

**TOWN OF ERIE**  
**PLANNING COMMISSION AGENDA ITEM**  
**March 4, 2020**

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<b>SUBJECT:</b>	Consideration of amendments to the Erie Municipal Code Title 10 Unified Development Code.
<b>CODE REVIEW:</b>	Erie Municipal Code, Title 10 UDC
<b>PURPOSE:</b>	Review of staff proposed first quarter of 2020 amendments to the UDC.
<b>DEPARTMENT:</b>	Planning and Development
<b>PRESENTER:</b>	Deborah Bachelder AICP, Planning Manager/Deputy Director of Planning & Development

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**STAFF RECOMMENDATION:** Staff requests that the Planning Commission direct staff to draft a resolution stating that the Planning Commission recommends the Board of Trustees approve the UDC Amendments presented and to authorize the chair to sign the resolution.

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**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

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In 2019, the Board of Trustees created a work plan that directed staff to provide updates to the Unified Development Code (UDC). The UDC amendments before you tonight provides staff's proposed first quarter of 2020 amendments to the UDC. Staff anticipates bringing forth additional UDC Amendments in 2020. Since being tasked, by the Board of Trustees, with amending the UDC in 2019 the staff has brought forth and received approvals for the following UDC Amendments:

- 10/10/2019: Amendment of Flashing or Moving Signs in Chapter 6.
- 11/12/2019: Enacted a new Chapter 13 regarding Wireless Communication Facilities.
- 12/10/2019: Enacted a new Annexation Subdivision Plat process in Chapter 7.
- 2/11/2020: Expanded the flexibility for Planned Development Zoning in Chapter 7.

The Board of Trustees public hearing for these amendments is scheduled for March 24<sup>th</sup>.

**Proposed First Quarter UDC Amendments**

The information below identifies the full UDC Amendment proposed. Those items that area being added are in *italics* and those being removed have ~~strike through~~.

- Section 10.2.2.E. of the Erie Municipal Code is hereby amended as follows:

**2. Purpose**

To provide areas for residential uses of an urban character, at a gross density not to exceed 5 dwelling units per acre. A minimum gross density of 3 dwelling units per acre is required.

- Section 10.2.2.E.2 of the Erie Municipal Code is hereby amended as follows:

**~~b.~~ *Density Bonus***

~~To encourage even greater diversity of residential housing types, a density bonus of up to 25 percent of the underlying base zoning district density (but not to exceed a total of 6 dwelling units per acre) may be granted by the Board of Trustees. Any residential subdivision plat or Site Plan in the LR district may request a density bonus if the development exceeds the requirements in Table 6.7-1 by providing 1 additional housing type above the stated requirement.~~

~~For developments seeking to obtain a density bonus under this Subsection, the Community Development Director shall refer the Site Plan to the Board of Trustees for a decision on the award of the density bonus only.~~

- Section 10.2.2.F.2 of the Erie Municipal Code is hereby amended as follows:

**~~c.~~ *Density Bonus***

~~To encourage even greater diversity, a density bonus of up to 25 percent of the underlying base zoning district density (but not to exceed a total of 12 dwelling units per acre) may be granted by the Board of Trustees. Any residential subdivision plat or Site Plan in the MR district may request a density bonus if the development exceeds the requirements in Table 6.7-1 by providing 1 additional housing type above the stated requirement.~~

~~For developments seeking to obtain a density bonus under this Subsection, the Community Development Director shall refer the site plan to the Board of Trustees for a decision on the award of the density bonus only.~~

- Section 10.2.2.G.2 of the Erie Municipal Code is hereby amended as follows:

**~~b.~~ *Density Bonus***

~~To encourage even greater diversity, a density bonus of up to 25 percent of the underlying base zoning district density (but not to exceed 20 dwelling units per acre and 24 dwelling units per building) may be granted by the Board of Trustees. Any residential subdivision plat or Site Plan in the HR district may request a density bonus if the development exceeds the requirements in Table 6.7-1 by providing 1 additional housing type above the stated requirement.~~

