



## Planning and Economic Development

Sara Roediger, AICP, Director

---

From: Chris McLeod, AICP, Planning Manager  
Sara Roediger, AICP, Director  
To: Planning Commission  
Date: 1/8/2025  
Re: Potential Zoning Ordinance Amendments

City staff is continually tracking potential housekeeping amendments to improve or clarify regulations in the zoning ordinance. Below please find a description of each proposed amendment. Staff intends to proceed with the proposed amendments and schedule a public hearing for the Planning Commission meeting when appropriate. We are seeking input on the amendments from the Planning Commission prior to the public hearing.

### Development Notification Signage

---

#### ***Issue***

Notification signage for proposed conditional use, planned unit development or rezoning.

#### ***Discussion***

In an effort to provide consistency in signage, to ensure that proper notice is being provided, and to reduce costs to potential applicants, City staff has worked with the City's sign department to construct conditional use, planned unit development and rezoning signs that are required by Ordinance to be placed on a site when one of those applications is proposed. City staff will be placing the signs onsite to ensure proper notice is being provided and will also remove the sign after the application has been acted on.

#### ***Potential Amendment***

Amend SECTION 138-1.203 - Public Hearing Procedures to remove the text indicating how the sign must read and the requirements for its placement to now refer to the City providing these signs.

### Public Hearing Notification Requirements

---

#### ***Issue***

Currently the public hearing requirement for a subdivision or a one family residential detached condominium development is contained in the Planning Commission Ordinance, instead of within the Zoning Ordinance.

#### ***Discussion***

City staff, in an effort to ensure all ordinances are being adhered to and to ensure proper notice is being provided to appropriate property owners, desires to move the public notice requirements to the public hearing section of the zoning ordinance rather than maintaining the requirement in the Planning Commission ordinance.

***Potential Amendment***

Amend SECTION 138-1.203 - Public Hearing Procedures to add public notice requirements for preliminary plat review and preliminary plan review and remove the public notice requirements from Section 130-38 of the Planning Commission Ordinance.

## **Site Plan Expiration**

---

***Issue***

The start of development construction many times has been exceeding one (1) year, particularly since COVID, so City Staff is recommending a longer initial approval time. It appears that construction time has also been greatly affected by labor and materials issues. There are many items that must be completed prior to site plan expiration, including submitting for conditions review, further developing construction and engineering plans for appropriate permits to allow for issuance, the payment of bonds and fees, etc.

***Discussion***

City staff, in an effort to provide a more reasonable time to start construction, is suggesting a two-year timeframe for expiration instead of one year. In addition, city staff is also recommending additional extensions be permissible provided that no ordinance changes were made that would impact the proposed development.

***Potential Amendment***

Amend SECTION 138-2.207 – General Provisions to extend site plan expiration to two years, to remove expiration due to a lapse in construction, and to increase the number of extensions that the Planning Director may grant.

## **Zoning Map and District Boundaries Clarification**

---

***Issue***

The R-5 zoning designation is missing from this section, and the section also lists the Building Official as the person to make a determination regarding zoning district boundaries.

***Discussion***

R-5 Zoning District needs to be added to the title of 138-4.200 and currently the Building Official is designated as the authority to make determinations of where zoning district boundaries are officially located if unclear. Staff would like to designate the Planning and Economic Development Director to make those decisions.

***Potential Amendment***

Amend SECTION 138-4.101 and 138-4.200 to change the designated authority on zoning district boundary determinations and to modify the title, respectively.

## Use Table Clarification

---

### ***Issue***

Clarifying uses permissible within the Use Table.

### ***Potential Amendment***

Amend SECTION 138-4.300 – Table of Permitted Uses by District to provide additional clarifying language.

## Paving Requirement for Outdoor Storage

---

### ***Issue***

The current ordinance language does not specifically require outdoor storage areas (principal or accessory) to be paved.

### ***Discussion***

City staff have fielded many inquiries for storage uses (both principal and accessory) and a typical question is whether the storage area is required to be paved. The Ordinance does not specially define a material requirement and several outdoor storage areas have been approved with gravel surfaces, and these have already shown signs of deterioration due to water.

### ***Potential Amendment***

Amend SECTION 138-4.425 – Outdoor Storage: Accessory to require all outdoor storage areas to be paved unless otherwise specifically not required by the Planning Department/Commission.

## Lot Coverage Calculations

---

### ***Issue***

The current ordinance language for lot coverage measurement does not clearly define which types of structures count towards lot coverage.

### ***Discussion***

City staff, during the review of permissible lot coverage for residential structures, desires to have additional definition of which types of structures are counted and not counted towards lot coverage.

### ***Potential Amendment***

Amend SECTION 138-5.205 – Standard Methods of Measurement to clearly define that attached and detached accessory structure and enclosed and open porches are counted towards lot coverage.

