

# BOARD OF TRUSTEES STUDY SESSION

## UNIFIED DEVELOPMENT CODE

October 15, 2019

# Stakeholder Engagement

The following stakeholder groups have been involved in the UDC review process to date:

- ☐ Board of Trustees
  - ☐ Study Session Feedback 08/20/2019
- ☐ Home Builders Association ( HBA ) providing chapter by chapter feedback based on monthly meetings with an HBA working group.
- ☐ One on One meetings with numerous current applicants to identify opportunities for improvement in both the UDC and Process
- ☐ Staff – reviewing all sections of the UDC
- ☐ Planning Commission
- ☐ Public Outreach
  - ☐ Open House November 2019

# Summary of Items Identified to Date by stakeholder group

## ☐ Board of Trustees – The following are items raised by various members for consideration in the “Code Update”

- ☐ Expand “Notification Area” from current 300-ft to something greater
- ☐ Update building requirements, different housing types to have a certain % building material mix
- ☐ Decrease density levels in all zoning districts
- ☐ Increase setbacks to deal with eave and window well encroachments
- ☐ Increase amount of Open Space, Trail and/or Park Dedication requirements for all density levels
- ☐ Encourage “Affordable Housing” opportunities
- ☐ Night Sky regulations that do not conflict with citizen safety
- ☐ Architectural Standards for Commercial
  - ☐ Parapet massing and masking of unfinished portions of roofline to avoid “False Front” Appearance
  - ☐ Enhance Screening requirements for “Mechanical Elements” from Roadway rather than parking area
  - ☐ Options to reduce on-site lighting intensity while providing safety.

# Items Identified to Date

## ☐ Board of Trustees –

- ☐ Neighborhood and Development Standards
  - ☐ Define density calculations that do not include areas for Open Space and Parks. Identify density of “Occupied Space”
  - ☐ Require more curvilinear streets in residential developments
  - ☐ Require “Off-set” front setbacks for residential developments to avoid “Soldiered” appearance of homes
  - ☐ Increase Front and Rear elevation standards for Residential especially along street orientation
- ☐ Increase standards for Colors and Materials for Multi-family and Commercial Developments
- ☐ Discuss opportunities for creating Commercial Design standard “Options” for properties not located along major street networks. Purpose is to help facilitate “small business opportunities” in areas with less visual impact on major streets
- ☐ Recommendations for Park Equipment to use sustainable recycled products
- ☐ Review opportunities to require sustainable development features such as; Solar, Low Flow fixtures, Xeric landscaping
- ☐ Identify any code provisions that could accelerate Commercial/Office/Flex-industrial Development

# Items Identified to Date

☐ Home Builders Association (HBA) The following are some of the items presented by the HBA committee for consideration:

- ☐ Reduce Setbacks on certain lot types
- ☐ Allow window wells within side yard setbacks with requirement that window wells are to be covered
- ☐ Eliminate the requirement that Sketch Plans go to PC and B.o.T
- ☐ Allow building permits to be issued before street lights are installed
- ☐ Consider Warranty Bond rather than Letter of Credit
- ☐ Adopt setbacks that are industry standard and that work for Alley loaded product
  - ☐ 5-ft Rear-yard that allow for eave and window well encroachment
  - ☐ Allow 3-ft rear setback on rear loaded homes (Current requirement is 20-ft)
- ☐ Smaller Lots
  - ☐ Allow smaller lots and attached housing products without site plan review as part of the platting process
  - ☐ Adjust all fees to a graduated scale depending upon size of house
- ☐ Reduce Landscape requirements for Open Space

# Items Identified to Date

## ☐ Home Builders Association ( HBA )

- ☐ Review Community Gateway Requirements – HBA would like to understand reason for requiring an additional 30-ft Buffer from the edge of the Right-of-way. This removes developable area from subdivisions.
- ☐ Why does the code restrict fencing along this buffer to be Open design only?
- ☐ Consider reducing the persons per household used in calculating Park and Open Space requirements. By example, the MF requirement does not differ between traditional MF and Senior Living. Park area requirement would be the same for both.
- ☐ Consider allowing for “Enhancements” to count toward Area requirements for Park and Open Space. If certain defined “Enhancements” are provided, could the area requirement be reduced?
- ☐ Consider allowing Artificial Turf in single-family detached rear-yards to count toward the required landscaping. (Current code requires that 50% of the combined Side-yard and Rear-yard Area is to be landscaped with live plant material)

# Planning Staff Items Identified to Date

- ❑ Planning Staff have been holding regular code revision meetings to review suggestions for Unified Development Code amendments.
  - ❑ The results of this process and the areas of focus are attached for review and reference.
  - ❑ Our review identified Sections of the UDC that we would recommend be eliminated/revised or identified as needing more direction prior to developing a recommendation for a specific change.
  - ❑ These review comments are based on our experiences in getting feedback from the Planning Commission and Board of Trustees as various land use applications have been presented to these bodies.
  - ❑ The HBA is still in the review and feedback process so we do not have their recommendations on all of the remaining code sections.
  - ❑ The SIGN CODE portion of the UDC must be amended to bring our sign code into conformance with recent Federal Case Law rulings. This activity may be more appropriately handled as a separate activity for consideration.

