

**Public Hearing for 2023 UDC Text Amendment (ZOA-2023-0001) by
City of Meridian Planning Division, located City Wide**

A Request: UDC Text Amendment to amend certain regulations in Chapters 2-5 of the Unified Development Code (UDC)

Seal: All right. So, next up I would like to open public hearing for File No. ZOA-2023-0001 for the 2023 UDC text amendment. Bill, we will give you the floor.

Parsons: Thank you, Mr. Chair, Members of the Commission. This is the first phase of the UDC changes this year. I want to let the Commission know that we are going to try to be very ambitious this year with our code changes. So, this is the -- the first of -- the first round and we have some -- hopefully some exciting code changes coming your way in the next couple of months or so. Caleb's also spearheading a -- a housing subcommittee as well and he will bring forward some other changes towards the end of the year as well. So, there is a lot going on right now, but the purpose of tonight is to really talk to you about our cleanup items. So, as you are aware every six months or so staff keeps tab of some code changes that -- some nuances that come about, maybe some errors that have occurred, maybe we have met with a developer and they are like, hey, is there a way we can fix some of these code changes moving forward. We have a spreadsheet. We track that. We make a note of that and, then, of course, I go ahead and get the meeting scheduled. We meet with a focus group that's made up of stakeholders and even citizens. And, again, all of the changes that are before you tonight have been vetted through that group and discussed and we are pretty confident on what we have in front of you tonight. If you had a chance to look at the staff report, you know, we -- the table that I'm showing you tonight really kind of explains the purpose of why we are changing the code and how we are changing it. But a lot of these either come from citizens or from staff or even from Planning and Zoning Commission or even City Council as you guys deliberate on these applications. But for tonight's purposes I will just kind of highlight some of the higher level changes that I think are more significant to what you guys do. And, then, again, some of this is just clean up and working with our Legal Department, just changing some nuances with the code so it does align with state statutes. So, the first item that you see on the table before you tonight was a request that actually came to us last year and, to be honest with, you I -- I -- I missed it. We met with one of the residents and she asked -- she wanted to run a daycare out of her home and when we looked at our code we realized that the R-2 zone did not allow for in-home daycare and -- but all other zones did and we were trying to question ourselves why did that occur and this is one of those changes we are like it makes sense. An R-2 property usually is a bigger lot, there is more outdoor space, probably makes sense to allow that use as well and so when we originally pre-app'd on that potential change with the homeowner, I had assured her that we would get this on the books for a change and so we finally got there. I assured her that we would get it on the books this time and I did. So, I'm -- I'm going back in time, but making it right now. But she was excited to -- to see that this was actually added to the list here and you can see here -- except for the R-40 zone everything else is -- an A just means it's an accessory use permit for an in-home business, so -- and the next one I think the Commission has dealt with on a pretty regular

basis. Recently it was building heights. If you recall there is one by the interstate and there is one over at The Village that you guys had acted on and so certainly we want to encourage more height, more intensity in our city as we continue to grow. We want to make sure that we have larger employers here. So, in certain instances it does make sense to have taller buildings and we are going to take this as a step -- a stair step approach. So, right now we realize this could be broader throughout the city, but it may not make sense in every situation and so right now staff is taking a cautious approach and we are saying, okay, let's do this along the freeway, along Ten Mile and those areas for now where you guys continually acted on that. We haven't opened it up to the Eagle Road corridor or any of those things yet, but I think that there is a potential for that in the future. But at least just wanted to share with you -- and you can see here that we said may, so I mean the applicant may request that and -- but, again, this is pretty similar to our sign ordinance. You know, they get -- a lot of business owners get taller and larger signs when you are around the freeway, because that makes sense the visibility. So, again, any -- any questions or comments on that particular change?

Seal: I actually had a question on the -- the daycare one, since -- and right along with what you said, they generally are -- in R-2 they are -- they are bigger properties, more accommodating for things like this. Will they have the same restrictions that a smaller same number of -- of children and things like that?

Parsons: Good question, Commissioner, Member of the Commission. That is accurate. So, they will be up to -- be able to watch up to six children on their property. So, it is the same -- none of those regulations are changing at this time.

Seal: Okay.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Bill, so a question I have is on the other part where it comes down to the maximum building height, yeah, we have come across those issues before. Some of the things, too, are just like when it came to appurtenances are you talking about like -- I remember one of -- one of the applicants had like a shade structure or some sort of like elevated, you know, I would call it like -- that's how I said, like a roof or something like this that was on some sort of pylons or some sort of sticks or something like that. That wouldn't be considered at least the way that you guys understand at this time as part of that height?

