

Proposed Modification	Sec.	Applies	Staff Modification Notes	JIM Direction			Staff Recommendation		PC Recommendation		
				ToJ	Co.	Discussion	Rec.	Rationale	ToJ	Co.	Discussion
Make clerical and editorial modifications that improve readability, but do not alter content	all	Joint	Edits that added text are indicated in green. Such edits do not change content, they either represent unwritten policy or are moved from other locations. Grammar, spelling, and other similar edits are not indicated in the text.	A	A	None	A	Staff will make the editorial changes included in the list of editorial changes (attachment 3) as well as any additional edits identified during final revisions	A	A	None
Direct Staff to present a list of clean-up amendments 6 months after adoption to fix any unforeseen and unintended implications of the restructure	all	Joint	This direction does not apply to the October 3, 2014 Approval Draft.	A	A	None	A	There will undoubtedly be unanticipated implications of the restructure, staff supports setting a date now to assure people such issues will be addressed.	A	A	None
Reformat to a single column for ease of web reading	all	Joint	Sections for zones and permit procedures were left in 2 columns to maintain other layout goals.	A	A	None	A	In lieu of a separate web format, staff agrees that a single column pdf is more user friendly	A	A	None
Clarify "more specific to the characteristics of the application"	1.6.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Make the digital GIS zoning map the "official" map.	1.7.3	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy	A	A	None
Keep current LDR text regarding Public/Semi-Public to Rural when rezoned for private use	1.7.6	Joint		A	A	The Board and Council believe these situations are rare and benefit from a two step zoning process.	D	The draft LDR language avoids an unnecessary step in the two-step zoning process for rezoning a public-turned-private property when the public determines a zone other than Rural is most appropriate. However the language still defaults to Rural standards for unzoned private land.	D	D	Jointly Discussed 7/28. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. After Staff explained that the purpose of the proposal was to retain Rural as the default zoning but avoid duplicative public hearings, the Planning Commissions agreed with the proposed language.
Clarify throughout the division that the standards of the division apply to both permits and approvals approved prior to initial adoption as well as all amendments to the regulations.	1.8	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
For existing NC-PUDs, the standards of the NC-TC should apply unless the NC-TC standards are in conflict with the approval agreement of the PUD, in which case the allowance established by the PUD shall apply	1.8.2.C	County		A	A	None	A	Staff agrees that many historic PUDs have few standards that are actually part of the basis for approval, for example smaller lot size and 10,000 square feet of building per lot in exchange for open space maybe the extent of a PUD approval basis. As a result, the NC-TC should apply to PUD lots unless the basis of approval of the PUD specifically sets a different standard. This is consistent with current practice.	A	A	None
References to sections in old LDRs should apply to the updated equivalent sections in current LDRs if the provision was intended to change as the LDRs change	1.8.2.C	Joint		A	A	None	A	Staff agrees that it should be clear that where a PUD references a specific LDR provision, that provision should continue to apply under the new organization.	A	A	None
Use the terminology "...that can demonstrate common law vested rights in accordance with state law..."	1.8.2.C.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Reference minor deviations.	1.8.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete, not needed, 8.2.13 covers it – better to have one place, one time	1.8.3.A	Joint		A	A	None	A	Staff agrees that it is best to keep the amendment standards in a single location	A	A	None

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Clarify that where multiple nonconformities occur each nonconformity is evaluated under its own standards.	1.9	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Remove reference to not encouraging perpetuation. These were valid uses before any regulation; why not encourage them to remain?	1.9.1.A	Joint		D	D	The Board and Council are comfortable with the current language, which is carried forward in the draft.	D	Staff believes that because a nonconformity is inconsistent with the current regulations it is inconsistent with the desired future character. If the development or use should be encouraged to remain it should be allowed and not be a nonconformity at all.	D	A	Jointly Discussed 7/28. The County Planning Commission believes nonconformities should be encouraged to perpetuate. The Town Planning Commission agrees with the policy of not encouraging nonconformities that are inconsistent with desired future character.
Regulation of nonconforming physical development should be stricter than regulation of nonconforming use.	1.9.2	Joint		D	D	The Board and Council agree with staff that prioritization of certain nonconformity standards should occur zone-by-zone as standards to achieve each zone's desire future character is established.	D	The LDRs are not entirely form-based, they are character-based. In some zones, desired future character will be largely focused on physical development (form), in others it may be based on use. As a result, staff recommends that prioritization of nonconformities be addressed zone-by-zone and that the base allowances in this Division not represent any overall prioritization of character.	D	A	Jointly Discussed 7/28. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. The County Planning Commission believes that LDRs with a form based focus should more lenient nonconforming use allowances than nonconforming physical development allowances. The Town Planning Commission does not believe the modification is necessary.
2.A: reference Subsection B of zones and Article 5, where physical development standards are found.	1.9	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
2.B: Clarify the allowance of 50% modification over 5-years.	1.9	Joint		A	A	None	A	Staff agrees that the examples can be clarified.	A	A	Jointly Discussed 7/28. The Planning Commissioners were confused by the examples used, but support the policy as explained by Staff.
2.D.1: clarify use of nonconforming physical development with reference to nonconforming use.	1.9	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Allow boundary adjustment that does not increase nonconformity, similar to B standards.	1.9.2.D.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Reference Subsection C of zones and Article 6, where use standards are found.	1.9.3.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Return to allowing 20% expansion of a nonconforming use	1.9.3.B.1	Joint		A	A	The Board and Council do not think we should take away the right to expand across the board.	D	Staff believes that allowing 20% expansion is contrary to the overall goal of moving toward the desired future character. Staff believes that the standard should be 10% or less expansion except in certain circumstances where another specific community goal is achieved. Those specific circumstances should be defined by zone	A	A	Jointly Discussed 7/28. The Planning Commissions believe that without any specific reason to make the standard 10% instead of 20%, it should remain 20%.
Clarify "timing of operation".	1.9.3.B.1	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.

