

**UNIFIED DEVELOPMENT CODE COMMITTEE
REGULAR MEETING
July 31, 2008
PRESCOTT, ARIZONA**

DECISIONS of the joint meeting of the **UNIFIED DEVELOPMENT CODE COMMITTEE** and the **PRESCOTT PLANNING & ZONING COMMISSION** held on **JULY 31, 2008** in the **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET**, Prescott, Arizona.

(*N.B.*: Joint Meeting -- Minutes of the Prescott Planning & Zoning Commission have been transcribed separately and are not included in the minutes of the UDC Committee. Members of the Planning & Zoning Commission did not vote on the items on the UDC Agenda).

I. CALL TO ORDER

Chairman Scamardo called the meeting to order at 9:20 AM.

II. ATTENDANCE

Members Present

Len Scamardo, Chairman
Tom Kayn
Tom Menser
Richard Rosa
Jim Lamerson for Bob Bell
Lora Lopas
Jack Wilson, Mayor

Others Present

George Worley, Assistant Community Development Director
Mark Nietupski, Engineering Services Director
Kathy Dudek, Administrative Assistant (Recording Secretary)

III. REGULAR ITEMS

- 1. An introduction of Form-based Zoning** and how it compares to today's conventional Use-based Zoning. Matt Ackerman, Catalyst Architecture.

Mayor Wilson prefaced the presentation by noting that the Prescott 2050 Visioning team have seen the video, and he would like the members of both the Planning & Zoning Commission and the UDC Committee to take a look at the "smart code" methodology.

Mr. Matt Ackerman, Catalyst Architecture, stated that the video presentation was created in 1994. Smart growth / new urbanism covers items including: the elderly, youth, sustainability, social issues, etc. Form-based vs. land-based zoning codes and their differences were presented throughout the video.

Chairman Scamardo indicated that today's presentation was for informational purposes only. An in-depth discussion will follow at a subsequent UDC Committee meeting.

No action taken.

2. Temporary Signs -- Banner Deposits. LDC Table 6.12.5.C. George Worley, Assistant Community Development Director. *Staff seeks comments and support.*

Mr. Worley reviewed the staff report and indicated:

- the \$100 is burdensome as the checks have to be retained without being cashed; and,
- there is no “dis”-incentive for owners in keeping the sign and/or exceeding limits.

Committee members queried and remarked on:

- when a banner becomes a sign [Mr. Worley: banners are temporary, not for more than 45 days in a calendar year. Code Enforcement enforces the City’s code regarding banners and will strive to achieve/maintain compliance];
- clarification of temporary signs vs. “sandwich boards” [Mr. Worley: sandwich boards fall under the category of temporary signs];
- is the enforcement complaint driven [Mr. Worley: the enforcement can be complaint driven by a member of the public and/or Code Enforcement officers may discover a violation in their work-related travel throughout the City];
- temporary sign limitations [Mr. Worley: limited to 45-days total throughout the year];
- how are the number of days counted [Mr. Worley: the department uses a “tickler” system, and sign permits are entered into TrakIt, a system used by all divisions within the Community Development Department];
- requests for extensions [Mr. Worley: no extensions are given. A temporary sign is not inspected. When a complaint is received, Code Enforcement is sent to investigate]; and,
- how political signs are classified [Mr. Worley: the sign is classified as a temporary sign and must be removed within 10 days of an election];

Mr. Rosa, **MOTION: to delete the \$100 deposit in LDC Table 6.12.5.C** per staff’s recommendation in UDC Committee Memorandum dated July 21, 2008. Ms. Lopas, 2nd. **Vote 6-0.**

3. Permit for Fences / Walls. LDC Section 6.4.3. George Worley, Assistant Community Development Director. *Staff seeks comments and support.*

Mr. Worley reviewed the staff report and indicated:

- the issue occurs when “retaining” walls are installed;
- 4’ walls/fences can be installed without a real foundation;
- walls over 4’ require a plan review;
- the LDC and Building Code are in conflict; and,
- staff desires to remove the conflict and simplify the language.

Committee members queried and remarked on:

- doesn’t the Building division look at every fence [Mr. Worley: no—only the structural component]; and,
- what divisions need to know about the fences [Mr. Worley: Planning staff does not need to know if a fence/wall is engineered. The Building Division, however, does need to know].

