

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
January 11, 2022**

SUBJECT: PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Repealing and Reenacting Chapters 2, 3, 4, 5, 6, 7, 9 and 11 of Title 10 of Erie Municipal Code

PURPOSE: Review and discuss Phase II UDC Amendments and Development Design Standards

CODE: Municipal Code, Title 10

DEPARTMENT: Planning & Development

PRESENTER: Deborah Bachelder, AICP, Planning Manager/Deputy Director of Planning & Development

STAFF RECOMMENDATION:

Staff finds the ordinance in compliance with the Approval Criteria and recommends the Board of Trustees approve Ordinance 03-2022. Town staff recommends that that the Board adopt the version of Chapter 7 with Section 10-7-21 *Amendments to the Text of this UDC* removed so that all text amendments to the Municipal Code can be processed in the same manner. Section 10-7-21 presently requires that text amendments to the UDC be heard by the Planning Commission prior to a decision by the BOT, whereas other chapters of the Municipal Code are amended just by a decision of the BOT.

PLANNING COMMISSION RECOMMENDATION:

On November 3, 2021 the Planning Commission voted unanimously (6-0) to recommend that the Board of Trustees approve the ordinance. The ordinance recommended for approval by the Planning Commission retained Section 10-7-21 *Amendments to the Text of this UDC* (re-numbered as Section 10-7-18).

SUMMARY OF STUDY SESSIONS:

On September 1, 2021, the Planning Commission held a study session to discuss the proposed amendments to the UDC and the new Development Design Standards booklet. The Commission was supportive of the proposed changes and recommended that the procedure for Annexations in Chapter 7 of the UDC be revised for additional clarity and to add context. Planning staff has worked with the Town's legal staff to update this code section to refer to the Colorado State Statutes.

On September 21, 2021, the Board of Trustees held a study session on this item; no specific changes to the proposed amendments to the UDC or the new Development Design Standards booklet were recommended by the Board.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

In 2019, the Board of Trustees Work Plan directed staff to provide updates to the Unified Development Code (UDC).

The Board of Trustees has adopted several changes to various chapters of the UDC over the past two years which addressed items identified as in need of revision. The adopted amendments include:

- October 2019: Amended Flashing or Moving Signs in Chapter 6.
- November 2019: Enacted a new Chapter 13 regarding Wireless Communication Facilities.
- December 2019: Enacted a new Annexation Subdivision Plat process in Chapter 7.
- February 2020: Expanded the flexibility for Planned Development Zoning in Chapter 7.
- March 2020: Addressed and clarified a number of standards throughout the UDC including in Chapters 2, 3, 4, 5, 6, 7, 11, and 12.
- November 2020: Streamlined and addressed a number of technical issues throughout the UDC including in Chapters 1, 2, 3, 5, 8, and 10 ("Phase I" updates).
- August 2021: Established new Agricultural Holding zone district to accommodate a streamlined annexation and initial zoning process for agricultural properties within the Town's growth boundary.
- August 2021: Amended Development Improvement Guarantees in Chapter 7.
- December 2021: Amended Development and Design Standards to Accommodate Oil and Gas Wells and Production Facilities in Chapter 6.

Throughout the Phase I and Phase II updates, staff has worked with the Planning Commission, Board of Trustees, the development community, the Homebuilders Association (HBA) of Metro Denver, and other Town departments to solicit comments and suggestions for revisions to the UDC. In coordination with Town staff Martin Landers, the Principal of Plan Tools, LLC has worked to incorporate the changes and revise the UDC into a more usable form. The comments provided to the Town from the HBA, and Town responses regarding updates made in response to those items, are attached to this item for reference.

Proposed UDC Amendments and New Development Design Standards Booklet

The 2021 Board of Trustees Work Plan continues to include updating the Unified Development Code as one of the Town's top priorities.

Overall, the proposed changes in Phase II are intended to:

- Clean-up outdated or conflicting portions of the code;
- Provide more streamlined review processes;
- Align our regulations with building trends that are being approved by the Board of Trustees as a part of Planned Unit Development (PUD) overlay zone districts and Planned Development (PD) zone districts;
- Bring the sign regulations into compliance with Federal requirements;
- Incorporate the feedback received from the HBA to date, including increasing flexibility and aligning the Town's standards with today's residential product types;
- Clarify and enhance the Town's residential design standards through the creation of the Development Design Standards book to address the Town's desire for a higher level of design standards than is currently provided for in the UDC. The current UDC amendments propose to move the residential design standards to the booklet. The non-residential design standards are proposed to be moved into the booklet in future Phase III updates that are proposed to commence in 2022.

Note that future changes beyond these "Phase II" updates are anticipated, including the above-mentioned new design standards for non-residential uses; clarifications and updates

to park, open space, and trails land dedication and fees and impact fees; and changes necessary to implement the forthcoming Comprehensive Plan, among other possible updates.