Parsons: Mr. Chair, Members of the Commission, it could. I mean it depends on the roof design. A lot of times when we look at building height in our code it says look at the average. You go to grade, you go up, if it's a pitch roof you go to average. If it's a parapet you are going to look at the floor plate of the structure, because the parapet extends above actually the roof line. Many people don't know that, but there is actually a roof there and, then, the parapet to screen things. So, my experience with it is we typically

would measure from that roof line, not necessarily the parapet.

Wheeler: Okay.

Parsons: But, again, in -- in a lot of the ones that I have seen I haven't seen anything go beyond this -- this hundred feet. So, that's why I said we are trying to take a small approach to a very easy approach to it right now and, then, see how it works over time and see if we want to go a little broader and -- and allow that in other areas of the city.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: Bill, on that -- that -- that item -- so, I think what you said is that they can request it, the -- the authority would be there for them to request it. Not necessarily tell them, no, it's not prescriptive, it just leaves it open-ended. Is there any criteria that what would -- would we be given any criteria or some parameters as to when we would accept it or when we would deny it or --

Parsons: So, Mr. Chair, Members of the Commission, so this if -- for example, if this -- someone came in with a building and there was an allowed use and they wanted a hundred foot tall and they met this parameter of that 750 feet, it would not require any action from you. It would be done at staff level.

Grace: Okay.

Parsons: Now, the other provision of code up here that we are not changing is if -- if it's not -- doesn't meet that qualification and they want to go higher, then, it's still going to come to you for that conditional use permit. So, again, that's like I said, it's -- it's -- it's taking baby steps at this point. Let's try it out, see how it works. But if it does work the way we think it should work, there may be an opportunity where we -- some of those things may be taken off of your plate and allow that to be an outright staff level approval for those height sections along certain corridors.

Grace: Got it. Thanks.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Two questions. One, I assume it's just a -- a technical correction in the maximum height limit. In the A there is kind of an orphaned clause where it says steeple belfry couplet chimney. Is that supposed to be like a colon or is there supposed to be a such as in front of that?

Parsons: Yeah. Mr. Chair, Members of the Commission, only the underlying items -- or strike through items are -- are the code changes. Anything else is just already existing in

code. So, I just want to make that clarification. So, none of this is new. It's really -- this F is the new standard. Everything else is already currently in code.

Smith: Mr. Chair?

Seal: Yep. Go ahead.

Smith: And the second question, which is actually more substantive. I -- I don't know if this is the right height -- or this is short enough, but I'm thinking about, you know, cities that have open air kind of requirements of buildings that above a certain height, there is a certain setback requirement, et cetera. And I don't know that a hundred feet is high enough, but, you know, as in -- in kind of a future proofing sense is there any consideration about that for -- especially if we are starting to see maybe more developments in corridors where there is, you know, concerns about, you know, if there are too many developments of -- of a certain height above, you know, next to each other without that kind of relief. Are there any open air concerns or open kind of sky -- skylight concerns?

Parsons: Mr. Chair, Members of the Commission, we didn't talk about that as a group -- the UDC focus group, to be honest with you. To your point some places do look at that. A lot of times our stance is -- is we are going to let the building code or the planning code kind of dictate how that -- that plays out and how that's designed. So, in your -- say, for example, if this were to go into a Ten Mile area, which is, you know, over to I-84 -- you see it going on now. Those buildings are 78, 80 feet tall and you can see there is pretty broad spacing between that. In speaking with the developer of that site you can see all of that surface parking. Well, they put in the surface parking with hopes that someday when you are doing in-fill they will take that surface parking and turn that into structured and -- and cover -- you know, do podium parking -- a parking structure so you could get more intensification and that's what we will probably see over time in that area. But to your point a lot of times in the building code there is a certain separation for buildings when they are over a certain square footage. I don't know exactly what all those are, but I know there is a certain separation. I have seen that in certain instances -- for example, the Scentsy campus over there off of Pine, you will see some of those large warehouses where there is a 60 foot separation between them. It's not because of a height thing, but it could be potentially. But it's really just the mass of those buildings, too, and what's driving that. So, again, no, a lot of those things weren't discussed, but I think you bring up a valid point, that sometimes when you go taller you may want to step in that building as you go up, so it's not all on the same plane, you step it in and you give some vertical relief to -- to address some of those concerns that you discussed. In my experience in other cities where we had taller buildings adjacent to shorter -- shorter buildings, we actually required a shadow study, Believe it or not, because during different seasons you are going to have a different shadow cast on the lower building, which could impact somebody's quality of life. So, that's something as we progress as a city something that we need to -- to look at and think about for sure.