Mr. Menser, **MOTION: to delete a portion of LDC Section 6.4.3** per staff’s recommendation in the UDC Committee Memorandum dated July 21, 2008. Ms. Lopas, 2nd. **Vote: 6-0.**

4. Outdoor Lighting Exemption. LDC Section 6.11.3. George Worley, Assistant Community Development Director. *Staff recommends action of language.*

Mr. Worley reviewed the staff report and indicated:

- staff believes that the intent of Section 6.11.3 was to prevent Property "A's" security lighting from coming on whenever Property "B" goes out into his yard;
- the LDC section was not intended to allow significant light trespass between residential properties just because a motion sensor is involved; and,
- staff recommends that both the motion sensor and security lighting be prohibited from being directed beyond the property line in single-family and duplex dwellings.

Committee members queried and remarked on:

- light spillage from either light bulbs or floodlights [Mr. Worley: because of exemptions for single-family properties that are addressed through wattage limitations, issues with light trespass occur].

Mr. Menser, **MOTION: to approve addition of language to LDC Section 6.11.3.A.1.b** to prohibit both the motion sensor and the security lighting from being directed beyond the property line to include language in UDC Committee Memorandum dated July 21, 2008. Mr. Rosa, 2nd. **Vote: 5-0.**

(Mr. Lamerson was excused prior to the vote at 11:07 AM).

5. Drive-through Vehicle Stacking Requirements. LDC Section 6.2.9. George Worley, Assistant Community Development Director. *Staff seeks comments and support.*

Mr. Worley reviewed the staff report and indicated:

- in reviewing recent site development plans for restaurant uses, staff discovered what appears to be an anomaly in the number of spaces required for drive-through vehicle stacking;
- staff believes the potentially captured stacking between the "order box" and the "pick-up" window should be required to contain more vehicles than the usually unrestricted stacking prior to the "order box";
- it is recommended that the minimum stacking spaces measured from the "order box" be amended to 4 spaces; and,
- it is recommended that the minimum stacking spaces measured from the "order box to pick-up window" be amended to 6 spaces.

Committee members had no questions or remarks.

Mr. Rosa, **MOTION: to approve LDC Section 6.2.9 amendment** to wording as proposed In UDC Committee Memorandum dated July 21, 2008. Ms. Lopas, 2nd. **Vote: 5-0.**

6. Rural Street Section. LDC Table 7.4.3.L. George Worley, Assistant Community Development Director. *Staff seeks comment and support.*

Mr. Nietupski reviewed the Rural Street Memorandum dated June 4, 2008 and indicated:

- the annexation agreement associated with the Granite Dells Estates annexation necessitated this discussion;

- the agreement did not contemplate density which is a concern of staff and City Council;
- rural street standards are being proposed within developments meeting certain criteria, i.e., only in a Master Planned Community (MPC) with a minimum of 500 acres and in a subdivision within the MPC of not less than 50 lots where the lots are 2-acres in size or larger;
- the rural street standards would not be applicable in Planned Area Developments (PADs) because the clustering concept precludes a rural-in-nature setting;
- mass grading would not be allowed for the subdivision; and,
- all rural street and adjacent drainage conveyance ditches are to remain private and maintained by a property/homeowners association in perpetuity.

Committee members queried and remarked on:

- suggesting that “homeowners” be changed to “property owners” group as the City cannot mandate a “homeowners association” [Mr. Worley: perhaps the wording, “organization of property owners” would be more appropriate];
- a requirement of the deed to contain a statement that would insure that property owners are aware of their responsibility to maintain private roads;
- liability issues for private streets;
- Fire Department requirements for design and construction specifications, i.e., both 4’ and 8’ shoulders, with 28’ travel, 4’ sidewalk, 8’ trail, etc.;
- does the change affect Mr. Fann’s annexation [Mr. Nietupski: no, it does not. It would only affect new properties proposed for development.];
- is 500 acres and 50 lots arbitrary [Mr. Nietupski: it is a starting point. If the UDC feels it is too arbitrary, the UDC could change those numbers];
- a problem with 2 acre lot sizes as Inscription Canyon lots are 1 acre in size. There, the 1-acre lot is sufficient for the rural street section.

Mr. Rosa, **MOTION: to approve amendment to LDC Table 7.4.3.L** per Public Works Memorandum to the UDC dated June 4, 2008 to include the words “property owners organization”. Ms. Lopas, 2nd. **Vote: 5-0.**

7. Questions/Comments.

None.

IV. ADJOURNMENT

Chairman Scamardo adjourned the meeting at 11:40 AM.



 Len Scamardo, Chairman / Date
 Unified Development Code Committee