C8-16-06 PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Background: Since the adoption of the Unified Development Code (UDC) in October 2012, staff has continued to review the document, and in so doing, has come across minor corrections that are needed.

Given the scale of the LUC Simplification Project, City staff anticipated having to process "clean up" amendments. During the adoption of the UDC the Mayor and Council was informed that corrections would come forth periodically.

Below is a list of 2016 UDC correctional text amendments. These changes reflect omissions and oversights in the transfer of LUC provisions into the UDC. The text issues were typically found while staff or customers were using the UDC to obtain zoning information.

1. Clarify Extension of Time procedure for Rezonings.
2. Clarify Wireless Communication Land Use Classes as Permitted Uses in the UDC use tables.
3. Clarify Use Specific Standards for Single-family, Detached Land Use Types.
4. Clarify Use Specific Standards for Commercial Storage Land Use Types
5. Clarify General Restrictions for the C-1 zone.
6. Clarify Amendment Process for Urban Overlay Districts.

Accordingly, the following is the proposed amendments to the Unified Development Code. Changes are shown with ~~strikethroughs~~ and <u>underscores</u> for ease of spotting.

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#1

Summary: Revises the language in the UDC related to extension of time for rezoning cases to more clearly reflect the intent of the LUC and reduce ambiguity.

Affected Sections: 3.5.4.D

Proposed Amendment:

UNIFIED DEVELOPMENT CODE
ARTICLE 3. GENERAL PROCEDURES
SECTION 3.5. REZONING (CHANGE OF ZONING)

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3.5.4. CHANGE IN CONDITIONS OF APPROVAL AND COMPLETION OF CONDITIONS

An applicant may request a change to conditions of approval. The PDSD Director shall make a determination as to whether a proposed change to the conditions of rezoning, to the preliminary site plan, or to the approved site plan is major, minor, or administrative. A request to change conditions of approval is considered as follows:

A. Types of Changes

The three types of changes are as follows:

1. Major Change

a. Density or increase in non-residential floor area condition. This change involves, 1) if the number of residences increases by 10% or greater; or in any case increases by 50 or more units; or 2) if the non-residential floor area increases by 10% or greater;

b. Design condition. This change involves a quantified physical dimension established in a condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding land uses. Examples of such dimensions include setbacks, heights, landscape buffers, natural areas, or areas to be disturbed, when these are illustrated on the preliminary site plan or stated in a condition;

c. Use condition. This change involves an illustration on the preliminary site plan or a change stated in a condition that only a specific set of uses are permitted on the site; or,

d. A change in a preliminary site plan when the building area is substantially reconfigured such that traffic generated by the new layout will increase 10% or greater over the previous layout's proposed traffic generation.

2. **Minor Change**

A change in the rezoning conditions or preliminary site plan that is not a major change or an administrative change.

3. **Administrative Change**

A change in a feature of a preliminary site plan for an approved rezoning when the result is still in substantive compliance with the approved rezoning. Administrative changes are approved by the PDSD Director. The Director shall make a finding that the change will not create a nuisance on adjoining land uses or cause a safety hazard.

B. Procedures for Changes

1. **Minor Amendment to a Preliminary Site Plan**
   A request for a minor amendment to a preliminary site plan that was approved by the Mayor and Council is considered a change to conditions of approval that may be granted by the PDSD Director.

2. **Major Amendment to Conditions or the Preliminary Site Plan**
   A request for a major amendment to the conditions of approval or the approved preliminary site plan requires Mayor and Council approval after a public hearing. Notice of such hearing must be given in the same manner as for the procedure adopting the conditions. The same voting requirements as for the original adoption shall apply to the request for a substantial change of conditions.

3. **Minor Changes to Conditions**
   Minor amendments to conditions of approval must be considered by the Mayor and Council in a public meeting.

C. Time Period for Completion of Conditions

1. The Mayor and Council, when authorizing a rezoning request, shall establish a time period to meet all conditions of rezoning. The time period shall begin the day after the date of authorization.

2. The required length of the time period to complete conditions of rezoning may range from one day to five years. By Mayor and Council policy, the staff recommendation for rezoning requests that involve a zoning violation is a one-year period. For rezoning requests that do not involve a zoning violation, a five-year period is recommended.

D. Extension of Time

1. When a rezoning request has been authorized or an ordinance adopted and the specified time period within which to complete all conditions of rezoning has lapsed, the case file shall be closed. A closed case may be reactivated only by the Mayor and Council after a public hearing on the reactivation of the case.

2. A time extension may be requested before the time period for completion of the ordinance conditions expires. The request must be filed prior to the expiration date so Mayor and Council can take action on the request prior to the expiration of rezoning.

3. The filing of a time extension request initiates a staff review to determine whether the request should be approved or denied, and whether conditions should be revised to reflect new conditions, or practice. New conditions may be added as part of the staff review. At the end of the staff review period, a communication to Mayor and Council is drafted and forwarded to the City Clerk for City Manager review and Mayor and Council consideration.

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4. The Mayor and Council shall consider the time extension request after a public hearing.~~, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case.~~ A new public hearing is required on any request that would extend the time period more than five years from the date of the last public hearing. However, no time extension may be granted beyond ten years from the original date of approval.