~~For developments seeking to obtain a density bonus under this Subsection, the Community Development Director shall refer the Site Plan to the Board of Trustees for a decision on the award of the density bonus only.~~

- Section 10.3.1.E (Table 3-1) of the Erie Municipal Code is hereby amended as follows:

TABLE 3-1: TABLE OF PERMITTED USES																			
P = Permitted Use by Right    S = Special Review Use    Blank Cell = <u>Prohibited</u>																			
PRIMARY USE CATEGORY	USE TYPE	RESIDENTIAL							COMMERCIAL				MIXED USE			OTHER			USE Standards
		RR	ER	SR	LR	MR	HR	OTR CC	RC	B	LI	DT	NMU	CMU	AG/ OS	AP	PLI		
Assembly	Assembly																		
Tele-communication Facilities	Antenna Collocation on Existing Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2.B.2
	Concealed Antennae and Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2.B.2
	Non-Concealed Building-Mounted Antennae and Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2.B.2
	Non-Concealed Freestanding Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2.B.2
Utility Facilities	Utility Facility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Utility, Town- Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES																			
Agricultural	Agricultural Cultivation	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	<u>S</u>	P	<u>3.2.C.2</u>
	Agricultural Grazing	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P		S	3.2.C.2
Animal Sales and Care	Animal Hospital, Large Animals	S							S	P	P	P				P			3.2.C.3

- Section 10.3.2.C of the Erie Municipal Code is hereby amended as follows:

## 2. Agricultural Cultivation / Grazing

In Agricultural Grazing a property shall be a minimum of five (5) acres in size to qualify to apply for a Special Review Use (S). The raising of hogs, pigs or other livestock fed from silage, garbage or offal is prohibited in Agricultural Grazing as part of this use.

- Section 10.3.3.E (Table 3-2) of the Erie Municipal Code is hereby amended as follows:

TABLE 3-2: TABLE OF ACCESSORY USES																		
P=Permitted Use By Right S=Special Review Use Blank= <u>Prohibited</u>																		
ACCESSORY USE	RESIDENTIAL							COMMERCIAL				MIXED-USE				OTHER		Use-Specific Standards
	RR	ER	SR	LR	MR	HR	OT R	CC	RC	B	LI	DT	NM U	CM U	AG/O S	AP	PLI	
Accessory dwelling unit	S	S	S	S	S	S	S					S	S					3.3.G.1
Airport Hanger *Erie Airpark Subdivision Only	P*										S					P		
Backyard Chicken Hens	P	P	P	P	P	P	P						P					3.3.G.5
<u>Detached residential living space</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>	<u>P</u>		<u>P</u>			<u>3.3.G.12</u>
Family child care home	P	P	P	P	P	P	P					P	P	P	P			3.3.G.2
Garage, Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	3.3.G.11
Greenhouse	P	P	P	P	P	S	P				S	S	S	S	P		P	3.3.G.3
Home occupations	P	P	P	P	P	P	P					P	P	P	P			3.3.G.4
Keeping of Household Pets	P	P	P	P	P	P	P				P	P	P	P	P			3.3.G.6
Keeping of Large Animals	S	S	S												P		S	3.3.G.7
Outdoor display and sales								S	S	S	S	S	S	S	S			3.3.G.8
Outdoor storage								S	S	S	S			S	S		P	3.3.G.9
Parking lot serving permitted uses	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

<u>Pool House</u>	P	P	P	P	P	P	P					P	P		P			<u>3.3.G.13</u>
Quarters for caretaker/guard as part of a permanent structure	S	S	S								S				S		S	
<u>Residential Guest House</u>	P	P	P	P	P	P	P					P	P		P			<u>3.3.G.14</u>
Shed/Gazebo/Playhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Definitions
Swimming Pool/Hot Tub	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		3.3.G.10

- Section 10.3.3.G. of the Erie Municipal Code is hereby amended as follows:

### **12. Detached Residential Living Space**

Detached residential living spaces may be allowed on the same lot as a detached single-family dwelling unit. Detached residential living spaces may consist of bedrooms, living rooms, bathrooms, etc., however, they shall not contain a full kitchen. The additional living space shall comply with the Accessory Use General Standards found in Section 10.3.3. F.

