



Legislation Details (With Text)

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On agenda: 3/5/2019 **Final action:**
Title: Unified Development Code Update Report
Sponsors:
Indexes:
Code sections:
Attachments: 1. Unified Development Code

Date	Ver.	Action By	Action	Result
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SUBJECT: Staff Report
Unified Development Code Update Report
DEPARTMENT: Planning and Development

PRESENTER: Fred Starr, Director

TIME ESTIMATE: 45 Minutes

FISCAL INFORMATION: N/A

Cost as Recommended:
Balance Available:
Budget Line Item Number:
New Appropriation Required:

STAFF RECOMMENDATION:

Staff is requesting the Board of Trustees identify any specific UDC issues to focus on and how the Trustees would like to involve these other groups in providing feedback.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Board of Trustees identified updating the Town of Erie Uniform Development Code (UDC) as their number one priority for the 2019 Work Plan. The current UDC adopted by Ordinance No. 13-2018, was passed and adopted on March 27, 2018. This ordinance repealed the previous October 2017 UDC.

Staff has been developing a list of proposed amendments to the UDC based on their day to day use of the existing UDC as well as feedback from applicants, the Planning Commission, the Board of Trustees and the public. Staff wants to review this preliminary list with the Board to confirm staff's focus areas are those the Board wants to address. Staff also wants to review with the Board the proposed approach and schedule for the community engagement on this issue.

UDC Amendments:

The UDC is more of a technical document than a Master Plan or Visioning Document. These latter documents lend themselves well to a public input process where ideas and feedback from the public can be gathered and then formulated into the master plan or vision document. In contrast, the UDC is a set of technical standards that are used to implement the goals and objectives of the Town's Comprehensive Plan and other visioning documents. In this context, it is useful to consider the objective of proposed amendments. Amendments are normally made to achieve the following objectives:

- Increase a standard or regulation
- Improve or streamline a process or procedure
- Identify provisions that have never been used and may need to be reconsidered
- Update the Table of "Uses"
 - add uses that were not previously identified
 - Change uses from a "Use by Right" to a "Use by Special Review" or vice versa.
 - shift a use between zoning districts
- Clarify definitions for the purpose and intent of various chapters

Any amendment process should include input and consideration of comments from all parties with an interest in the UDC, including Town residents and business leaders, Board of Trustees, Planning Commission, Town staff, and the development community.

Staff Identified Preliminary Amendments:

Planning staff identified a preliminary list of amendments staff believes need consideration as part of the UDC update process. This is not yet a comprehensive list of all possible code amendments, but represent desirable updates identified as of February 2019, based on day to day use of the code and comments from staff, developers, planning commissioners and elected officials:

- Chapter 2 - Eliminate the density bonuses for the LR, MR and HR zoning districts
- Chapter 3 - Review and update the Table of Uses
- Chapter 4 - Review and update the section on setbacks and encroachments
- Chapter 5 - Reconsider allowing "Private Streets"
- Chapter 6 - Revise provisions for driveways to address surfacing, grade, number of driveway cuts, and width of driveway cuts to streets.
 - Move some of the parks and open space elements to the standards and specifications document
 - Revise architectural standards for single family residential uses to follow designs being submitted as part of Planned Unit Developments
 - Update the sign code section
- Chapter 7 - This is the chapter that describes how various land-use applications are processed from application through final consideration for approval or denial.
 - Sketch Plan - The UDC currently states that sketch plans are a Staff Review process only. Recent practice has been to bring sketch plans for the BOT as an informational item. Review the Sketch Plan process.
 - Site Plan - Currently Site Plans are required for a residential use on lots of 5,000 sq. ft. or less as a part of the plat process for single family and duplex uses. This seems

unnecessary since (1) developers often do not have a specific homebuilder at the time of platting, and (2) the UDC has design requirements for these uses that would be reviewed for compliance prior to issuance of a building permit.

- Section 7.2.A.7 - Optional Planning Commission Conference. This section states, “At the applicant’s request, the Planning Commission may grant an applicant conference, which shall be in addition to the required Pre-application conference with the Community Development Director”. This provision has never been used by an applicant. Staff recommends removing this section.

Next Steps:

As noted above, Town staff have been reviewing the current UDC to compile a list of amendments based on their daily use of the code and feedback they have received as mentioned previously. The Director of Planning and Development has also met with and received comments from several applicants who currently have applications in process and who have had several previous applications approved by the Town. These have been “informal” discussions and not for the purpose of a formalized comment process. Based on these discussions, a common theme is the length of time in a process, but few concerns with design requirements. However, there is concern among the development community about the encroachments of window wells in setbacks.

