" is not allowed. In the past some churches have been the site of day care either as an accessory or special use. In residential zones will this be allowed in the future?	The table in 3.1 requires some discussion.
3.3.1.F	Why are bed and breakfast standards in the proposed ordinance less restrictive in PAR than in PA and residential districts? This is also the situation in the current ordinance.	The PAR standards have been combined with the other districts.
3.3.1.0	The "Junkyard" provision is awkwardly worded in the proposed ordinance. Also, this section only applies the performance standard to GI district, but 2.29 allows this also as a special use in LI. The title "Junkyard" in 3.3.1.0 does not match the title "junkyard or auto wrecking yard or storage" in 2.29.	This has been amended.
3.3.F.2	This proposed section seems to drop the reference to use of cargo shipping containers as permitted accessory structures in residential zones. Was this intentional? Does this also mean that cargo shipping containers can no longer be used as storage facilities at commercial businesses?	The section was intentionally amended to prohibit cargo shipping containers in residential areas. Cargo containers are allowed in commercial areas in approved loading and unloading zones as long as they are swapped out every 90 days.
3.4.2.B.2	Is "satellite dish antennas" referring to all or just those more than one meter in diameter? This should be expressly stated to avoid confusion.	This refers to all antennas, although there are additional standards for those over 1 meter.
3.6.1.B.2	Relative to wireless communication facilities, should "effective date hereof" be to when WCF standards were adopted in the current ordinance?	The date of adoption has been added.
3.6.1.E	There are many references to 1.1. These references seem to all be wrong. It looks like they were place holders. Insert the correct reference in each place 1.1 was used.	
3.6.1.F.2	Reference to "subsection 2" should be to 3.6.1.F.1	
Article 4	The provisions in this Article have been taken from various locations in the existing City Code. Some of the provisions relate to properties subject to site plans. Other provisions apply to a wider range of circumstances. Something needs to be done to separate out which provisions only apply to site plans and which apply broader.	
4.1.1 and .2	The term "in Carbondale" is used. Do the standards in this Article only apply within the city limits of Carbondale, or do they apply to the entire zoning jurisdiction?	
4.1.3.A.1	This section says that "All land within the City of Carbondale that is not covered by an approved impervious surface shall be seeded and/or sodded with grass." There are two problems here. First, it is only limited to land in the city limits, not the entire zoning jurisdiction. Second it is sweepingly broad. What about woodlands, agricultural fields, baseball infields and similar places not normally expected to be paved or planted in grass? The wording needs to be more precise as to what is intended.	
4.1.3.A.2	This section provides that "any dead tree located on private property shall be completely removed, including the stump and any exposed roots." What about trees in woodlands or fence rows in rural areas? The wording here needs to be more precise as to what is intended.	
4.1.4.B	The parking lot landscaping requirements have been significantly strengthened. Are they realistic?	They are designed in accordance with industry standards and current practice. Recent developments would be in compliance with the proposed standards.