- Section 10.3.3.G. of the Erie Municipal Code is hereby amended as follows:

### **13. Pool House**

Pool houses may be allowed on the same lot as a detached single-family dwelling unit. Pool houses may contain detached residential living spaces and shall not contain a full kitchen. Pool houses shall be classified as an Accessory Structure and shall comply with the Accessory Use General Standards found in Section 10.3.3.F. Pool houses shall only be accessory to permitted principal dwelling units.

- Section 10.3.3.G. of the Erie Municipal Code is hereby amended as follows:

### **14. Residential Guest House**

Residential guest houses may be allowed on the same lot as a detached single-family dwelling unit. Residential guest houses may consist of bedrooms, living rooms, bathrooms, etc., however, they shall not contain a full kitchen. The additional living space shall comply with the Accessory Use General Standards found in Section 10.3.3. F.

- Section 10.4.1 (Table 4-1 Dimensional and Density Standards – Residential and Commercial Districts)

**A. Residential and Commercial Standards**

<b>TABLE 4-1: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL AND COMMERCIAL DISTRICTS</b> (Additional standards may apply. See Use-Specific Standards in Section 3.2 <del>Density bonuses are available as an incentive to encourage a mix of dwelling unit types</del>								
		Minimum Lot Standards		Minimum Setbacks (ft.) <sup>②</sup>				Max Height (ft)
District	Max/Min Density (DU/Acre)	Width (ft)	Net Area <sup>③</sup> (sq ft)	Front	Street (all uses)	Interior Lot Line		Rear
RR	0.5/na	150	80,000	Principal: 40 Accessory:	40	15		Principal: 40 Accessory: 15
ER	1/na	100	40,000	Principal: 30 Accessory:	30	10		Principal: 30 Accessory: 10
SR	3/na	75	SF: 10,000 MF: 5,000 per DU	Principal: 25 Accessory: 35	20	Prin: 10 <sup>①</sup> Acc: 5 <sup>①</sup>		Principal: 25 Accessory: 5
LR	5/3	SF: 50 60 corner MF: none	SF: 5,000 MF: 2,500 per DU	Principal: 20 Accessory: 30	20	5 <sup>①</sup>		Principal: 35 Acc: 25
MR	10/5	SF: 50 60 corner MF: none	SF: 5,000 MF: 2,500 per DU		20	Prin: 5 <sup>①</sup>	Acc: 5 <sup>①</sup>	Principal: 20 Accessory: 5
HR	16/10	SF: 50 60 corner MF: none	SF: 5,000 MF: 2,500 per DU		20	Prin: 10 <sup>①</sup>	Acc: 5 <sup>①</sup>	

- Section 10.5.4.E of the Erie Municipal Code is hereby amended as follows:
  - Each residential lot shall be provided with lot frontage on a street or garden court. Non-residential lots shall be provided with lot frontage on a street or private drive.
- Section 10.6.5.F.1.c of the Erie Municipal Code is hereby amended as follows:
  - All sidewalks, as required above, shall be detached from the adjacent street and ~~separated by a tree lawn that is a minimum of 8 feet in width.~~ be consistent with the Town of Erie Standards and Specifications for Design Construction of Public Improvements, as amended.

- Section 10.6.7.E.1 of the Erie Municipal Code is hereby amended as follows:

**~~d. Architectural Character~~**

~~Each single-family detached dwelling unit shall meet 1 of the following materials and design standards:~~

~~i. Materials and Design Standards~~

- ~~(A) Masonry materials (brick, stone, stucco or other approved masonry materials) shall be utilized on front facades at a ratio of 1:2 (or higher), of siding to masonry materials. Masonry materials shall wrap around inside corners and return a minimum of 2 feet at outside corners, or~~
- ~~(B) Dwelling Units that do not meet the 1:2 (or higher) ratio of siding to masonry materials shall be designed with a high level of architectural detailing, in an architectural style that traditionally does not include masonry materials. Architectural Design Standards illustrating a level of architectural detail equal to or better than found within the single-family detached residential areas of the Erie Commons and Erie Village Subdivisions shall be submitted by the developer for review and approval by the Planning & Development Director.~~