Smith: Thank you.

Seal: Any other questions? All right.

Parsons: Next couple items I won't get into the details on that. Again more cleanup items based on -- from Legal. One item that I did on this next page here on page -- let's see where we are at. Page three. Wanted to bring up the required parking spaces for multi-family. You probably are aware that we have approved a lot of developments -- multi-family developments over the last couple of years and what we realized recently is that in our specific use standards -- or at least in our parking standards for multi-family we had a different dimensional standard for surface parking than we did for commercial developments and so after us doing a few of these we had just noted that we needed to get it corrected, because we were a little deficient on some of our dimensional standards in our multi-family development. So, essentially, this particular code change is to allow - - align surface parking to match the commercial standards and not the residential standards. So, just wanted to at least just highlight that one for you. So, basically, carport parking for multi-family projects -- and/or parking stalls in general is supposed to be ten by 20. In this particular case we are -- in a commercial setting it's nine by 19. So, we are losing a foot in width and a foot in -- in length to align with the commercial standards. So, not a real significant change, but just thought -- we just want to make sure that we are doing things consistently, because a lot of those projects are approved with the commercial standards and not necessarily these residential standards. So, we want to make sure that what we are approving does match up with code. I just wanted to bring that to your attention. Arts and entertainment facilities. This is one that we -- we talked about. And, essentially, whenever you have these -- these types of facilities adjacent to roadways or even residential districts there is the potential for tall lighting or nuisance lighting. Our code does address lighting, but there is always -- there always may be a case where lighting can't be achieved, because of the need of that specific tenant or that property owner and so we wanted to make sure that if -- if outdoor lighting is a potential element of the design of the -- the use that we want to make sure that if they can't meet the lighting standards that they would have the ability to at least get that vetted through the public hearing process, so that at least the adjacent residences or property owners would be aware of it and they could provide public comment on that. And I will give you an example is we have an outdoor recreation facility along Interstate and they -- they have some lights that interfere with the traveling public that travels down I-84 and so as part of this effort we are trying to -- although we can't solve all the -- the complexity behind what that is -- what's -- that's creating, this gave us another avenue for that person or someone in the future to come forward and say, hey, we realize you have a code, it still meets X, Y, Z in the code, we just can't comply with this portion of the code, so we can go through the -- the conditional use process and at least get it vetted and people will understand that, you know, we are still -- we are meeting this section of the code, but not necessarily this section and that was approved through a conditional use permit. So, I don't know how successful it will be. This one has been controversial between city staff and the UDC focus group. It is definitely a touchy subject. Any questions on that particular change?

Smith: Mr. Chair, if I can actually backtrack to kind of one of the legal cleanups, just actually -- I think a question probably for Kurt. On the prohibited signs change -- and

apologies if I'm getting -- you know, if I'm overanalyzing and -- and getting a little wonky here. But for that change to K, signs for advertising activity that is illegal in Meridian, does that mean -- I'm thinking of the signs that you see when you get closer to Ontario, for example. Does that mean signs advertising activity in Meridian that is illegal in Meridian or activity anywhere that is illegal in Meridian from a sense of, you know, if there is -- is there any concern about kind of liability regarding like the difference between time, place, manner and -- and viewpoint discrimination in terms of say something like cannabis out-of-state advertising?

Starman: Mr. Chairman, Commissioner Smith, so this is a topic my colleague Emily Kane worked on and very insightful. That's exactly the issue we looked at in terms of some First Amendment concerns relative to -- you know, you -- you gave a good example of some of the advertising that takes place in the Valley for marijuana operations in Oregon, for example. So, this is -- this language is intended to address things of that nature. So, my colleague, Ms. Kane, who did the research, was confident that this language would withstand legal scrutiny and -- and would be enforceable and Constitutional. But I will say there is -- there is some room for debate there and there is some case law at the federal level, 9th Circuit in particular, that deals with this, but the City Attorney's Office reviewed it and is confident this language is defensible and would be helpful for our code enforcement staff.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: And is -- is that to -- to be clear, is it with the intention to limit things like that or -- or, you know, things like cannabis advertising?

Starman: Advertisement be -- would be an example of something of that nature. So, this is not directed specifically at that industry or that topic, but that would be an example of a product or activity that would be covered.