# Planning Staff Items Identified to Date

## UDC Update Schedule

	Q1	Q2/3	Future
Entire UDC Correct typos, grammar, etc			
1 • Change all references related to Community Development and Public Works Director	1		
Zoning Map: Rezone all PD developments that do not have a PD Guide to straight zoning:			
• Arapahoe Ridge Filing 1 - LR			
• Arapahoe Ridge Filing 2 - SR			
• Kenosha Farms (south end) - LR			
• Leyner - AG/OS if we amend this district to allow for a house			
• Northridge Filing 1 & 2: SR			
2 • Zahn (north end); I would recommend we leave this PD without a guide so that they have to come in to amend. The reason is that			1
Chapter 2			
3 Establish a density minimum for LR	1		
4 Eliminate density bonuses for LR, MR,HR it has never been used	1		
5 Cannot have separate residential and non-residential buildings as primary uses on a property	1		
6 Parking - non-residential (require some parking off alleys). Do not allow parking in front of building. No drive cuts from street.	1		
Review density ranges within the residential districts in general:			
• Are the density range outcomes understood?			
• Should they be recalibrated?			
• How do these support (or not) the Town goals related to housing choice (diversity) and housing affordability			
7		1	
8 Old Town Zone Districts - DT/NMU/OTR in general		1	
10 Old Town Zone Districts - DT/NMU No drive throughs allowed		1	
11 Old Town Zone Districts - DT/NMU New residential units shall be on upper floors for new development		1	
13 Architectural standards for non-residential in NMU that take into account reuse of an existing house and how to add an addition		1	
Chapter 3			
Special Review Uses:			
14 • Option to have administrative approval or PC approval of some SRU's. Example: fitness centers in LI	1		
15 Update Cell Facility regulations and processes	1		
16 Accessory Uses - Add residential guest house	1		
17 Accessory Uses - Add pool house	1		
18 Accessory Uses - Add other detached living spaces	1		
19 Accessory Uses - Quarters for caretaker/guard: remove from residential districts (does not match definition	1		



# Planning Staff Items Identified to Date

20	Update Table 3-1: Table of Permitted Uses: • Add mobile businesses (food trucks, exercise facility, auto repair) (windshields; large equipment in field)		1	
21	Marijuana (Kristin Brown): LI-99 plants for care giver		1	
22	Accessory Uses - Do we need to address items such as restaurant coolers; brewery tanks?		1	
23	Allow a residential unit in AG? OS for agricultural land: • Legal lot, Minimum size			1
24	Review/revise Use Standards; examples: • Add requirements for mobile businesses • Vehicle Sales and Rental			1
25	Accessory Uses - Accessory dwelling units; change from SRU to P			1
Chapter 4				
26	Add dimensional standards to allow various housing types to occur without PUD	1		
27	Setbacks - Update measurements and exceptions to clarify section 4.2	1		
28	Update encroachment language Create lot/setback standards for alley loaded duplex, townhome, small lot single family: • BOT discussion on new alley fronted products being presented by developers now and option to write standards in UDC: examples - Parkdale duplexes and Erie Highlands carriage houses	1		
29	• Guest parking requirements for small lot single family duplexes Old Town NMU/DT:			
30	• Eliminate 3 story/45' height; change to 2 story/35'?		1	
Chapter 5				
31	Garden courts in tract min. 30'	1		
32	Access easements/maintenance easements		1	
33	Move into this chapter relevant items currently in Chapter 6			1
34	Update to private streets:			1
Chapter 6				
35	Housing Diversity - Update to make more effective, review types and types and variations, set a minimum % or number of units necessary in order to achieve a variation, remove variations that do not result in housing diversity (lot size for single family detached)	1		
36	Architecture - remove Erie commons language if nothing else but, section could use a complete overhaul which would help reduce the PUDs which revise these standards: • Architecture - Single Family Residential: revise architectural standards to be more like PUDs we have created.	1		
37	Tree lawns (8' - 7 1/2') Update for consistency	1		
38	Sign Update - constitutionality	1		