~~ii. Tracking~~

- ~~(A) It shall be the responsibility of the developer to submit construction drawings of the elevations for each model of single-family detached home proposed to be used within the plat. The Town shall review and confirm that the model meets 1 of the 2 requirements above in Subsection 6.7.E.1.d.i before a building permit may be issued.~~

- Section 10.7.2.A of the Erie Municipal Code is hereby amended as follows:

**~~7. Optional Planning Commission Conference~~**

~~At the applicant's request, the Planning Commission may grant an application conference, which shall be in addition to the required Pre-Application conference with the Community Development Director.~~

- Section 10.7.2.F.4 of the Erie Municipal Code is hereby amended as follows:

**a. Property Owners**

All persons listed on the records of the County Assessor as owners of land subject to the application or as owners of the parcels within 300 500 feet of the outer boundary of the land subject to the application.

- Section 10.7.6.D.8 of the Erie Municipal Code is hereby amended as follows:

**e. Recording**

Following approval of the PUD rezoning and approval of the Final Plat for the property, the PUD rezoning and Final Plat shall be signed by the Mayor or other authorized Town representative. The Town shall record the PUD rezoning concurrently with the Final Plat and other associated documents to the approvals in the office of the appropriate County Clerk and Recorder. The developer shall be responsible for all required recording fees. ~~Amendments to the PUD rezoning shall not be subject to concurrent recordation with a plat.~~

- Section 10.7.12.B.1 of the Erie Municipal Code is hereby amended as follows:
  - e. An increase in the non-permeable lot coverage by more than 2,000 square feet; and
  - ~~f. Any single-family home on a lot that is 5,000 square feet or less, in an approved subdivision that has already met the requirements for subdivision approval, unless waived by the Community Development Director.~~
- Section 10.7.12.B.2 of the Erie Municipal Code is hereby amended as follows:
  - a. A single-family home on an approved single-family lot; ~~that is larger than 5,000 square feet, except for a change of use as noted above;~~
  - ~~b. A single-family home on a lot that is larger than 5,000 square feet, in an approved subdivision that has already met the requirements for subdivision approval; and~~
  - b. A duplex dwelling on an approved lot; and
- Section 10.11.3 of the Erie Municipal Code is hereby amended as follows:

**Garden Court**

Garden courts are common landscape and pedestrian way areas typically found in residential subdivisions, with dwelling units that face onto the garden court. Garden courts shall be located within tracts and not on individual lots. Garden courts shall be a minimum of 30 feet in width and may contain easements for utilities.

**Kitchen, Full**

A full kitchen is a room or an area equipped for preparing and cooking food. Full kitchens are equipped with all the following standard cooking appliances: stove, oven, refrigerator and sink.

- Section 10.12.3.E.2.b.ii. of the Erie Municipal Code is hereby amended as follows:
  - (A) Owners of record of property within ~~300~~ 500 feet of the site of the proposed Operation.
- Section 10.12.3.E.6.a.ii.B of the Erie Municipal Code is hereby amended as follows:



(1) Owners of record of property within ~~300~~ 500 feet of the site of the proposed Operation.

- Section 10.12.4.C.1.b of the Erie Municipal Code is hereby amended as follows:

iii. Not less than fifteen (15) calendar days prior to the date of the public hearing on the waiver request, the Director shall mail written notice of the public hearing to owners of real property within ~~300~~ 500 feet of the subject parcel when the proposed Oil and Gas Operation is located. The applicant shall provide a stamped and addressed envelope for each party to be notified. The list of property owners to be notified shall be compiled by the applicant using the most current list of property owners on file with the County Assessor.

### **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:**

Public notice is not required for Title 10 UDC amendments before the Planning Commission.