Smith: Thank you.

Parsons: Next item on this -- I won't spend a lot of time on it, but recently you acted on Loose Screw Brewery application and I -- we had provided you commentary during our presentation to you that we would be changing the code for our drinking establishments and this -- here we are. We said we would be here on the 6th and we are sharing that with you now. So, as currently that type of use is prohibited within next -- 300 feet of a school and a church and so we are making it -- aligning it with state code that it's still allowed, so the way the code reads is you can license that type of facility when it's within 300 feet, it just needs to be done by City Council and so in this particular case we are -- so, we are clarifying that you could still do that as long as either you or City Council approves that use through that conditional use process, so -- and that basically is what - - I mean it doesn't spell it out, but as set forth in Chapter 5 of this title means it's got to go through due process.

Parsons: Yep. You got it.

Seal: Okay.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: So, that's just aligning with state statute. Okay. And I'm assuming drinking establishment is defined somewhere else in the code?

Parsons: That is correct. We do have that defined in Chapter 1 of the code. Next item, again, is just rewording or renumbering some of the -- some changes for alternative compliance. Although there looks like there is a lot of changes here, it really is no new language, it's just renumbering the section, so -- the one -- the item on this one was the vertically integrated project. If you recall we changed those standards to the last code change and we also added a requirement for private open space for vertically integrated projects. What we did is we tried to mirror the language that we had in our multi-family standards and a portion of that code section got added to this section, which doesn't apply. So, essentially, staff is removing that verbiage and, then, aligning it with our alternative compliance section in Chapter 5 of the code. So, this is, again, another cleanup, just kind of missed it on the -- on the first go around, now we are cleaning it up on this round. And, then, a lot of the last part of these changes are -- are -- came to us from Legal to just align things with state statute. So, it's really, again, more making sure our code aligns with how we operate in Idaho. And, then, here is where that vertically integrated, as I just mentioned to you, where it gets added to the -- the table and our alternative compliance section making a note here that it -- which code section it is and how you apply for that. And, again, if you recall our last code change we required applications that came forward with alternative compliance or a DA mod with a conditional use permit. It would go -- move on to City Council. They would become the decision making body. So, these last two sections of this cleanup is just to align the findings with the procedural process in Chapter 5 as you mentioned on the other one. So, it's making it clear that, you know, again, the Council will sometimes be acting on CUPs now, because of the fact that it may be current -- concurrent with other things. So, again, just more administrative items. I had a chance to look at the public record. It looks like we did get some testimony from Melissa Bernard and, again, she -- she was concerned about some of the changes that we had here, but nothing too alarming from staff. I think we are headed down the right path here. As I mentioned to you, this has gone through UDC focus group. We have met a couple times discussing this. Everyone feels comfortable with the changes. We think this will make it easier for us to enforce the code and so I will go ahead and conclude my presentation. Be happy to answer any other additional questions you may have.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: Bill, I see there under the findings for the CUPs, Commission, it said that there is a -- let's see. Council needs to be added based on the previous change to the UDC and that it is to be the decision making body when there is a concurrent -- what is -- so, just help us understand those -- those abbreviations. AZ, RZ, PP and PFP.

Parsons: Yep. I'm happy, too, Mr. Chair, Members of the Commission. So AZ is the annexation.

Wheeler: Okay.

Parsons: RZ is rezone. PP is the preliminary plat. And, then, you got combined preliminary/final plat is what the PFP is. So, as you know, you have -- you have -- you have -- most of our applications are concurrent as -- with all -- either annexation or a plat. So, again, as -- as noted we made -- we made that change, should -- it probably should say MDAs as well, but that's not added to this explanation, because we did make that change recently, but, again, when you go through the conditional use permit section findings it doesn't mention Council anywhere, where it should, because they do act -- they are going to approve this sometimes. So, it's really -- that's why we added Council as applicable, because when you go back to that table it goes decision making body and it says C-C. So, really it's linking that table in Chapter 5, like I did with the vertically integrated with the alternative appliance, but, then, this is linking the findings with the table in Chapter 5 for the decision making body. So, again, just more administrative cleanup. Making sure code's aligning with all -- all different sections that -- different chapters in the code.

Seal: This is the -- the stealing our thunder clause.

Wheeler: Yes, I'm very jealous. I'm kidding, obviously.

Seal: Commissioner Grace.

