



Legislation Details (With Text)

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On agenda: 9/13/2022 **Final action:**

Title: PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Amending Sections 10-2-7 and 10-7-2 of the Erie Municipal Code, Repealing Section 10-7-6 of the Erie Municipal Code, and Repealing and Reenacting Section 10-7-8 of the Erie Municipal Code, all to Modify and Clarify the Procedure for Amendments to Land Use Approvals and Deviations from Land Use Standards

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance No. 19-2022, 2. UDC Amendments, 3. Resolution No. P22-07, 4. Public Hearing Notice, 5. Staff Presentation

Date	Ver.	Action By	Action	Result
9/13/2022	1	Town Council	approve	Pass

Subject: Ordinance

PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Amending Sections 10-2-7 and 10-7-2 of the Erie Municipal Code, Repealing Section 10-7-6 of the Erie Municipal Code, and Repealing and Reenacting Section 10-7-8 of the Erie Municipal Code, all to Modify and Clarify the Procedure for Amendments to Land Use Approvals and Deviations from Land Use Standards

Department: Planning & Development

Presenter(s): Deborah Bachelder AICP, Planning Manager/Deputy Director of Planning & Development

Time Estimate: 20 minutes

Staff Recommendation:

Approve the ordinance amending the Unified Development Code to allow modifications to existing Planned Unit Development overlay zone districts; and, to modify and clarify the amendment to land use approvals and deviations from land use standards.

Summary and Background of Subject Matter:

Staff has prepared an Ordinance amending multiple sections within Chapter 10 of the Unified Development Code (UDC) that address the Planned Unit Development (PUD) Overlay district. The PUD Overlay was originally established as an approach to provide specific geographic areas with modifications to design standards of underlying zoning districts. The PUD Overlay is superimposed over

the traditional zone and provides additional or alternative design restrictions, additional setbacks, or other exceptions to the base district. Multiple PUD Overlays have been mapped throughout the Town to facilitate unique master planned projects.

In January, 2022, the Town adopted a comprehensive update to the UDC that included key updates to residential zone districts to reflect a wider variety of housing types and reduction of redundancy in zoning districts and planning processes. This update included moving the PUD Overlay district to Title 10, Chapter 2 (10-2-7.E), Inactive Districts, with the intent to rely on the Planned Development (PD) process to achieve unique projects and modifications to zone districts. The existing language in 10-2-7.E does not allow new PUD Overlay districts to be newly mapped or expanded.

New large-scale, unique projects in the Town now use the PD process. As these sites build out, the PD is able to expand and extend the design and character of these projects. However, for properties with a PUD Overlay, minor boundary changes are not permitted, therefore extension of the design standards to adjacent geographic areas would need to be recorded with the creation of a new PD. This proposed amendment to the UDC seeks to minimize redundancy in process by allowing for minor expansions of a PUD Overlay by no more than five (5) percent of the total area of the existing PUD, which must be contiguous with the PUD boundary. In order to allow for an expansion of a PUD Overlay, Section 10-2-7.E is repealed in its entirety, removing the PUD Overlay district from "Inactive Districts". The PUD Overlay is reinstated within Section 10-7-6.

The language in Section 10-7-6 includes the following:

- Description of the PUD's purpose and intent;
- Scope of potential variations;
- Review procedures of any amendment;
- Approval criteria; and
- Allowance and limitation of amendments, including boundary changes.

Additional changes to Title 10, Chapter 7 include:

- In Section 10-7-1, Table 7-1.1: Summary of Administration and Review Roles to clean up language and create consistency with the amendment.
- Updated language to Section 10-7-2.J Standard Development Review Procedures - Step 10: Amendments, to address the ability to amend a PUD.
- Updated language to Section 10-7-8 Minor Deviations to create consistency with this proposed amendment.

The proposed UDC amendment ensures continued promotion of public health, safety, and public welfare; is consistent with the Town's vision and Comprehensive Plan; and allows the Town to be responsive to development trends and measured, consistent growth over time.

Planning Commission recommendation: approve the ordinance

Public Comment: none submitted

Board Priority(s) Addressed:

✓ Effective Governance

Attachment(s):

1. Ordinance No. 19-2022
2. UDC Amendments
3. Resolution No. P22-07
4. Public Hearing Notice
5. Staff Presentation