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Allow conversion from one nonconforming use to a less intense nonconforming use	1.9.3.C	Joint		A	A	The Board and Council believe it is better to allow a less intense nonconforming use than force a more intense nonconforming use to stay in place.	D	Staff believes that allowing conversion from one nonconforming use to another, less-intense nonconforming use is contrary to the overall goal of moving toward desired future character. Staff believes that a binary choice between the nonconforming use and a compliant use is more likely to result in the desired future character sooner, and is more predictable for the community than discretionary review of whether the new use is less intense.	D	D	Jointly Discussed 7/28. The Planning Commissions believe prohibiting conversion to prohibited uses will better achieve desired future character than a "step in the right direction" approach.
Reference the value of the "site improvements" occupied by the nonconforming use so that land value is not included and the standard is the same for structures and non-structural site improvements.	1.9.3.E.1	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Introduce 2 year time period for measuring renovation based on current regulations	1.9.3.E.1	Joint		A	A	The Board and Council discussed the Staff and Planning Commission recommended 5 year period and directed Staff to instead use a 2 year period consistent with the current regulations.	A	Staff agrees that a time period should be placed on the definition of renovation and repair to protect the owner and the applicant.	A	A	The Planning Commissions did not discuss, but their recommendation was in reference to the originally proposed modification of a 5 year time period consistent with the nonconforming physical development standards in 2.B.
Include exempt division in abandonment of nonconforming use by subdivision	1.9.F	Joint		A	A	None	A	Staff agrees that it should be clear that exempt land division also constitute abandonment of a nonconforming use	A	A	None
Reference Subsection D of zones and Article 7, where development options and subdivision standards are found.	1.9.4.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Clarify right to economically viable use on buildable lots and reference the relief provisions as a method to comply.	1.9.4.B	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete second sentence.	1.10	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add maximum scale of a single retail use (12,500 sf) back into the LDRs	2.C	Joint		A	A	The Board and Council agree with Staff's recommendation.	A	This standard was accidentally deleted from the LDRs. The change was not noted in the table of changes because it was not intended. The standard should be added back into the LDRs. Staff recommends that discussion of maximum scale of a single use be handled through future updates to zoning district standards.			Because the modification has been proposed since the PC Hearing, the Planning Commissions do not have a recommendation.
Allow a single retail use to be 50,000 sf with a CUP, consistent with practice	2.3.5	Town		A		Council agrees with Staff's recommendation.	A	This modification would bring the LDRs into consistency with historic practice. Staff believes that no change from current practice is the most content neutral approach.			Because the modification has been proposed since the PC Hearing, the Town Planning Commission does not have a recommendation.
Clarify that ARU max limit is for habitable floor area	2.3.6.B.2	Town		A		None	A	Staff agrees that this is consistent with the current regulations and should be fixed	A		None
Replace NC-TC Design Requirements and Site Development standards with NC-ToJ standards	2.3.13	Town		A		Council agrees with Staff's recommendation.	A	This modification would fix an error in the draft LDRs that was unintended.			Because the modification has been proposed since the PC Hearing, the Town Planning Commission does not have a recommendation.