The information below summarizes the sections and a general overview of items that are part of the proposed changes, which are being called "Phase II" updates:

UDC Amendments:

- Chapter 2 – Zone Districts
 - General housekeeping and removal of unnecessary language throughout
 - Move PUDs to Section 10.2.7, Inactive Districts, to avoid duplication of process types (PUDs vs. PDs)
- Chapter 3 – Use Regulations
 - General housekeeping and removal of unnecessary language throughout
 - Revise Table 3-1 to permit certain residential dwelling units in zoning districts of corresponding density; to permit HOA assembly uses by right in certain zoning districts rather than by special review use; and to categorize outdoor seating (outdoor dining) as an accessory use rather than a principal use
 - Revise 10.3.3 Accessory Uses and Structures language for clarity and to differentiate between uses and structures; to eliminate unnecessary language; to allow for flexibility of materials on airport hangars in Erie Airpark; and to place outdoor seating area standards into the accessory use section
- Chapter 4 – Dimensional Standards
 - General housekeeping and removal of unnecessary language throughout
 - Revise Table 4-1 to provide revised dimensional standards for residential products typically proposed in Erie to allow for greater flexibility and layouts including alley-loaded and garden-court designs; and to reduce maximum height in certain zone districts and scenarios from 45 to 35 feet
 - Revise permitted encroachments language to allow for typical encroachment distances for incidental architectural features and window wells
 - Eliminate the minimum lot size in the newly-created AGH zone district in coordination with subdivision restrictions proposed in Chapter 5 (below)
- Chapter 5 – Subdivision Standards, Design, and Improvements
 - General housekeeping and removal of unnecessary language throughout
 - Revise subsection 10.5.4.E.6 to clarify that residential lots may front onto pocket parks as well as streets and garden courts
 - Restrict subdivision in the new AGH zone district to ensure properties are not subdivided below 35 acres
- Chapter 6 – Development and Design Standards
 - General housekeeping and removal of unnecessary language throughout
 - Incorporate the Development Design Standards by reference and allow for Alternative Equivalent Compliance per Section 10.6.1
 - Simplify fencing and landscaping requirements through the elimination of 10.6.2.D standards and consolidation of these standards into sections 10.6.4.E Minimum Landscaping Requirements and 10.6.4.H Fencing and Walls
 - Reorganize various sections of 10.6.4 into more appropriate locations, such as relocation of subsections 10.6.4.E.2, 3, and 4 to subsection 10.6.4.F.1, 2, and 3
 - Revisions to update and reorganize outdoor storage screening standards, including consolidating subsection 10.6.4.G.10 Non-Residential Outdoor Storage into subsection 10.6.4.G.8 Outdoor Storage

- Revise 10.6.5.D.3.c Maximum Block Lengths and 10.6.5.F.2.c. Through-Block Connections to reduce the maximum block length and clarify calculations of length and the use of intervening tracts to break up a block length
- Revise 10.6.6 Off-Street Parking and Loading to apply standards to all parking lots, revise certain parking requirements in Table 6.6-1, and provide a stacking space dimensional requirement, among various changes
- Revise 10.6.7 Residential Use Category Design Standards to refer to the Development Design Standards for the development of new single-family detached, duplex, and attached dwelling units
- Revise some parts of 10.6.8 (Commercial, PLI and Mixed-Use Design Standards), with additional changes to be adopted in the future as part of the Development Design Standards
- Revise some parts of 10.6.10 Exterior Lighting
- Revise 10.6.12 Signs at the direction of the Town Attorney and to simplify and update standards
- Chapter 7 – Review and Approval Procedures
 - General housekeeping and removal of unnecessary language throughout
 - Revise Table 7.1-1 for clarity, ease of use, and consistency with written code language
 - Revise 10.7.2 Common Development Review Procedures to clarify requirements; eliminate unnecessary language; limit the number of pre-application meetings that may be requested without a formal submittal; clarify the timing of neighborhood meetings; and clarify and enhance mailed notice requirements to surrounding entities, among various changes
 - Revise 10.7.3 Annexations for consistency with state statute
 - Revise all specific application types (e.g. Initial Zoning, Rezoning, etc.) to eliminate redundant procedure and submittal requirement language already provided in Table 7.1-1 and the Town’s User Guides
 - Consolidate subsections 10.7.7.E Procedure for Review of Minor Subdivisions and 10.7.7.F Procedure for Review of Minor Subdivisions – Non-Residential and Mixed-Use Parcels into one process type that allows for a streamlined Minor Subdivision review of up to 10 lots
 - Remove unnecessary sections including 10.7.10 Vacations, 10.7.11 Easements and Dedications, and 10.7.17 Annexation Agreement
 - Remove 10.7.21 Amendments to the Text of this UDC so that all Municipal Code amendments are processed in the same manner
- Chapter 9 – Nonconformities
 - General housekeeping and removal of unnecessary language throughout
 - Clarify 10.9.2.A.3 as to certain permitted expansions within the footprint of a building
 - Relocate nonconforming sign standards from this chapter into Section 10.6.12 Signs
- Chapter 11 – Definitions
 - Some general housekeeping, clarifications, and updates to definitions throughout

New Development Design Standards Booklet

- A Development Design Standards booklet has been created for new single-family, duplex, and attached residential development.

- New proposed design standards book which includes site and building design standards applicable to new residential development

Process:

The Planning Commission and Board of Trustees held study sessions to review this item in September 2021, as described at the beginning of this memo. Final legal review of the amendments was completed in October 2021.

Approval Criteria:

The following are the approval criteria of Section 7.21.C.9, Amendments to the Text of the Code that are to be considered when reviewing the proposed UDC Amendment.

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Public Notice

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly: December 22, 2021

Public Comments:

The Town referred an initial draft of the UDC amendments and the Development Design Standards booklet to the Denver Metro HBA on June 21, 2021. The HBA provided written comments on July 21, 2021, and staff met with HBA representatives on July 29, 2021 to discuss the comments. The comments and meeting discussion were used to update the amendments and booklet where appropriate. A copy of the HBA comments and the Town's responses are attached.