# Planning Staff Items Identified to Date

39	Screening - applicable standards are sometimes unclear, for example outdoor storage seems to have multiple sections that apply. Goal would be to organize for clarity and usability	1	
40	Fencing - organize for clarity and usability	1	
41	Architecture - Single Family Attached	1	
42	Lighting - simplify, update, incorporate sustainability and community goals related to dark skies	1	
43	Sign Update - Discuss monument signs; bigger perpendicular signs; minimize wall sign size	1	
44	Alt. Equivalence - Discuss this and how it is used and if it should be modified (remove the pre-app)		1
45	Community Gateways - update (does every arterial need to have this applied)		1
46	Parks Section - clarify, update, move to Chapter 5, in coordination with Parks and Rec Director goals		1
47	Open space Section - clarify, update, move to chapter 5, in coordination with Parks and Rec director goals		1
48	Landscaping - update particularly single family and duplex, incorporate sustainability concepts • Xeric landscape/water usage		1
49	Transportation - some should be incorporated into Chapter 5, some removed as they belong in the standards and specs, some are irrelevant		1
50	Parking - Section needs a detailed review, should incorporate modern approaches to parking for example compact parking stalls, review the minimum requirements for uses, incorporate sustainability concepts such as EV parking: • Driveways (engineering would like driveway standards) (slope/width, off alleys OTR) (surfacing, grade, number of drive cuts, width of drive cuts)		1
51	Architecture - Commercial		1
52	Architecture - Industrial		1
53	Update Parks and Open Space section. Move some of the elements to Standards and Specifications document - ADD		1
54	Sign Update - Review		1
<b>Chapter 7</b>			
55	Referral Deadline update to provide flexibility in referral time period to reflect complexity of the proposed application, remove specific number of days. • Better define sketch plan process - no PC or BOT meeting, concept review with one round of comments from staff • Options - remove, optional staff, staff only, PC or BOT, add a neighborhood meeting or notice requirement	1	
56	Process modifications - Minor Subdivision - clean up the options (separate zone districts)	1	
57	Process modifications - Special Review Use (PC/BOT only?)	1	
58	Process modifications - Minor subdivision application with initial Zoning	1	
59	Process modifications - PUD - attorney issue that it is not recorded until final plat approval	1	

# Planning Staff Items Identified to Date

61	Process modifications - Site Plan - eliminate for duplex and small lot single family	1		
62	10.7.2 A. Pre-application Conference: • 7: Optional Planning Commission Conference; eliminate this option from the pre-application process	1		
63	10.7.2 B. Development Application Submittal: • 3: Revise this section to address review type for multiple applications and to modify IZ to allow for MS to create zone districts • 8: Inactive Files: shorten time frames 6 months and 1 1/2 years is too long	1		
64	10.7.2 E. Application Referral, Review and Staff Report: • 2: Change time frame on referral review	1		
65	Notice: • 4.a: Change notice distance from 300 feet to 500 feet	1		
66	Clarify and update Site Plan Triggers		1	
67	Process modifications - Minor modifications: more clarity on using/granting			1
68	Process modifications - Improvement Guarantees: update per Kendra & Steve comments			1
69	Process modifications - Add Condominium Plat process			1
70	10.7.2 Common Development Review Procedures: 10.7.2 G. & H. Public Hearing: • Check with Kendra on changes that may be needed to these			1
Chapter 9				
72	10.9.1 F.4: delete OTR,DT, NMU-OT exclusion from rules		1	
Chapter 11				
73	Single Family Attached • Rename Townhomes	1		
74	Definitions: Need full update Change: • Family: definition of family should not be used to determine the number of people that can live in a dwelling unit • Building Height: delete; go with Building Code • Group Homes & Living categories should be revised based on attorney input • Remove any regulatory language from definitions: example Sign language on pg. 304-5		1	
Consider BOT Retreat Issues:				
75	Sustainability			1
76	Place making - Art, History			1
77	I-25 Master Plan (Comprehensive Plan, PROST, UDC updates)			1

Totals 32 18 24

# Feedback and Next Steps

- ☐ To date, we have received written suggestions for code revisions from two trustee members.
- ☐ Do any other trustees have comments or suggestions for UDC amendments that are the result of questions or concerns you have identified as you have considered previous land-use applications ?
- ☐ To speed up the subdivision process would the Board of Trustees agree NOT to review Sketch Plans as they have been currently submitted ? You are seeing a fairly detailed layout of a proposed development plan, which causes the staff to review the sketch plan to make sure the proposed plan meets most of the significant UDC requirements. We are trying to avoid the Board from seeing a Sketch Plan, that once the code review is completed at the preliminary plat level results in a significantly different layout that what was presented during Sketch Plan.
- ☐ Per the existing UDC the following Land-use actions are to be considered by the Board of Trustees:
  - ☐ Annexation and Annexation Agreement
  - ☐ Initial Zoning/Rezoning/Rezoning to PUD
  - ☐ Subdivision – Preliminary Plat, Minor Subdivision for Non-Residential Parcel, You see Final Plats as part of the Consent Agenda for the purpose of accepting dedications of land including Rights-of-way, Easements and Tracts.
  - ☐ Vacation requests
  - ☐ Easements/Land Dedication other than through the subdivision process
  - ☐ Development Agreements
  - ☐ Site Plan Agreements

# Feedback and Next Steps

- ☐ Staff will continue to meet with the HBA working group to solicit feedback for suggested UDC amendments
- ☐ Staff will hold additional Public Input Open-house in November 2019 to provide opportunity for additional input from Citizen Groups ( To be published as Public Meeting )
- ☐ Staff will continue to be part of DPZ Four Corners Area study. Results of recommendation to be integrated into UDC Update process
- ☐ Staff will close input from Stakeholder Groups by the end of 2020
- ☐ Staff will a consolidated “Issues Report” for review and discussion by the Planning Commission and Board of Trustees to determine how to proceed with specific Code Amendments.
- ☐ Based upon direction of how to respond to “Issues Report”, staff will begin drafting proposed language amendments.
- ☐ These amendments may either be by specific sections or as a complete text change, depending on the nature of the changes and the need to address certain items in the near term.