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Add maximum scale of a single retail use (12,500 sf) back into the LDRs	3.C	Joint		A	A	The Board and Council agree with Staff's recommendation.	A	This standard was accidentally deleted from the LDRs. The change was not noted in the table of changes because it was not intended. The standard should be added back into the LDRs. Staff recommends that discussion of maximum scale of a single use be handled through future updates to zoning district standards.			Because the modification has been proposed since the PC Hearing, the Planning Commissions do not have a recommendation.
Allow condo/townhouse subdivision. This might be the only economically feasible way to get some of these projects built.	3.3.1.D1	County		A		Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8.	D	Staff believes that allowance of condominium or townhouse subdivision will perpetuate the existence of these areas as nonresidential uses contrary to the desired future character for the area, which is that they be more consistent with the surrounding residential character.		A	County Discussed 7/28. The County Planning Commission does not believe the County should regulate ownership.
Demonstration of compliance with wetland standards must be provided by a qualified professional	5.1.1	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.		A	Jointly Discussed 7/28. The County Planning Commission asked for clarification of the current wetland regulations and implementation policy.
Allow bona fide stream restoration and enhancement in waterbodies	5.1.1.D.3.a	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.		A	None
Demonstration of compliance must come from a qualified professional even if an EA is exempt	5.2.1	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.		A	None
Amend to be same as County – "...meets all other requirements of these LDRs." Delete the rest.	5.3.1.B.1	Town		A		None	A	Staff agrees that a handbook should not be referenced and that lighting plans should not be referred to Town Council.			None
Exempt all development plans other than major/large plans from requirement of Landscape Architect stamp	5.5.2.B.1	Joint		D	D	Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8.	D	Staff believes landscape architects play an important role in ensuring required landscaping serves its purpose over the long-term. Without expertise many landscape plans fail because the vegetation dies or has to be taken out because it interferes with some other use of the site. Staff also believes that the modification is outside the scope of the LDR restructure as the requirement is not changed in the draft LDRs from the current LDRs, but the modification would represent a change in landscape requirement policy.		A	Jointly Discussed 7/28. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. The Planning Commissioners believe that a Landscape Architect is unnecessary except on the largest projects.
Require an after-the-fact permit for flood fighting	5.7.1.D.5.b	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.		A	None
Use Table: Gravel Extraction should reference the list of sites in Section 6.1.9.F instead of placing S in specific zones	6.1.1	County		A		None	A	Staff agrees this is a clearer way of addressing where gravel extraction and processing is allowed.		A	None
Only apply 30% slope standard for agriculture to natural slopes to sync with the rest of the regulations	6.1.3.B.3.g	Joint		A	A	None	A	Staff agrees this modification would make the agricultural exemption consistent with the rest of the regulations.		A	None
Add a standard that only one kitchen is allowed per residential unit	6.1.4.A.2	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.		A	County Discussed 7/29. Staff clarified the definition of kitchen and the existing policy.
Amend definition of short term rental to be consistent with the direction from the August JIM	6.1.5.C.1	Joint		A	A	The Board and Council did not see any reason to meet on the issue again having provided clear direction at the August JIM.		Staff did not provide a recommendation because the modification was first proposed at the JIM Hearing.			The Planning Commissions did not provide a recommendation because the modification was first proposed at the JIM Hearing.

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Remove threshold of what constitutes an ancillary brewery to a restaurant/bar.	6.1.6.E	Joint		A	A	Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8.	D	Staff does not recommend this modification. Staff only identified this modification because the addition of an ancillary brewery threshold was not identified in the table of changes. It was not identified because the addition would not affect any of the existing brew pubs, based on their advertised brewery production.			Because the modification has been proposed since the PC Hearing, the Planning Commissions do not have a recommendation.
Separate Heavy Retail and Heavy Service into two uses	6.1.6.F	Joint	Given the direction to return to current standards for home uses, this modification is no longer needed.	n/a	n/a	None	A	Staff agrees this will improve organization of the use regulations especially with regard to how retail and service are discussed separately elsewhere in the regulations.	A	A	None
Include outdoor storage in the Heavy Service use category	6.1.6.F	Joint		A	A	None	A	Staff agrees that outdoor storage as a principal use should be identified in a use category and that heavy service is the appropriate use category.	A	A	None
Definitions need to include private uses of the same character	6.1.8	Joint		A	A	None	A	Staff agrees that use definitions should not be dependent upon ownership; they should be based on operational characteristics.	A	A	None
Composting should be allowed as an accessory use where gravel extraction is allowed as it uses the same equipment, same erosion control mechanisms, scales, etc. Commercially, it is not feasible on BP lots	6.1.9.D	County		T		Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8.	T	Staff believes that amendments to industrial use standards and where they are allowed is beyond the scope of this update. This may be an item to address at a later date.	A		County Discussed 7/29. The County Planning Commission believes this would be an improvement that would be easy enough to take care of now, but is wary of scope creep for this LDR restructure process.
Wildlife friendly fence standard is inconsistent with purpose of perimeter fence requirement	6.1.9.D.2.b 6.1.9.E.2.b	County		T		Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8.	T	Staff agrees, however this may be an item to address at a later date.	A		County Discussed 7/29. The County Planning Commission believes this is a time sensitive fix because of the trash transfer station project.
Address minor utilities such as pump houses, electrical boxes, etc. and exempt them from use permits and certain regulations such as setbacks	6.1.10	Joint		A	A	None	A	Staff agrees that the regulations should address minor utilities to clarify what permits are needed and how the regulations apply to their installation.	A	A	None

