

**TOWN OF ERIE  
BOARD OF TRUSTEES MEETING  
September 21, 2021**

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**SUBJECT:** A Study Session of the Board of Trustees of the Town of Erie to review and discuss Phase II Amendments to Title 10 Unified Development Code (UDC) of the Erie Municipal Code and the new Development Design Standards booklet.

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

**DEPARTMENT:** Planning & Development

**PRESENTER:** Fred Starr, Director of Planning & Development

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**STAFF RECOMMENDATION:**

Review and discuss the proposed Phase II UDC changes and Development Design Standards and identify any changes desired by the Board. No formal action is taken on behalf of the Board of Trustees as part of this Study Session.

Hearings for the final draft of the UDC and Development Design Standards will follow final legal review.

**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.

Note that changes related to oil and gas regulations are a separate work plan item and are not detailed as part of this memo.

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.

On September 1, 2021, the Planning Commission held a study session to discuss this item. Overall, the Commission was supportive of the proposed changes and Development Design Standards. A majority of the Planning Commission recommended adding additional language to the revised Section 10.7.3 *Annexations* procedure to add context and cite the specific Colorado state statute governing annexations. Planning and legal staff will work to incorporate this change into the final version.

### **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
- 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**

Following this study session, hearings for the final draft of the UDC and Development Design Standards will follow final legal review.

As noted above, no formal action is taken on behalf of the Board as part of a Study Session.

#### **ATTACHMENTS**

1. Chapter 2 Redline
2. Chapter 3 Redline
3. Chapter 4 Redline
4. Chapter 5 Redline
5. Chapter 6 Redline
6. Chapter 7 Redline

7. Chapter 9 Redline
8. Chapter 11 Redline
9. Development Design Standards