

ZORO: Zoning Ordinance Reorganization
**A project to clarify and reorganize the Zoning Ordinance
and development-related Ordinances**

Introduction:

The City is undertaking a multi-phase initiative to consolidate and then update its land use plans and codes.

1. First, the four area master plans have been consolidated into a single master plan, making future revisions easier.
2. Second, the zoning ordinance and other development-related ordinances will be reviewed for technical changes to improve clarity, organization, and user-friendliness, setting the stage for future amendments.
3. Third, the master plan land use element will be reviewed for relevancy and appropriateness of future land use recommendations and planning principles.
4. Fourth, and finally, the zoning and development-related ordinances will be reviewed for substantive changes to standards and regulations to reflect and implement the revised master plan land use element.

Each of these components will build upon previous work to result in clear, comprehensive and consistent land use plans and codes that guide and facilitate the desired future growth and development of the city. The ZORO Project, described below, is the second phase of this planning effort.

Problem Statement:

Land use and development ordinances and regulations are scattered among eleven different chapters of the City Code. Each chapter was prepared and adopted independently and results today in a sometimes confusing, hard to follow format with inadvertent repetition and slight inconsistencies. The most-referenced chapter, the Zoning Ordinance (Chapter 55), was drafted more than 40 years ago and has been incrementally updated since. As a group, the land use and development ordinances:

- **Are difficult to navigate** – users have to “flip back” to previous sections to find key information, and have to check several different chapters to find all standards related to one subject
- **Need “clean up” changes** – a draft list of minor changes has been prepared which have not been proposed or adopted
- **Lack clarity** – answers to some specific questions are elusive which could lead to inconsistency over time
- **Contain dated and incomplete material** – some regulations are out-of-date and/or have unintended gaps in coverage
- **Have minor inconsistencies with state law** – current regulations may not always be consistent with the most recent changes to enabling statutes and court decisions
- **Use terms inconsistently** – key terms have been used inconsistently in different sections and different chapters and may not always have the same meaning when used in different contexts

Project Goals:

The goal of this project is to present the information contained in the existing chapters in a more coherent, consistent, concise and user-friendly manner, possibly in the form of a unified development code, so the information is:

- **Comprehensive** – does not require references to other chapters to determine what standards govern development and redevelopment
- **Clear** – with consistent standards, consistent definitions, and consistent format
- **Usable** – by both seasoned code users and the general public
- **Enforceable and Legally Defensible** – based on legal, objective standards and current state enabling laws
- **Adaptable** – structured to make it easy to amend, and/or to add or delete provisions in the future

The project has been structured to avoid substantive changes to the current regulations. However, there may be situations where substantive changes may be proposed. For example, if an inadvertent omission or inconsistency is discovered, correcting those minor mistakes may change how future applications are handled.

Examples of non-substantive changes that should be expected:

- Moving sections to group similar subjects together
- Combining two or more chapters, or sections, into one
- Minimizing repetitive paragraphs or clauses
- Using charts, tables and some graphics to illustrate definitions and regulations instead of or in addition to text
- Listing standards within a section instead of referring back to other sections

Examples of substantive changes that may be needed:

- Clarifying an existing standard by eliminating any other possible interpretations
- Changing standards to be more consistent with state laws and current legal precedent
- Adding a standard to fill a gap in coverage
- Other unforeseen changes recommended by the Consultant to achieve the project goals

Scope of Project:

The Zoning Ordinance and other development-related ordinances will be reviewed, including:

- Chapter 26 – Solid Waste
- Chapter 47 – Streets and Curb Cuts
- Chapter 55 – Zoning
- Chapter 56 – Prohibited Land Uses
- Chapter 57 – Subdivision and Land Use Controls, including attachments (the Land Development Regulations)
- Chapter 59 – Off-Street Parking

ZORO Project: Zoning Ordinance Reorganization

- Chapter 60 – Wetlands Preservation
- Chapter 61 – Signs and Outdoor Advertising
- Chapter 62 – Landscaping and Screening
- Chapter 63 – Soil Erosion and Sedimentation Control
- Chapter 104 – Fences

Project Leadership:

The **Consultant** will perform the majority of the work involved in clarifying and reorganizing the ordinances. They will lead public meetings, meet with the Project Team, Technical Working Group, the Planning Commission and the Zoning Board of Appeals, and will provide an annotated outline, a complete rough draft, and a final draft ordinance for adoption by the City. The Consultant will also maintain a list of suggestions for future changes to capture requested substantive changes to the ordinances.

The **Project Team** will support the Consultant during the entire project, assembling background material and information and providing assistance to the Consultant as needed.

The **Technical Working Group** will be facilitated by the Consultant and will review documents and provide feedback to the Consultant at appropriate milestones in the project schedule.

- Consultant – Clarion Associates
 - Don Elliott, Senior Consultant
 - Erica Heller, Associate Consultant
- Project Team
 - Kevin McDonald, Senior Assistant City Attorney – Project Co-manager
 - Alexis DiLeo, City Planner – Project Co-manager
 - Wendy Rampson, Interim Manager Planning & Development Services
 - Connie Pulcifer, Senior Planner
- Technical Working Group
 - Project Team (McDonald, DiLeo, Rampson, Pulcifer)
 - Planning Commission Ordinance Revisions Committee members (Bona, Carlberg, Mahler, Westphal)
 - Zoning Board of Appeals member (to be determined)
 - Council member (to be determined)

Project Schedule and Events:

The Consultant has proposed to complete the scope of work in four tasks in approximately 12 months. The general project schedule is:

- A. Project Kick-off (December 2009)
 - Consultant meets with Technical Working Group (Meeting #1)
 - Consultant meets with Planning Commission and Zoning Board of Appeals
 - Public Meeting #1

ZORO Project: Zoning Ordinance Reorganization

- B. Preparation of Diagnosis and Annotated Outline of Revised Ordinances (January 2010 to March 2010)
 - Consultant develops a detailed diagnosis of the problems identified
 - Consultant provides an annotated outline of the clarified, reorganized chapters
 - Consultant meets with Technical Working Group (Meeting #2)
 - Public Meeting #2
- C. Drafting the Revised Ordinances (March 2010 to September 2010)
 - Consultant provides the first complete draft of the clarified, reorganized chapters
 - Consultant meets with Technical Working Group (Meeting #3)
 - Public Meeting #3
- D. Adopting the Revised Ordinances (October 2010 to December 2010)
 - Consultant provides final draft of the clarified, reorganized chapters
 - Consultant meets with Technical Working Group (Meeting #4)
 - Public Meeting #4
 - Planning Commission public hearing and recommendation to City Council
 - City Council public hearing and action

Public Involvement:

To ensure that the public is aware and involved in this project, several communication tools will be used:

- Public Meetings and Information Sessions – four public meetings will be held during the project to introduce the project, provide background information and status updates, and offer opportunities for public review and comment
- Public Hearings – the Planning Commission and City Council will each hold a public hearing prior to their action on the final drafts of the proposed chapter changes
- Email updates by subscription – regular email updates will be sent to individuals during the project
- Project website – a project website will be created and regularly updated
- Project email address – a project email address will be assigned to send questions or comments to the project co-managers