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Return to existing LDR text regarding home uses	6.11.D 6.11.E	Joint		A	A	Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8. The implication in at the JIM Hearing was that the entirety of the home use section should be returned to its current form.	D	Staff's recommendation was based on the original proposal that focused only on reverting to the currently allowed light industry and heavy service home businesses. Staff believes draft LDRs are more clear than the current LDRs and provide direction consistent with practice. The current home business definitions allow some light industry and heavy service uses, but leave allowance of others to case-by-case similar use determination. Often the allowance of the similar home business is based on the fact that if it were primary use it would be light industry or heavy service and is thus similar to the light industry and heavy service uses allowed as home use. In some cases additional standards are placed on home uses, in other case standards are relaxed. As a whole, Staff believes the draft LDRs more clearly and consistently protect surrounding residential character from the impacts of home use, while allowing entrepreneurial residents to start small businesses.	D	County Discussed 7/29. The County PC's recommendation was based on the original proposal that focused only on reverting to the currently allowed light industry and heavy service home businesses. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. Staff explained that the current LDRs allow some Light Industry and Heavy Service uses as home business but not all, while the proposed LDRs would allow all Light Industry and Heavy Service as home business. The County Planning Commission is interested in evaluating the zones in which home business is allowed and may place additional limitations on home business in some zones, but agreed with Staff's overall rationale for the proposed definition. The Town Planning Commission made no recommendation on this modification as Staff had not provided a recommendation for the Town Planning Commission to reference prior to its action.	
Add child limit of 10 for education or daycare home occupation	6.11.D.3	County	Given the direction to return to current standards for home uses, this modification would only apply in the County and is not supported by the BCC	n/a		None	A	Staff believed this modification should be made to limit the impacts of home daycares and home schools when they were grouped with other home occupations. It would have applied jointly as the draft did not include a child limit. The proposed limit was consistent with the existing Town regulations and State statute.	A	A	The Planning Commissions agreed with Staff.
Add child limit of 15 for education or daycare home business	6.11.E.3	County	Given the direction to return to current standards for home uses, this modification would only apply in the County and is not supported by the BCC	n/a		None	A	Staff believed this modification should be made to limit the impacts of home daycares and home schools when they were grouped with other home occupations. It would have applied jointly as the draft did not include a child limit. The proposed limit is consistent with the existing Town regulations and State statute.	A	A	The Planning Commissions agreed with Staff.
Add a standard referencing review of traffic impacts as part of the CUP	6.11.E.3	Joint	This modification is superceded by the direction to return to current standards for home uses.	n/a	n/a	None	A	Staff agreed that this modification should be made to codify existing policy when the home business standards were being updated.	A	A	The Planning Commissions agreed with Staff.
Public restrooms are required by the IBC in quantities based on use. I would strike discussion of required facilities and just put "in accordance with the IBC" does the 20% requirement in b tie in with the IBC?	6.4.9.4	Town	Entire section deleted, no need to repeat building code.	A		None	A	Staff agrees that removing this section from the LDRs at this time is consistent with current practice to defer to the building code. However, Staff would note that removal represents a significant policy change from 1994 when the regulation was put in place to avoid the need for public restrooms by requiring that downtown businesses open their restrooms to the public not just customers.	A		None