To ensure amendments to the UDC are considered in a transparent process, staff proposes the following engagement process and plan, which includes opportunities for the Board of Trustees, Planning Commission, other applicable Town Boards and Commissions, development community and interested residents and business leaders to participate:

Proposed Engagements Steps and Schedule

Action	Audience	Timeframe
Seek input from stakeholders	Invite all current developers to provide comments for amendment to the UDC. Either through one on one meetings or in group forum. Seek input from Planning Commission members during work-session for recommendation for UDC Amendments. Need direction from BOT for Citizen Engagement options	March/April
Consolidate comments	Town Staff and Attorney	May
Present comments for review and discussion	Planning Commission and Board of Trustees	June
Draft proposed changes	Town Staff and Attorney	July, August
Distribute Draft	All stakeholders	September
Revise based on Feedback	Town Attorney and staff	October
Final Approval	Planning Commission and Board of Trustees	November & December

The schedule may be affected by the extent of the overall amendments to the Uniform Development Code that are identified through this process.

Staff would appreciate the Board of Trustees' review and suggestions on this process and plan. Staff would also appreciate hearing from the Board about any specific UDC issues Trustees want staff to focus on through this process.

In talking with the Town Attorney, it is our intention to use current staff and the Town Attorney to compile the proposed amendments and draft the revised UDC for consideration.

Background:

To facilitate review of possible amendments to the UDC, staff has summarized below the purpose and intent of each of the Twelve Chapters in the UDC.

Chapter 1 - General Provisions

This chapter specifies the general purpose of the UDC and that it is in conformance with applicable State Statutes and the Town of Erie Municipal Code.

Chapter 2 - Zoning Districts

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, primarily statements of purpose and district-specific regulations. Chapter 3 and 4, set forth the land uses permitted within the districts and the dimensional standards applying to development in the districts, respectively.

Chapter 3 - Use Regulations

Chapter 3 identifies the various land-uses that are allowed within each of the zoning districts either as a Use by Right or as a Special Review Use. A use by right is a use that is permitted without any further consideration or action. A use that is a Special Review Use is a use that may be allowed only after consideration by the Planning Commission and final consideration by the Board of Trustees.

Chapter 4 - Dimensional Standards

This chapter identifies the requirements for lot dimensions and building bulk, density, location and height for all types of development. This chapter also identifies setbacks, projections into required setbacks, heights, and height exceptions for appurtenances (spires, belfries, cupolas, chimneys, heating and ventilation equipment, elevator housings, stairwell towers, etc.)

Chapter 5 - Subdivision Standards, Design and Improvements

This chapter applies to the design and layout of any subdivision of land in the Town of Erie. It identifies the general requirements for the layout and design of a subdivision and references the standards that are to be met for the design and construction of public utilities.

Chapter 6 - Development and Design Standards

This chapter identifies the specific design standards that the Town has adopted to guide the development process to achieve the intent of the Town's Comprehensive Master Plan vision of an attractive, efficient, and livable community. This chapter establishes the standards for:

- Natural and scenic resource protection
- Parks, Open Space and Trails

- Landscaping, Screening and Fencing
- Transportation and Access
- Off-street Parking and Loading
- Residential Design standards
- Commercial and Public/Institutional design standards
- Aviation, Manufacturing and Light Industrial use design standards
- Exterior lighting
- Operational Standards
- Sign regulation
- Abandoned Mines
- Oil and Gas well development and design standards

Chapter 7 - Review and Approval Procedures

This chapter describes the procedures for the review and approval of all land development applications. It summarizes the review and decision-making responsibilities of the staff, planning commission and Board of Trustees. It identifies the steps that an application must follow to receive consideration for final action. It establishes amount of time each referral entity has to provide comments back to the planning department for each application. This chapter has the greatest effect on how applications are processed, the amount of time given for each referral, the steps that a particular land-use application needs to go through from application to final action. Any amendments to this chapter can have a great effect on how applications are moved through the approval process.

Chapter 8 - Review and Decision-Making Entities

This chapter identifies the roles, duties and responsibilities of the Board of adjustment and Town staff in the administration of the UDC.

Chapter 9 - Nonconformities

This purpose of this chapter is to regulate and limit the development and continued existence of zoned legal uses, structures, lots, signs, and use characteristics such as parking and landscaping, established prior to the effective date of this UDC, or the effective date of future amendments to this UDC, that no longer conform to the requirements of this UDC. All such situations are collectively referred to in this Chapter as “nonconformities.” While nonconformities may continue, the provisions of this Chapter are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this UDC and the character of the Town.

Chapter 10 -Enforcement

This Chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this UDC and obtain corrections for violations of this UDC. The Chapter also sets forth the remedies and penalties that apply to violations of this UDC. The provisions of this Chapter are intended to encourage the voluntary correction of violations, where possible.

Chapter 11 -Definitions

This chapter identifies the words, terms and phrases used throughout the UDC and establishes the definitions for each.

Chapter 12 -Regulations for Oil and Gas

The purpose of these Regulations is to provide a framework for the responsible exploration and production of oil and gas resources in a manner that preserves other natural resources, that is

sensitive to surrounding land uses, and that mitigates adverse impacts to and protects public health, safety, welfare and the environment of the Town. These standards are not intended to supersede state laws, regulations or rules pertaining to oil and gas development, but rather are meant to supplement those requirements where appropriate, and to address areas of regulation where none has been established by the state.

ATTACHMENTS:

Unified Development Code