Grace: So -- shoot. Oh. I'm just curious who is on the -- who is on the focus group? Is it just members of the staff or is there any public or --

Parsons: Mr. Chair, Members of the Commission, I don't have all the members -- memorized their names, but there is design professionals, there are some residents that are asked to -- not everyone participates at every meeting, so I don't want to disclose that we invite 20 people and all 20 show up. But we have representation from Meridian Development Corporation, which is the Urban Renewal District. We have code enforcement part of that. We have Legal team of course. We have various city departments. And, then, like I said, design professionals, developers, stakeholders, City Council liaison. I mean there is a broad range of people that are looking at this and participating.

Grace: And follow up. I'm guessing that when you change code there is a notice component to it and the public knows about it and gets to weigh in if they want and all those good things; right?

Parsons: That is correct, Mr. Chair, Members of the Commission, it's -- it's a little different, you know, when we are changing code it's citywide, it's not parcel specific, so you can't just put a public hearing sign, but the clerk does put it in the paper, they send it out -- put on NextDoor and, then, they also do a -- a broadcast fax -- they are PSAs what we call them, a public service announcement and it goes out to everyone so they can see it.

Grace: Thanks.

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: I do apologize, I'm probably going to be a little bit stickler on this admittedly. Pet issue. But on -- Kurt, going back to that prohibited signs. It says in all districts and thinking about the kinds of signs that are -- are targeted here, I assume the primary target is commercial signs and things like billboards, but does this also cover maybe a sign posted on a residence -- on a residential lawn, in a residential window, et cetera? Is that covered in terms of prohibiting the activity and prohibiting that signage as well?

Starman: Mr. Chairman, Commissioner Smith, so I will -- let me preface my -- my remarks or my answer by saying that, again, one of my colleagues Ms. Kane did the research on -- on this, so this is not my area of expertise, but I'm going to do my best to answer your question and I think your first comment is accurate. This is -- we primarily see this in the context of commercial signage, although we don't -- you know, we don't discriminate on type -- type of communication or signage, but typically this comes up in a commercial context and becomes an issue for code enforcement staff. So, things like billboards, for example, or other commercial signage on a -- on a building or in a parking lot, things of that nature. It is not primarily geared toward resident -- or, you know, just sort of a more residential context, but I'm not sure that we explicitly prohibit that or exclude that either. So, let's take -- I will take a pause for a second just quickly, to just refresh my own memory by reading through this real quick. So, again, I think with -- again, with that caution that this is not my area of expertise, but as you mentioned this -- it does pertain to all districts and it does talk about private signs, so I think it would apply to -- to a multitude of uses and districts. So, I think it could apply to residential.

Smith: Thank you. I don't know if I have a question, but I guess I would say that does raise some concerns in terms of -- obviously, I think the prohibited signs, things like emitting odor or strobing are -- are more of a nuisance and that is more -- that is the concern that's brought, but I -- I do worry -- you know, especially from the context of -- of a hypothetical bad neighbor or if there is a conflict between neighbors, using code as a weapon, I -- I would hate to see code enforcement and the city put at -- you know, at risk or -- or also just from a -- First Amendment standpoint limiting the rights of an individual

to use signage in -- in a way that, you know, is tied -- at least in the current climate tied kind of closely to a political viewpoint considering things like cannabis or et cetera. I -- I think I just have some concerns there, especially from the residential aspects. I don't know if you -- again understanding that, you know, I -- I do tend to trust lawyers with the last name Kane, you know, and I have worked with Emily Kane on the transportation ordinance issues and she's a great lawyer. I just -- I have some personal concerns there and I don't know if you want to speak to them or if those just -- that just lies, but -- yeah. Just there.