4.1.4.B.1(a)	Landscaping: In areas requiring more than 2500 sq. ft. of landscaping, why allow substitution of additional trees? What happens to the green space that would otherwise have been provided?	The language does not eliminate green space, it reduces the amount of actual landscaped beds. These beds are difficult to maintain over time, while shade trees provide a long term benefit.
4.1.4.B through E	Wording needs to be inserted to clarify that these landscape provisions apply to landscaping required for a parking lot subject to site plan requirements.	This is included in the ordinance
4.1.4.C.1	Is the list of trees allowed too restrictive? Also, ash trees must be removed from the list. The Emerald Ash Borer is getting close to Carbondale. It will kill almost every ash tree. Farther north, private and public entities are spending large amounts to remove infested ash trees. Also, the types of oaks listed should be examined to see if they are prone to sudden oak death which is becoming a problem in some parts of the country. What is the resistance of the listed trees to damage in ice storms or heavy snow falls? I have observed white pines being repeatedly damaged due to ice and heavy snow.	A new list has been provided by the City Forester. The list in the code will be expanded based on the Forester's list.
4.1.6 and .7	These standards on fences cover all types of fences in the present and proposed ordinances, not just areas subject to site plans. This needs to be made clear in the text. Why is this fencing provision even a part of the part of the ordinance labeled "Landscaping and Buffer Yards?" It could become "4.10 Fences."	This has been amended.
4.1.8	It is not clear when buffers are required. Apparently they are required to protect property in one district from uses in another district as shown in 4.1.C.2. However, what requires buffers between dissimilar uses within the same zoning district?	This is difficult to regulate. With increased consistency within districts the need for buffers should be minimized.
4.1.8.A	This section says that "Buffers shall be required for all new development and redevelopment in Carbondale." Is the actual intent to limit this requirement to property within the city limits? If not, then the wording needs to refer to the land subject to the City's zoning authority.	Language was added to clarify those developments requiring a site plan, which only applies within the City Limits.
4.1.8.A.4	Where is table 4.10.1? Where are "Figure 28 through Figure 31 of this LDC?" What is the "LDC?"	This has been amended to reference the correct sections.
4.1.8.C.2	Reference to SIU in the right column should be footnoted to only apply to non-SIU owned land. The City cannot tell SIU what to do.	The SIU column has been eliminated
4.1.8.C.3	Does this exceptions provision mean that buffer requirements apply across a street except when the street is a state highway or streets more than 80 feet wide or with 4 travel lanes? There are some state highways that are only two lanes wide through residential areas. Why would buffering not apply to them? For example, consider Old Route 13 on the east (Walnut St.) and west (Old Murphysboro Road) or Old Route 51 (Illinois Ave.) south of town.	Buffering uses located across the street seems excessive. This would require buffering the front yard and potentially hiding the structure. This seems impractical. The language was amended.
4.1.8.E.3(c)	Where is 4.10.3 that is referenced?	This reference was amended.
4.2.1	Should there be some type of limit on lighting for single-family and two-family dwellings to prevent excessive light from adversely affecting nearby residences? Should bright wall pack-type lights be allowed on single-family and two-family homes in a manner that provides significant illumination of adjacent residential properties?	Language was added to strengthen this.
4.2.2	Are there any restrictions on lighting for security purposes around dwellings or businesses (as distinct from parking or pedestrian way lighting)? Does this "site lighting" apply to all outdoor lighting other than for parking lot or pedestrian way lighting?	
4.2.2.A	Why are there no maximum luminaire or lamppost heights established for uses farther away than 100 feet from R-1 and R-2 areas. These tall lights can be a major source of light pollution affecting nearby residences.	Language was added to address this issue.