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Create a section for conventional subdivision.	7.2	Joint		A	A	The Board and Council agree with Staff's recommendation.	A	This modification will not create any new standards. It will organize the LDRs to more clearly delineate conventional subdivision from condominium/townhouse subdivision. It will also serve as a placeholder for needed future subdivision regulations.			Because the modification has been proposed since the PC Hearing, the Planning Commissions do not have a recommendation.
Seek opportunities to decrease need for experts and simplify the review process	8	Joint		T	T	The Board and Council agree with Staff and the Planning Commissions' recommendation.	T	The need for experts relates to big policy questions about the structure of regulations such as the natural resource standards, and is outside the scope of the LDR restructure. Staff believes that simplification of the review process is more a function of review process thresholds than the requirements of the individual review processes. For example when truly large projects are submitted, a sketch plan, followed by phased development plans, followed by building permits seems appropriate. Staff recommends that process simplification be achieved by amending the thresholds as zoning is updated. Staff believes thresholds should be zone specific, because what needs public review is different in rural areas than downtown.		T	County Discussed 7/29. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. The Planning Commission is interested in looking at the process thresholds zone by zone to eliminate the procedural requirements on minor projects. The Town Planning Commission made no recommendation on this modification as Staff had not provided a recommendation for the Town Planning Commission to reference prior to its action.
Add Division 8.10 for duties and responsibilities.	8	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add standard disclaiming informal staff discussion to facilitate preparation of an application as non-binding.	8.1.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add standard disclaiming discussion to facilitate preparation of an application as non-binding.	8.2.1	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Remove requirement in County for EA consultant for intermediate development plans	8.2.2.C.2	County		T		Use current LDR language for discussion modifications that involve content changes outside of Articles 1 and 8.	A	The County hired EA consultant was intended to introduce a level of third-party environmental analysis that would achieve better protection of natural resources. However the natural resource standards are set up to avoid subjective review. The intent of the requirement has not been achieved, but the requirement has introduced additional administrative burdens.		A	County Discussed 7/28. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. The County Planning Commission believes this is good step toward streamlining the process.
Clarify that the EA is not an approval it is a review that results in certain recommendations, approval occurs with the application for physical development, use, development option, or subdivision.	8.2.2.F	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Provide minimum standards for posted notice	8.2.3.C.2	Joint		A	A	None	A	Staff agrees that the minimum standards for posted notice should be specified. In addition, an example or template could be included in the Administrative Manual.	A	A	None.
Delete reference to applicant informing public about review process. That is planning department's job.	8.2.3.D.2	Joint		A	A	None	A	Staff agrees that the applicant should not be tasked with informing the public about the review process.	A	A	None.

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Remove requirement for summary of neighborhood meeting	8.2.3.E	Joint		A	A	The Board and Council agree with Staff and the Planning Commissions' recommendation.	A	Staff agrees with the County Planning Commission's rationale that the applicant should not be responsible for putting words in the public's mouth for the same reasons that Staff should not be responsible. The purpose of the neighborhood meeting is to inform the applicant and public of the project and issues. Ultimately the applicant is responsible for responding to the LDRs, as informed by public comment. The applicant is not responsible for responding to public comment directly.	A	County Discussed 7/29. Because the modification was proposed at the PC Hearing, Staff's recommendation was not available for PC consideration prior to the hearing. The County Planning Commission believes that the applicant should not be any more responsible for putting words in the public's mouth than staff. The Town Planning Commission made no recommendation on this modification as Staff had not provided a recommendation for the Town Planning Commission to reference prior to its action.	
Make allowance for electronic submittal, but require hard copy	8.2.4	Joint		A	A	None	A	Staff agrees.	A	A	None.
Limit Staff's requirement to report public comment to only written public comment so onus isn't on staff to represent verbal public comment	8.2.6.D	Joint		A	A	None	A	Staff should only be responsible for passing along written public comment so that Staff is not placed in the position of having to put words in the mouth of a member of the public.	A	A	None.
Clarify that the recommendation be "...based on the findings for the specific application being reviewed..."	8.2.6.E.1	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Staff report distribution timing should match when BCC and Council reports are actually distributed.	8.2.6.E.3	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.	A	A	County Discussed 7/29. The County Planning Commission comfortable with 4 or 5 days for packet review.
DRC review should not be a public hearing. Meeting can be open to the public, but it is a technical review. It would be more appropriately classified with staff/PRC review and under those timelines.	8.2.7	Town		A		None	A	Staff agrees that this modification should be made to codify existing policy.	A		None.
Clarify that the recommendation be "...based on the findings for the specific application being reviewed..."	8.2.7.C	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
There should be standards for remands similar to continuances, to provide the applicant the ability to call the question.	8.2.7.E	Joint		A	A	None	A	Staff agrees that the remand language should be accompanied by a standard that the applicant may request a decision be made in-lieu of a remand.	A	A	None.
Delete "on the public and surrounding lands."	8.2.8.C.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete "with the exception of conditions made applicable by the express terms of these LDRs"	8.2.8.C.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete "unvested and unexercised"	8.2.8.E	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Clarify that the decision be "...based on the findings for the specific application being reviewed..."	8.2.9.B	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Clarify that the decision be "...based on the findings for the specific application being reviewed..."	8.2.10.C	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete reference to findings of fact and conclusions of law, instead decisions shall not be final until minutes are approved	8.2.10.D	Town		A		None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.