## Accessory Structure – Roof Coverage

---

### *Issue*

The current ordinance does not clearly define when an open-air type structure becomes an accessory structure regulated by city ordinance.

### *Discussion*

City staff have been reviewing plans for residences that include trellis', arbors, open air roofs, etc. that can be significant in size. Discussions occur whether such structures are truly accessory structures since their "roofs" may not always be fully covered and therefore may not be regulated. City staff is seeking definition as to when accessory structure regulations should be applied

### *Potential Amendment*

Amend SECTION 138-12.100 – General Standards for All Accessory Structures to provide a new subsection D defining the percent of "openness" permissible before accessory structure regulations apply.

## Decks in Front Yard

---

### *Issue*

The city has a number of "decks" in the front yard that act as traditional porches that are not permissible by ordinance

### *Discussion*

Over the course of the year, the Building Department has reviewed several instances where decks that provide access to the residence (and are necessary to step up to an entry) have been located in front yard and are currently not permissible. Porches are permitted provided they are cement or brick, an ordinance amendment to allow a wood type structure in a similar capacity is likely appropriate. A wood deck is often the most feasible option and should be allowed.

### *Potential Amendment*

Amend SECTION 138-10.102 – Detached Accessory Structures to allow decks to be constructed in the front yard provided they extend no more than 10 feet beyond the front of the structure.

## Fences

---

### *Issue*

Requiring the type of **nonresidential** fencing to be upgraded to provide additional aesthetic and meet city expectations and also clarify the location of where fencing may be located.

### *Discussion*

City staff has been requiring a higher standard of fencing material for sites during the site plan review process. City staff desires to increase requirements regarding the materials to be used and to provide additional restrictions that would not allow a commercial type property to be fenced without a use established on the property and to not allow fencing in a front yard.

**Potential Amendment**

Amend SECTION 138-10.107 – Fences to require decorative fencing, rather than chain link fencing unless specifically allowed by the Planning Commission or Planning Department and to clarify the location of fencing for nonresidential uses.

**Dumpster and Trash Storage Screening**

---

**Issue**

Clarity and specific requirements are needed that all dumpsters, trash compactors, recycle bins, grease bins, etc. are required to be screened and in the appropriate manner.

**Discussion**

City staff has seen a number of different types of dumpsters and bins being located on different sites and current zoning ordinance language does not clearly indicate that all types of dumpster and bins require an enclosure. In addition, the materials for those closures and enclosing gates are also somewhat unclear.

**Potential Amendment**

Amend SECTION 138-10.311 – Dumpster and Trash Storage Screening to clarify what types of dumpsters and ancillary bins require screening enclosures and the materials for those enclosures.

**Solar Energy Systems**

---

**Issue**

Providing clarifying language for ground mounted solar energy systems, both temporary and permanent.

**Potential Amendment**

Amend SECTION 138-10.401 – Solar Energy Systems to remove freestanding and include both temporary and permanent systems.

**Bicycle Parking**

---

**Issue**

The current zoning ordinance does not require bicycle parking for new developments.

**Discussion**

City staff has been working with developers to provide bicycle parking spaces (bike racks) as a part of new site plans. Most applicants have willingly provided them. However, to provide assistance with requiring them, an ordinance amendment should be adopted.

**Potential Amendment**

Add a new SECTION 138-11.205 – Bicycle Parking to require bicycle racks for new/revised multiple family and nonresidential developments.

## Stacking Spaces

---

### *Issue*

With the recent amendment to the City Zoning Ordinance for drive through facilities that including the size of stacking spaces for a drive through, one additional section required an amendment.

### *Discussion*

The Zoning Ordinance requirements for stacking spaces within the parking section simply needs to be consistent with the recently adopted drive through zoning ordinance amendment.

### *Potential Amendment*

Amend SECTION 138-11.305 – Stacking Spaces to require stacking spaces of nine (9) feet wide by twenty (20) feet long.

## Performance Guarantee

---

### *Issue*

The current ordinance language for performance bonds for landscaping installation does not fully match the policies of the Planning Department. Developers often look to file bonds in the name of contractors, and it has been staff's experience that this often causes issues as contractors are likely to change over time. Additionally, staff has found that the later in the process a bond is collected, the greater the potential for issues to be caused with a contractor's desire to finish a project.

### *Discussion*

City staff (including the City's DPS/Engineering) department has required bonds to be in the name of the property owner for some time. This allows additional surety that the work will be completed pursuant to plans. In addition, bonds have been collected as a prerequisite of the Land Improvement Permit process and not at the end of construction as noted in the Ordinance. City Staff would like to align the zoning ordinance language with current policy, to allow for more efficient and better collection of bonds.

### *Potential Amendment*

Amend SECTION 138-12.108 – Performance Guarantee to require bonds in the property owners name and at the time of Land Improvement Permits.