4.2.2.B	If luminaires are replaced, should they be required to be replaced with luminaires that meet the standards of this section?	The language would apply to all new and replacement lights.
4.2.2.C	Why are mercury vapor fixtures prohibited? What is more bothersome about them than high pressure sodium or halogen luminaires?	This language has been removed.
4.3	Does the "Drainage" section apply to all uses or just those subject to a site plan?	Only those subject to site plan requirements. Language has been added.
4.4	These standards on "outdoor rubbish, garbage and storage and burning" appear to apply in all districts except GI, LI, BWA and PAD. They seem to be inconsistent with the portions of the City Code (Title 10) which regulate storage or refuse and garbage. Proposed section 4.4 requires all outdoor rubbish and storage areas to be screened to a height of six feet. Also, 4.4 includes the word "burning" in its title, but there are no references to burning in the content. The provision proposed in 4.4.A was taken directly from the Site Plan provisions in the existing City Code. They were to only apply to properties subject to a site plan. Article 4 needs to be examined to see which provisions apply to lands subject to site plan vs. all lands. Some provisions clearly apply in all situations, e.g. fence requirements in 4.1.6. Others are limited to site plan situations. These need to be differentiated. Is the intent of this section to make all "developments" subject to this standard, even if they were not previously subject to site plan approval?	The regulations will be applied to all commercial and multi-family developments. This will allow consistent enforcement.
4.4.A	Does this section about outdoor rubbish, garbage and storage apply to single-unit dwellings and duplexes? If so, it conflicts with the portion of the City Code that deals with refuse. If not, that should be made clear.	No, language was added to clarify who this applies to.
4.6.2.E	Does the City Council really want to be involved in design approvals for buildings in the BPR district? Will this process slow down approval project times? Council decisions could be subjective rather than objective. It would be better to establish minimum standards in the ordinance and then let staff determine if building plans meet them. This is the mechanism proposed for design standards for residential developments.	This will require further discussion.
4.7.1	Should reference to "effective date hereof" be to the date of adoption of the 1974 ordinance?	I believe "effective date hereof" is appropriate.
4.7.1.B and .C	The current ordinance requires that additional parking be provided following current parking lot standards if the intensity of use increases on the premise or if a change in use would require additional parking. The proposed ordinance seems to go farther in that it would require not only the new parking lot, but also the entire existing parking lot, to be brought up to current standards. Is this intended? Will it lead to situations where owners will not make business expansions or additions due to concern that a minor change in use could result in a very substantial cost to upgrade the parking lot?	This situation rarely comes up, but it has caused concerns in the past. This should be a positive change.
4.7.4.E.2	Is it really necessary to require hot mix asphalt or concrete for parking areas in rear yards of single-family homes that are not used as rooming houses? Gravel could be used in those areas if reasonable standards for construction and lot coverage were established. This would lessen storm water runoff.	This would be counter to current regulations and a step backwards for the community.
4.7.4.F	Does it make sense to require the entire driveway and all parking areas in AG and RR to be covered with A-3 surfacing, even if several hundred feet long if more than four "parking spaces" are provided? There should be some reasonable maximum distance back from the street or road established for surfacing to be required. How does one calculate the number of available parking spaces in a very long, wide driveway?	This only applies to parking lots and not to long driveways. Surfacing requirements would be based on the amount of parking required. A single family home only requires two, and thus gravel would be allowed.
4.7.4.F.2(a)(1)	Why was the rock base for off street parking areas increased from six inches to eight inches in most zoning districts for parking lots with over 4 parking spaces? This seems excessive.	This was corrected back to the original six inches.