Proposed Modification	Sec.	Applies	Staff Modification Notes	JIM Direction			Staff Recommendation		PC Recommendation		
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There should be standards for remands similar to continuances, to provide the applicant the ability to call the question.	8.2.10.E	Joint		A	A	None	A	Staff agrees that the remand language should be accompanied by a standard that the applicant may request a decision be made in-lieu of a remand.	A	A	None.
Clarify that a completed permit should not be amended, redevelopment of such a project should be a new permit.	8.2.13.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Amending a condition of approval placed on permit by an elected or appointed body should only be amended by that body, with public notice to the neighbors.	8.2.13.B	Joint		A	A	None	A	Staff agrees that conditions on permits placed by elected or appointed bodies are the body requiring certain changes to the application in order to find that it meets the LDRs. Such requirements should only be amended with notice of the same neighbors that were noticed for the original decision; however such amendments should not have to go through the entire approval process.	A	A	None.
Clarify that minor deviations are reviewed under the current LDRs	8.2.13.B.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Move plat amendment standards to 8.5.3 and/or 8.5.5 as applicable so that plat standards are not in so many places.	8.2.13.C	Joint	Purpose of the clarification achieved through references in 8.5.3 and 8.5.5 rather than move in order to preserve the overall structure and user-friendliness of the Article.	A	A	None	A	Staff and the County Surveyor recommend that this modification be made to make the plat amendment standards easier to find.	A	A	None.
For PMDs reference the old standards for amendment (address with District 2 amendments)	8.2.13.D	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Add, "to the maximum extent practicable"	8.2.13.D.1	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Should read, "Complies with the standards of the Natural ..."	8.2.13.D.2.c	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Shorten length of time to first public hearing to 90 days.	8.2.14.B.1	Joint		A	A	None	A	Staff agrees that the period of time for the first public hearing could be shortened to 90 days.	A	A	None.
Mail notice of a public hearing 30 days prior to the hearing	8.2.14.B.2	Joint		D	A	The Board believes the extended notice gives a better chance for resident and non-resident neighbors to provide comment. Council believes that the extended notice would lengthen the process and is not concerned that neighbors are not receiving adequate time to comment.	A	Staff did not provide a recommendation because the modification was first proposed at the JIM Hearing.			The Planning Commissions did not provide a recommendation because the modification was first proposed at the JIM Hearing.
Provide minimum standards for posted notice.	8.2.14.C.4	Joint		A	A	None	A	Staff agrees that the minimum standards for posted notice should be specified. In addition an example or template could be included in the Administrative Manual.	A	A	None.
Amend 30 day standard to allow for necessary public notice of hearing.	8.2.14.D.5.d	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add requirement that a sketch plan for PUD must include entire PUD area.	8.3.1.B	Joint		A	A	None	A	Staff agrees that the sketch plan for PUD should include the entire PUD area. The sketch plan does not have to be submitted concurrently with the master plan, but when the sketch plan is submitted it should be comprehensive so that it does not have to be continually amended to change road alignments or make other changes.	A	A	County Discussed 7/29. The County Planning Commission agrees with Staff, but focused its conversation on the need to make a culture change to treat sketch plans more appropriately because it has become too detailed.

Proposed Modification	Sec.	Applies	Staff Modification Notes	JIM Direction			Staff Recommendation		PC Recommendation		
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Change "Complies..." to "Is in substantial conformance..."	8.3.1.C.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Change "Complies..." to "Is in substantial conformance..."	8.3.2.C.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Change "Complies..." to "Is in substantial conformance..."	8.3.3.C.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Clarify that the Building Official may only approve a building permit with zoning compliance verification of the building permit by Staff.	8.3.3.F.5	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.	A	A	None.
Change "Complies..." to "Is in substantial conformance..."	8.3.4.C.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Clarify that the Engineer may only approve a grading permit with zoning compliance verification of the grading permit by Staff.	8.3.4.F.5	Joint		A	A	None	A	Staff agrees that this modification should be made to codify existing policy.	A	A	None.
Change "Complies..." to "Is in substantial conformance..."	8.3.5.C.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Change "Complies..." to "Is in substantial conformance..."	8.4.1.C.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Include physical development permit expiration clause similar to CUP.	8.4.1.D	Joint		A	A	None	A	Staff agrees.	A	A	None.
Change "Complies..." to "Is in substantial conformance..."	8.4.2.C.8	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Expiration should be tied to Sketch Plan or Development Plan in addition to Building Permit or Grading Permit.	8.4.2.D.2	Joint		A	A	None	A	Staff agrees.	A	A	None.
Change "Complies..." to "Is in substantial conformance..."	8.4.3.C.8	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Include physical development permit expiration clause similar to CUP.	8.4.3.D	Joint		A	A	None	A	Staff agrees.	A	A	None.
Clarify general purpose of grouping as ensuring adequate land records, infrastructure, open space etc.	8.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Change "Complies..." to "Is in substantial conformance..."	8.5.2.C.4	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Broaden to refer to "subsequent action," use conservation easement as an example.	8.5.2.E	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add a section detailing what is required on a plat (statute references) and what doesn't belong on a plat (warnings of nuisance are ok, but should focus on things that effect transfer of property or rights – not planning entitlements).	8.5.3	Joint		A	A	None	A	Staff and the County Surveyor recommend this language to avoid inappropriate language on plats that lead to unnecessary plat amendments.	A	A	None.
Change to "Is in substantial conformance..."	8.5.3.D.1	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete prohibition of conditioning plat approval	8.5.3.E.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.