Starman: Mr. Chairman, Commissioner Smith, I can offer a couple of thoughts. So -- well, first -- my first thought is I would echo your opinion about Ms. Kane. She's an outstanding attorney and a really valued colleague. So, I would agree. I know she looked at this in some detail -- my -- would be thought number one. Thought number two is your concern relative to neighbor to neighbor disputes and people using city code as a tool against a neighbor. That's certainly a valid concern and it's something we, at the city, deal with on a regular basis and we -- fortunately, we have an excellent code enforcement staff that are very expert at what they do and they are mindful of those types of tactics and I think use good judgment in those situations. But your concern is well placed. People, when they get into spats with neighbors, they look for ways to -- you know, to -- to advance that argument or to maybe get retribution and so sometimes they will look at things like city -- the city municipal code as an opportunity to do that. So, I understand your concern there. With respect to the Constitutional concerns, yeah -- yeah -- well, the city is quiet -- and city attorney's office in particular are quite mindful of the constitutional limitations of what a government entity can and cannot regulate. And how ordinance has to be crafted to protect those Constitutional rights. So, I'm -- I'm confident that Ms. Kane has looked at that information in -- all those issues in detail and has put together a thoughtful proposal. So, I'm not overly concerned about that, but I certainly understand your concern relative to, you know, the -- the rulings in this area over time from the Supreme Court of the United States and other appellate courts. There's a -- it's a tangled web of decisions that is sometimes difficult to decipher and sometimes appears to conflict with one another. So, it is a bit of a maze, but I know the City Attorney's office and Ms. Kane in particular is quite mindful of those and putting aside the -- the changes we are talking about this evening, I'm not aware that the city's ever been challenged. We have had a sign ordinance in place for many years. I'm not aware of any successful challenge regarding constitutionality up to this point in time. So, that doesn't mean it can't happen tomorrow, but I think the ordinance has served us well up to this point in time and I think the proposed changes have been well vetted amongst the legal staff. So, I understand your -- your comments and the thing I will mention and I will be quiet for a bit, is, you know, we have a couple more steps in this process. One is the Commission will consider the proposed changes tonight and have your thoughts and questions and ultimately a recommendation to the City Council. Step two will be the City Council will have this same type of discussion in a few weeks and so in the interim I can relay your questions and concerns to Ms. Kane and have her triple and quadruple check and, then, lastly, be -- even after the Council has that discussion there will be a third step which is the actual preparation of the ordinance for consideration and adoption, which will be happening even at another City Council meeting. So, we still have a few steps left in the process where

we can triple and quadruple check some of those issues.

Smith: Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: I can't speak to all HOAs, but I know with our HOA in regard to signage on personal property it's very specific of what uses that you can have. So, for example, in our subdivision they do allow -- allow political signs. They do allow like happy birthday signs and graduate signs. They do not allow a for rent sign. They will allow a for sale sign. They -- but any other uses to advertise commercially or do anything privately is prohibited and I would think our subdivision is pretty typical across the city, understanding that a good portion of our city is not in a subdivision, but there just needs to be some common sense here, too, so, hopefully, with the code enforcement and how HOAs are kind of regulating should take care of the majority of -- of any signs that are inappropriate.

Grace: Mr. Chair?

Seal: Yes, sir.

Grace: Yeah. I think -- I think statutorily they have captured the political signs with HOAs, so the state legislature has dealt with that. The only thing I would just mention -- I think Kurt mentioned it, but it's worth repeating. This is -- this mostly appears like it's been in the code. The only thing that's changing are those underlying provisions, so the -- like to Kurt's point, if it hasn't been a problem this far, it doesn't mean it can't be tomorrow, but the only one that struck me, though, based on your line of -- of thinking was that was M, any roof signs. Just -- it's pretty broad. But I, too, think very highly of Emily, so if she's done the -- the research on it, then, I have no reason to question her.

Seal: Anything else? Do we have anybody signed up to testify? Sorry. I was just going to move on here and I'm like, well, wait a minute, that's not how this works, is it?

Hall: Mr. Chair, we do not. There is no one signed up, nor do they have hands raised.

Seal: Okay. We don't have anybody online and we only have city staff in the audience, so unless you have anything else to add, with that I will take a motion to close the public hearing for File No. ZOA-2023-0001.

Wheeler: So moved.

Rivera: Second.

Seal: It's been moved and seconded to close the public hearing for File No. ZOA-2023-0001 for the 2023 UDC text amendment. All in favor, please, say aye. Opposed nay?

The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Wheeler: Mr. Chair?

Seal: Yes, Commissioner Wheeler.

Wheeler: As I'm looking at this there are literally signs that emit odor? There are signs that emit odor? I have never -- I mean like -- I mean like Smashburger does, their signs emit odor of like good tasty meat to eat, but I'm like -- I just saw that there and I was like -- it just caught my eye, like I couldn't imagine a sign that's emitting an unpleasant odor. It's just interesting.

Seal: Well, they are not there, because it's in our code.

Wheeler: Well done.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council for File No. ZOA-2023-0001 as presented in the staff report for the hearing date of July 6th, 2023, with no modifications.

Wheeler: Second.

Seal: It's been moved and seconded to approve File No. -- recommend approval for that File No. ZOA-2023-0001 for the 2023 UDC text amendment. All in favor, please, say aye. Opposed nay?

Smith: Nay.

Seal: Okay. Motion passes.

MOTION CARRIED: FIVE AYES. ONE NAY. ONE ABSENT.