4.7.4.E.2(b)	Why were all parking spaces and aisles in the F, AG and RR districts required to have a minimum of 10 inches of rock base, instead of the present 6 inches, if more than four parking spaces? This seems excessive.	This was corrected back to the original six.
4.7.4.E and .F	There clear standards for what constitutes aisles and parking spaces for parking lots with more than 4 parking spaces. But no similar standards are set forth for parking spaces for parking lots with 4 or fewer spaces. They should be. This would help in determining how many spaces are being provided.	Fewer than four spaces are classified as parking areas (driveways). This generally does not occur in commercial areas.
4.7.4.F.10	Many of the provisions of this parking lot lighting section seem to repeat the site lighting provisions in 4.2.(changed to 4.3)	A reference to 4.7.1 was added. 4.3 also addresses pedestrian lighting along walking paths that is not covered under 4.7.1.
4.7.4.F.10(b)	Will this prohibit “wall pack” type lights?	The requirement for full cut-off fixtures should eliminate wall packs.
4.7.4.F.10(c) and (d)	Why is there no maximum height for light poles or luminaries when the site is more than 100 feet from R-1 or R-2 district?	Language has been added to address this.
4.7.4.F.11(a) and (b)	The illustration in (a) provides a dimension “E” for overhang. But the text in (b) no longer allows for overhang. Why was the possibility for overhang to reduce the paved area eliminated? It drives up cost and increases storm water run off. A compromise would be to allow overhang, prohibit overhang from covering sidewalks and prohibit areas covered by overhang as counting towards landscape area. If overhang is to be allowed, there must be a curb or bumper blocks to prevent vehicles from encroaching on the overhang area. If overhang is not to be allowed, eliminate it from the illustration. The Parking (Aisle) Module Dimension table in (b) has a column headed “Stall Type (See Table A).” But there is no table labeled “A.” Why is this column even needed if all spaces are “Standard?” When the 1974 ordinance was originally adopted it had a “small car only” category. That category was deleted several years ago. In the illustration in (a) what is the difference between stall types “STD” and “SOD?” The legend adjacent to the illustration in (a) refers to a “Table A.” Where is that table? Also that legend refers to types I, II, III and IV stall types. What does this mean?	Vehicle overhang has been added. The illustration and Table A have been updated.
4.7.4.l	In the column next to “Hotels or motels,” “Hospitals” and “ Retail stores not elsewhere classified . . .” the reference to “J” should be to “I.” In the column next to “Mini-warehouses” the reference to “M “ appears to be wrong.	Corrected to reference the new Table B.
4.7.4.l	For “Group homes,” “1 space for each resident staff . . .” should be modified to drop the word “resident” based on the recent statements that staff are usually not “residents” of the facility.	Corrected
4.7.4.l	Single unit dwellings do not allow counting parking spaces in garages towards the required off-street parking. Is this a new restriction? If so, why?	No, garages have never been included in the parking calculation.
4.7.4.l	Why was required parking for libraries increased? For private clubs and lodges reduced? For “schools commercial . . .” The number (3) is missing in front of “students.” Is the number of spaces for “schools, high” realistic here? What percent of students in Carbondale and nearby communities drive themselves to school?	Library parking was converted back to 1 space per 1000ft ² . Industry standards were referenced in determining parking requirements.
4.7.4.M.2 + .3	Reference to 2.5.2.B appears to be wrong. Maybe it should be to 4.7.4. Also, reference to “subsection d” is wrong. It probably should be 4.7.4.F.	Corrected
4.7.6.C.9	This provision requires the “stacking area” for drive-up lanes to be paved. But it does not provide any standards. Add something like “to the same standards as the aisles and parking spaces for the development” to the end of the sentence.	Corrected