Proposed Modification	Sec.	Applies	Staff Modification Notes	JIM Direction			Staff Recommendation		PC Recommendation		
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Sufficiency should be over-the-counter. Review should be within a week.	8.5.4.F.2 8.5.4.F.4	Joint		A	A	None	A	Staff agrees that the review period should be shorter to improve turnaround of such applications. There is a limited volume and the review is limited to ensuring the proper documents are submitted and certain basic standards are not circumvented.	A	A	None.
Change "...complies..." to "...is in substantial conformance..."	8.5.5.D.4	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add a disclaimer about reliance on non-formal or binding information	8.6	Joint	Given direction regarding the rest of the Division and the direction to add this language in 8.1, this modification is no longer needed.	n/a	n/a	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add a statement that the purpose of interpretation of the LDRs if for consistency	8.6.1.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete	8.6.1.B	Joint	Given the other direction on this subsection some portions were retained to achieve that goal.	A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add language that the Planning Director may require an application be filed if an interpretation should be handled in the context of an application rather than as a separate question.	8.6.1.B	Joint		A	A	None	A	Staff believes that the formal interpretation should not be used to answer a question out of context that should be answered in the context of an application.	A	A	None.
Include a finding for consideration of previous interpretations of similar circumstances	8.6.1.C	Joint		A	A	None	A	Staff agrees that while the Planning Director is not required to honor past interpretations such a finding will ensure that the Planning Director considers past interpretations and clarifies why the interpretation has changed, or what circumstances are different.	A	A	None.
Delete	8.6.1.D	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete	8.6.1.E	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Change "Complies..." to "Is in substantial conformance..."	8.6.2.C.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add to end, "...or address other health, safety, or welfare issues in the community."	8.7.1.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Amendments shall be reviewed pursuant to this Section, which is adopted pursuant to the Wyoming Administrative Procedures Act.	8.7.1.B	County		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Add reference to protest provision from 15-1-603, same as is done for zoning map amendment and PUD.	8.7.1.F.7	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Add to end, "...or address other health, safety, or welfare issues in the community."	8.7.2.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Amendments shall be reviewed pursuant to this Section, which is adopted pursuant to the Wyoming Administrative Procedures Act.	8.7.2.B	County		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.

Proposed Modification	Sec.	Applies	Staff Modification Notes	JIM Direction			Staff Recommendation		PC Recommendation		
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PUDs shall be reviewed pursuant to this Section, which is adopted pursuant to the Wyoming Administrative Procedures Act.	8.7.3.B	County		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Reference 8.2.13.D.2	8.7.3.D	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete requirement that certificate of standards be filed as an affidavit	8.7.3.F	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Replace end with, "...when the landowner believes the application of these LDRs constitutes a "takings" under the United States or Wyoming Constitution."	8.8.D	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Clarify purpose of allowing adjustments where practical difficulties impedes advancement of Comp Plan or zoning district goals.	8.8.1.A	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete allowance for the Planning Director to elevate and administrative adjustment, they are different findings and processes	8.8.1.B	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Replace subsections with a list of what can be adjusted and by how much: o Landscape Surface Ratio – 20% o Structure setbacks, not including setbacks from natural resources – 20% o Site development setbacks, not including setbacks from natural resources – 20% o Fencing height and setbacks – 20% o Grade of developable slopes – 20% o Wildlife friendly fencing – as allowed by 5.1.2.E o Standard plant units – as allowed by 5.5.3.F.3 o Sign standards – as allowed by 5.6.1.B.2 o Parking requirement – as allowed by 6.2.2.A.1 o Street and road standards – as allowed by 7.6.4.C	8.8.1.B	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.

