

RECODE — Sample Repair Checklist

Before rushing to a vote on second reading of Recode, the following sample concerns (among others raised by the citizenry) should be carefully considered by City Council.

Article 1, section 1.3. Add a general interpretative rule at the outset, favoring public participation. For example:

“To the maximum extent practicable, all decisions under this zoning code shall be interpreted to include notice and a reasonable opportunity to be heard for interested members of the public before approval by public entities charged with the implementation of this ordinance.”

Article 10, section 10.3. Fix proscription of ADU-like fixtures in non-ADU accessory structures to avoid end runs around intended regulation.

“An accessory structure may contain plumbing. However, cooking facilities either temporary or permanent are prohibited, unless an Accessory Dwelling Unit has been approved, in which case those ADU standards apply to said structure.”

Article 5, Section 8. Restore the earlier discussed limits on parking recreational vehicles, boat or hauling trailers, as well as commercial vehicles or school buses, on residential lots. Typically, recreational type vehicles should be limited to one per household and be expressly limited in length and gross vehicle weight. Commercial vehicles should be prohibited.

Article 13, Signs. If you adopt a new zone, like you have for Institutional zones, that is located in or adjacent to residential zones, then reduced quantity and size of signage should be specified and regulated in a manner compatible with a residential area, much like signs are in transitional Office zones. Further, the Planning Commission should not be authorized to unilaterally approve additional signs in commercial or industrial zones, but rather these should be examined under the publicly-scrutinized variance process.

Article 16, section 16.7, Planned Development. Further review is needed to assure that the public is provided a meaningful opportunity to participate in the planned review process before the plan contours and details are baked-in or calcified in the Preliminary Plan stage. Early public participation will result in better planning in the long run.

Also, section 16.7.D, part 2 needs to be clarified as to the standard applied, and thereby prohibit approval of any activity that would “adversely impact neighboring properties.” The presently worded “excessive adverse impact” language is both vague and too permissive, potentially allowing actions destructive to surrounding uses.

Conclusion. This sample list is not exclusive. Examine and fix what you can now, rather than simply pushing this law through to meet an artificial deadline.