4.7.7.B	The required number of bicycle parking spaces needs to be re-examined. One bicycle space per 10 car parking spaces for all parking lots is required in the existing ordinance and is also required in the proposed ordinance, except for “large commercial and industrial developments” which are capped at 20 bicycle spaces in the proposed ordinance. There appears to be no definition of what such a “large” development is. It would appear that once a development has over 200 parking spaces, the maximum of 20 bicycle spaces would be reached. But is there room to interpret something that otherwise be required to have 20 bicycle parking spaces to be “large” and thus require fewer than 20 bicycle spaces? What about uses which are not likely to be used by many customers on bicycles such as automobile sales or repair places or lumber yards? Do they need one bicycle space per 10 car parking spaces? Some reasonable discretion needs to be given here while still holding to the principal that bicycle parking spaces must be provided.	The proposed revisions appear to be reasonable.
4.7	There are no specific provisions for parking structures in the proposed ordinance. Such provisions were contained in the existing ordinance at 15-2F-3.L. Are there issues different for parking structures and surface parking that should be addressed such as required landscaping and tree plantings? There is one large parking structure in the City, and future developments could use parking structures to lessen the demand to use large areas of land for parking purposes.	Language has been added to address parking structures
4.7.8.D.1	Outdoor storage and uses: In the proposed ordinance, it appears that required parking areas cannot be used for outdoor sales areas. How does this fit with places like Walmart, Rural King and Murdale True Value which routinely use off-street parking areas for storage and sales of items?	We permit temporary storage areas within parking lots for seasonal use.
4.8	Site circulation for pedestrians: These are new standards for Carbondale. They help promote safe pedestrian access to buildings. What impact will they have on development costs?	Development cost will depend on the design and layout.
4.9.1	The reference to “sign regulation district” in the proposed ordinance is obsolete. The 1974 ordinance initially only had sign regulations apply within the city limits--the “sign regulation district.” A subsequent amendment removed the restriction to City limits and replaced it with the entire area covered by the zoning ordinance. This would be a good time to clean up the language by deleting the following words: “the sign regulation district. This district shall extend .”	Corrected
4.9.3	“Prohibited signs” has dropped the classification “bare bulb illumination exceeding 25 watts per bulb.” Why?	This has been added.
4.9.3.A	This provision prohibits various types of signs including “off-premise signs.” What about street banners with the name or logo of a sponsor? What about a sign erected at a place like a school which advertises the “sponsor” on the sign in a manner that otherwise would be prohibited as an off-premise sign?	The City has to be careful when considering sponsors on signs/banners. If this were to be allowed we could set ourselves up for a legal challenge to the off-premises sign restrictions.
4.9.5.C	In the proposed ordinance what is the proposed maximum sign area for 1, 2, 3, or 4-unit dwellings? In the existing code, the limit is one square foot per dwelling unit. Is there to be no limit on sign area for 1-4 unit dwellings?	No freestanding signs are allowed. Language has been added to address architectural sign area.
4.9.6.A.2 and .5	In the proposed ordinance there is a direct conflict. Subsection 4.9.6.A.2 says no freestanding sign may be erected on or suspended over public rights-of-way. Subsection 4.9.6.A.5 allows signs to suspend over the rights-of way. In the existing ordinance this provision for being suspended over the rights-of way only applies to architectural signs. This should also apply to the new ordinance. This provision for architectural signs to overhang the ROW was intended to accommodate businesses where no building setbacks were required, such as in the downtown area.	4.9.6.A.5 has been deleted. Language has been added to the Downtown Sign Regulations which addresses this issue.

4.9.6.A	In the proposed ordinance the "Location of Signs" subsection has failed to follow the distinctions in the existing ordinance. In the existing ordinance the provisions identical to proposed 4.9.6.A. 1 and .2 apply to freestanding signs. The provisions in the existing ordinance identical to proposed 4.9.6.A.3, .4, and .5 only apply to architectural signs. These distinctions need to be restored in the proposed ordinance.	This distinction has been made.
4.9.6.C.4(b)	This provision on "additional sign area increase" in the proposed ordinance is identical to that in the existing ordinance for architectural signs. Where is the provision for additional sign area for freestanding signs comparable to 15-2G-8.A.3(a) in the existing ordinance?	The allowance for additional freestanding sign area was eliminated.
11.4	In the proposed ordinance there needs to be a definition of "sign, flashing." There is one in the existing ordinance. Proposed section 4.9.3.E specifically prohibits "flashing signs." Just as other types of signs are defined, "flashing sign" needs to be defined.	A definition has been added.
4.9.6.2.d	In the proposed ordinance, the section on which establishments can have freestanding signs has been changed from the existing ordinance to allow "anchor stores" in shopping centers to each have their own freestanding sign (beyond those allowed for the shopping center itself). Will that lead to sign proliferation? How is "anchor store" defined in the proposed ordinance?	A definition of Anchor Store has been added.
4.9.7.A.2	Should the reference to "building sign" be to "architectural sign?" Why should a freestanding sign in BPR be allowed to suspend over or otherwise encroach upon public ROW?	Amended
4.9.7.G	Why is liability insurance not required for "A-frame" signs? Although not explicit in the proposed ordinance, it appears that these "special signs" are to be permitted on ROW in the BPR district. Architectural signs that overhang the ROW in BPR are required to provide liability insurance which list the City as an additionally insured (see 4.9.7.A.2). Why should signs that are going to be placed directly in the pedestrian walkway be exempt from providing liability insurance naming the City as an also insured? What if a pedestrian is injured by walking into or tripping on one of these "A-frame" signs? Furthermore, why exempt them from a sign permit. If they are going to be on ROW, the City should have knowledge of them and be able to ensure that liability insurance is provided for them. As I recall, this issue of A-frame signs on ROW has been handled in the past in some instances by requiring encroachment permits which do require liability insurance to be provided to protect the City. Are there any height restrictions on these a-frame signs? How much horizontal surface area of the ROW can these signs occupy?	This may require further research and a legal opinion.
4.9.8 and 4.9.9	In the proposed ordinance, how can "temporary" and "special" signs be expected to meet requirement for 20 foot setback from curb in BPR district which has zero front yard setback and the distance from building front to curb line is less than 20 feet?	Most banners in the downtown would have to be attached to the building.
4.9.8.A.5(8)	This needs to be renumbered to be 4.9.8.A.5(b) since it is the breakpoint between "Temporary Commercial Signs" and "Temporary Non-Commercial Signs. A subsection 4.9.8.5 (b)(1) needs to be created for the maximum sign area and what was .5(9) and .5(10) need to become .5(b)(2) and .5(b)(3).	Corrected
4.9.8	Where are the remainder of the provisions that were in the existing ordinance's 15-2G-9.F pertaining to temporary signs for not-for-profit organizations events?	This is covered under temporary non-commercial signs.
4.9	Where in the proposed ordinance is the provision for "Window Promotional Signs" as in the existing ordinance's 15-2G-9.F? There is a definition of "Window Promotional Sign" which contains regulations for their use. The regulatory provisions in the definition should be relocated to an appropriate section of 4.9.	The regulatory language was removed.
5.1.1 and 5.1.2	Planning Commissions members serve as the Zoning Board of Appeals. 5.2.1 has provision for removal of ZBA members. No such provision is given for Planning Commission members. These two sections should conform.	This language is included in 5.1.1