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Replace with the following findings: 1. Complies with the applicability standards of this section; and 2. Either: a. Compensates for some unusual constraint of the site or proposal that is not shared by landowners generally, or b. Better protects natural and scenic resources, or c. Better supports the purpose of the zone; and 3. Is consistent with the purpose of the zone and the desired future character for the area described in the Comprehensive Plan; and 4. Will not pose a danger to the public health or safety. 5. The site is not subject to a series of multiple, incremental administrative adjustments that circumvent the purpose of	8.8.1.C	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete reference to a variance reversing an administrative adjustment	8.8.1.D	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Any variance approved for specific development or use should only apply to that development or use.	8.8.2.D	Joint		A	A	None	A	Staff agrees this should be clarified.	A	A	None.
Delete	8.8.2.F	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Delete allowance for appeal of part of a decision	8.8.3.B	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete	8.8.3.D.2	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Delete parenthetical statement	8.8.3.D.4	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.

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Replace with the following language: "E. Determination. The Board is limited to the following determinations in considering the appeal, which shall be based on the preponderance of the evidence standard applied to the record: 1. The decision-maker misunderstood how to apply a standard; or 2. The decision-maker made an error in measuring or interpreting the proposal's compliance with a standard; or 3. The decision-maker made the decision based on a standard not contained in these LDRs or other appropriate ordinance, regulation, or state law; or 4. The decision-maker incorrectly applied a standard more strict or broad than the standard established in these LDRs; or 5. The decision-maker misinterpreted a provision in the LDRs, based on the standards for interpretations established in	8.8.3.E	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Appeals shall be governed by the contested case rules adopted by the Town.	8.8.3.G	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
As much as possible, defer to the contested case rules adopted by the Town/County to avoid conflict, but provide enough reference to clearly outline the process and timeline	8.8.3.H	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
All appeal files shall be filed with the Town/County Clerk	8.8.3.H.8	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add that BUDs be governed by the contested case rules adopted by the Town.	8.8.4	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
As much as possible, defer to the contested case rules adopted by the Town/County to avoid conflict, but provide enough reference to clearly outline the process and timeline	8.8.4.F	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
All BUD files shall be filed with the Town/County Clerk.	8.8.4.F.7	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Need to ask permission to inspect	8.9.2.B	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add that revocation hearings be governed by the contested case rules adopted by the Town.	8.9.3	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Need to expressly provide opportunity for permittee to make their case at hearing why the permit should not be revoked	8.9.3.E.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
As much as possible, defer to the contested case rules adopted by the Town/County to avoid conflict, but provide enough reference to clearly outline the process and timeline	8.9.3.E.3	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.

Proposed Modification	Sec.	Applies	Staff Modification Notes	JIM Direction			Staff Recommendation		PC Recommendation		
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Add that abatement hearings be governed by the contested case rules adopted by the Town.	8.9.4	Town		A		None	A	Recommended by legal review.	A		The Planning Commissions recommend all modifications directed by legal review.
Make hearing officer optional, similar to appeal	8.9.4.F	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
As much as possible, defer to the contested case rules adopted by the Town/County to avoid conflict, but provide enough reference to clearly outline the process and timeline	8.9.4.F	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Add BSA (Base Site Area) and ASA (Adjusted Site Area)	9.3	Joint		A	A	None	A	Staff agrees.	A	A	None.
Delete requirement of a street yard setback from a garage door	9.4.7.A.3	County		A		None	A	Staff agrees that this standard should be deleted in order to clarify application of the street yard setback standards.	A		None.
Move standard specific definitions to the section of the standard if they aren't used or referenced elsewhere in the LDRs (ie signs, celltowers, campgrounds)	9.5	Joint	Staff was unable to identify any definitions that only applied to a single standard, so no definitions were moved.	A	A	None	A	Staff agrees that this will improve the organization of the document.	A	A	None.
Bank : Add reference to ditches. Move the discussion of the elevation of the bank to rules for measurements from top of bank.	9.5	Joint		A	A	None	A	Staff agrees that the definition should reference ditches and that "top of bank" should be its own definition or be included in the rules for measurement.	A	A	None.
Fair Market Value: define	9.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Lot of Record: use this term throughout LDRs wherever the list of "lots, parcels, tracts" is currently used	9.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Maximum Extent Practicable: define	9.5	Joint		A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Physical Development: clarify relationship to permits and use permit groupings to define what it does not include	9.5	Joint	In reviewing the definition, the current wording addresses the relationship to permits as well as other uses of the term.	A	A	None	A	Recommended by legal review.	A	A	The Planning Commissions recommend all modifications directed by legal review.
Yards (all): State that the standards for each yard apply where the yards overlap and improve graphic.	9.5	Joint		A	A	None	A	Staff agrees that this will clarify the application of the LDRs.	A	A	None.