6.2.1.l	This section in the proposed ordinance says “brought into compliance with the current code.” What code?	Language has been added specifying this code.
6.5.2	In the proposed ordinance, 6.5.2 only applies to implementation of Flood Plain Development Permits. No such language seems to exist in the “Flood Plain Development Permits subsection (15-2J-2.D) of the current ordinance. In the current ordinance, the comparable language is headed “Implementation of Zoning Certificates” in 15-2J-4. Is the provision in the proposed 6.5.2 a new provision? Where is the equivalent of Implementation of Zoning Certificates from 15-2J-4 found in the proposed ordinance where it would apply to all zoning certificates?	6.5.2 is a new provision and the implementation of ZC has been added.
6.5.4.A.4	Flood Plain Permit Procedure: Add new 6.5.4.A.4 as follows: “If property is located in the FF, Flood Fringe, District, Certification from a registered professional engineer that the proposed fill, structure, or other development is not in the floodway.” Then renumber following portions. See 2.6.4 and 2..7.3 above for related changes.	Corrected
6.6.1.C	The provision for mailing notice of public hearings to persons owning property within 250 feet of property requesting rezoning/special use/variance needs to be broadened for rural areas or areas with large lots or tracts of land. This has often been an issue where nearby residents claim to have not been given mailed notice of the hearing. The current 250 foot provision was identical to state law when adopted (and may still be). The City should use its home rule power to broaden the notice. This needs to be done in a manner that meets the spirit of the 250 foot notification in areas where lots may be as narrow as 50 feet while not being so expansive that it would greatly increase the notification cost.	
6.6.4.B	This procedural provision for expansion of zoning boundaries for less than five parcels says that the provisions of 6.6 are to be followed. This is too broad a reference. In order to match the provisions in the existing zoning ordinance on this topic (15-2J-11.B) the proper reference should be to 6.6.1, 6.6.2, and 6.6.3. Reference the entire 6.6 would result in processing expansions of zoning boundary cases the same without regard to the number of parcels.	Corrected
6.7.3.O	In the basic information required for site plans in the proposed ordinance, also require showing existing street curb cut radii and curb cut widths. This is required in the current ordinance. This information identifies any existing curb cuts that will be retained or which need to be modified or removed.	Corrected
6.7.4	Site plan review and approval time schedules have been removed. Why? These time schedules were intended to make the process move quickly.	The 14 day provision has been added.
6.10.1.A	This provision on appeals makes reference to “this ordinance.” This should only be to the zoning provisions. The appeals process in this section does not apply to site plans and subdivisions. Examine the entire draft for the use of the word “Ordinance” to make sure it references the right place. However, there is a bigger issue which will be discussed below.	Article 6 was added
6.11.2	Special use applications should be forwarded to all Planning Commission members, not just the Chair.	Corrected
6.11.2.C.1.g	The reference to “this ordinance” is too broad. It should refer to zoning requirements only.	Corrected
6.12	See comments above at 2.3.1.A for comments on “interpretations.”	
6.12.3	This describes the interpretations procedure. Should the owner be notified that someone other than the owner has applied for an interpretation so that the owner can have an opportunity to comment before the Development Services Director rules? Section 6.12.1 broadly interprets who can request an interpretation.	
8.2.1	Create a new 8.3 before 8.2.1 and title “Approvals and Interpretations” Renumber everything that follows in Article 8.	Corrected

8.3.1.B	"EAC" needs to be spelled out. To be consistent with how site plan provisions were handled, remove "Engineering Advisory Committee" from definitions in 11.4 and create a new section 5.5 establishing the Engineering Advisory Committee. Then renumber the existing 5.5 to be 5.6.	Corrected
9.0	This entire Redevelopment Article needs to be reexamined, especially in light of court rulings on issues such as using eminent domain to acquire property for private uses.	This item can be reviewed in the future.
10.5	This seems to duplicate 10.3.7. Do there need to be two sections on "Equitable Relief?"	Corrected
11.4	Lot types: "Key Lot" is used in the text, but "Flag Lot" is used in the illustration. The same term needs to be consistently used.	Corrected
11.4	The definition of "Professional Office" was changed in the proposed ordinance from the definition in the existing ordinance. How will this change future or existing special uses for "Professional Office?"	This definition has been changed.
2.6 through 2.27 and 2.28 and 2.29	In the various district regulations above, I have identified changes in permitted and special uses between the proposed ordinance and the existing ordinance. The Planning Division Staff provided a table at the public hearing on January 23, 2013 which identified changes in permitted and special uses that staff had identified between the proposed and existing ordinances. In the event that the differences I identified above missed some that staff identified, I would like the same justification to be provided for those changes as well as those I specifically identified.	
Comment:	How can the City creatively amend the zoning ordinance to equitably deal with special properties like the old Armory and High School? Both are zoned R-1 but no suitable for R-1 uses. Nearby residents are very concerned about the future use of these properties. Rezoning them to existing multi-family or business zones would allow many uses that would not be compatible with the neighborhood. However in conversations, residents have recognized the impracticality of requiring R-1 uses. How can the City create a zoning mechanism to allow these properties to be productively used while protecting the neighborhoods around them? Conceivably this situation could arise for other large buildings from a bygone era.	This is being reviewed
Comment:	How can a provision be inserted into the zoning ordinance to prohibit Hydraulic Fracturing, "fracking," within the City's zoning jurisdiction? This should cover not only vertical drilling, but also horizontal drilling that might originate within or from outside the City's zoning jurisdiction.	
Comment:	Throughout the ordinance check the capitalization of specific bodies and titles such as City Council, Planning Commission, Preservation Commission, Building and Neighborhood Services Division, Zoning Board of Appeals, City Manager, City Clerk, etc.	Corrected
Comment:	Has anyone seriously explored how this new Title 15 is going to be folded into the existing City Code? Besides moving many items around, this proposed ordinance uses a completely different numbering system from that in the City Code. Normally, when the City Code is amended, The amending ordinance places everything into the same numbering framework as the codifiers have used to create the City Code. At what point, if any, will the proposed Title 15 be placed into the same numbering system as is used in the remainder of the City Code? If that is done, a very substantial effort will be required to renumber every section and subsection and all references to those sections and subsections. This will be a very time consuming process. Why should the numbering system for Title 15 in the City Code be any different than the numbering system in the remainder of the City Code? Also, with the creation of a new Title 15, no matter which numbering system is used, someone is going to have to comb through the remainder of the City Code to make sure that all references to parts of Title 15 are correct. Presumably any changes in references will also have to be done by ordinance.	The other portions of City Code will be check for consistency with the new code.

Comment:	<p>It appears that efforts were made to reduce nonconforming front yard and side yard setbacks in R-1 districts. As a result of other changes in setbacks, changes in permitted uses in the various districts, changes in special uses in various districts, changes in accessory uses and structures in various districts, and other changes in the text, how many new non-conforming uses and structures are being created in the new ordinance? When the 1974 ordinance was adopted, the Zoning Commission made an effort to avoid creating large numbers of non-conforming uses. That explains why some uses that were permitted in some of the districts may not have matched up well with the statement of intent for the district. Now some of those uses that were made "permitted" no longer exist in those districts. They could be removed as permitted uses with no harm to the district. In creating the proposed ordinance, have the writers made any effort to accommodate existing uses in districts, or have they have kept with a strict interpretation of what should be permitted or special uses based on the statement of intent for each district? The approach taken could have a significant effect on how many non-conforming uses are being created.</p>	
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EXHIBIT B

AMEND the proposed Zoning Ordinance (Article 15 of the Municipal Code) by adding a new Section 3.4.4 to read as follows and by adding a new row for Accessory Dwelling Units in the use table in Section 2.28, in the "Residential Uses" category with a "P" in the AG, RR, R-1, R-1-D, R-2 and PUD columns and with blanks in the other columns in the row.

Accessory Dwelling Units (RR, R-1, R-1-D, R-2 and PUD Districts)

A. Accessory Dwelling Units Allowed

1. Status

- (a) An accessory dwelling unit shall be allowed as an accessory use to any lawful dwelling unit located in the AG, RR, R-1, R-1-D, R-2, or PUD District, provided that it conforms to the standards set forth in paragraph 2; and
- (b) This use is a use by right that shall require Zoning Certificate, to be issued administratively in accordance with **Error! Reference source not found..**

2. Criteria for Permit

The following criteria shall apply to the issuance of a Zoning Certificate for an accessory dwelling unit:

- (a) The minimum lot size for a dwelling unit with an accessory dwelling unit is 6,000 square feet;
- (b) The dwelling unit and accessory dwelling unit must both conform to the minimum yard and setback requirements and maximum height standards otherwise applicable to the site ;
- (c) The site shall provide the number of improved off-street parking spaces required by Section 4.7 plus one;
- (d) The maximum size of the smaller dwelling unit shall not exceed 600 square feet; and
- (e) If the proposed accessory dwelling unit involves an expansion of an existing building or the addition of an accessory building, the architectural style, roof treatment, building materials and color scheme of the addition and/or accessory building shall be substantially similar to those of the existing principal building on the lot.

3. Continuing Condition

- (a) As a continuing condition of the issuance of a Zoning Certificate for an accessory dwelling unit, one of the dwelling units shall be occupied by an owner of the premises or shall be vacant;
- (b) If the Code Enforcement Officer finds at any time that both units are occupied by persons other than an owner of the premises, the Officer shall file an action before the Board of Zoning Appeals for the purpose of revoking the Zoning Certificate allowing the accessory dwelling unit. If, after a hearing, the Board of Zoning Appeals finds that both units are occupied by persons other than owners of the premises, it shall revoke the Zoning Certificate or issue an order allowing the owner a reasonable period within which to correct the violation.