5. Where an ordinance has been adopted, the last public hearing before the ten-year limitation shall provide for the repeal of the adopted ordinance if the conditions are not completed prior to the expiration of the ten-year period.

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#2

Summary: Adds the SR Zone to the use specific standards for the Wireless Communication, limited to wireless communication towers and antennas, to reflect what was required in the LUC.
Affected Section: Section 4.8.3

Proposed Amendment:

UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.8. USE TABLES

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4.8.3. PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

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TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES
P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] PDSD Special Exception Procedure, Section 3.4.2

LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
***						
Civic Land Use Group With Land Use Class/Type:						
***						
Wireless Communication, limited to wireless communication towers and antennae	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	S [see use specific standards]	**RH:** 4.9.13.I **and** one of the following groups: S [3] - 4.9.4.I.2, 3 & 5.b **or** S [2] - 4.9.4.I.2, 3 & 6.a **or** S [1] - 4.9.4.I.2, 3 & 7 **SR, SH, RX-1, RX-2:** S [3] - 4.9.4.I.2, 3 & 5.b **or** S [2] - 4.9.4.I.2, 3 & 6.a **or** S [1] - 4.9.4.I.2, 3 & 7

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#3

Summary: Remove use specific standard 4.9.7.B.10 from the Single-family, Detached Family Dwelling for 2 units within the R-1 zone.

Affected Sections: Section 4.9.7.B.10

Proposed Amendment:

UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.8. USE TABLES

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4.8.2. PERMITTED USES: URBAN RESIDENTIAL ZONES

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TABLE 4.8-2: PERMITTED USES – URBAN RESIDENTIAL ZONES
P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] PDSD SPECIAL EXCEPTION PROCEDURE, SECTION 3.4.2

LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Residential Land Use Group With Land Use Class/Type:						
Family Dwelling:						
Duplex		P	P	P		**R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Manufactured Housing	P	P	P	P	P	**R-1:** For 1 unit, 4.9.7.B.5 - 9; for 2 units (min. 10,000 sf lot size required), 4.9.7.B.1-.9, & .11 **R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Multifamily Development		P	P	P		**R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Single-family, Detached	P	P	P	P	P	**R-1:** For 1 unit, 4.9.7.B.5 - 9; for 2 units (min. 10,000 sf lot size required), 4.9.7.B **R-2:** 4.9.7.B.6, .9, & .10 **R-3:** 4.9.7.B.6
Home Occupation as an accessory use to any permitted Family Dwelling use	P	P	P	P	P	**All:** 4.9.7.D
Home Occupation: Travelers' Accommodation, Lodging as an accessory use to any permitted Family Dwelling use	S [2]	S [2]				**R-1:** 4.9.7.E.10, .11, & .13 and 4.9.7.H.2 & .5 - .11 **R-2:** 4.9.7.E.10, .11, & .13 and 4.9.7.H.3 & .5 - .11

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#4

Summary: Remove use specific standard 4.9.5.C from the Commercial Storage Land Use Type within the MU zone from Table 4.8-7.

Affected Sections: Section 4.8.7

Proposed Amendment:

UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.8. USE TABLES

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4.8.7. PERMITTED USES: SPECIAL USE ZONES

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TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES
P = Permitted Use ***S = Permitted as Special Exception Use***
[1] Mayor and Council Special Exception Procedure, Section 3.4.4
[2] Zoning Examiner Special Exception Procedure, Section 3.4.3
[3] PDSD Special Exception Procedure, Section 3.4.2

LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Storage Use Group With Land Use Class/Type:				
Commercial Storage			S [2]	**MU:** ~~4.9.5.C.6 and~~ 4.9.10.A
Personal Storage			S [2]	**MU:** 4.9.5.C.6 and 4.9.10.C.3, .6
Additional Permitted Accessory Use				
Hazardous Material Storage is permitted as an accessory use to any permitted land use			P	**MU:** 4.9.10.B.1 & 2.a

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#5

Summary: Add the clarification regarding unless specifically provided otherwise to the general restrictions for the C-1 zone.

Affected Sections: Section 4.9.13.O

Proposed Amendment:

UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.8. USE TABLES

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4.9.13. GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS

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O. C-1 Commercial Zone - General Restrictions

The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited except as follows.
   a. Commercial Services and Retail Trade Uses may provide one drive-through lane.
   b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.
2. All land use activities shall be conducted entirely within an enclosed building unless specifically provided otherwise, except as follows:
   a. Agricultural Use Group: Community Garden, Urban Farm, or any urban agriculture-related use;
   b. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;
   c. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;
   d. Recreation Use Group: Golf Course, Parks and Recreation;
   e. Retail Trade Use Group: Food and Beverage Sales (Farmers' Market only); and,
   f. Vehicular use areas.

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#6

Summary: Change the referenced section for the amendment process for an Urban Overlay District (Section 5.13.9.B) from 3.5.6.1 to 3.5.5.1.

Affected Sections: Section 5.13.9.B

Proposed Amendment:

UNIFIED DEVELOPMENT CODE
ARTICLE 5. OVERLAY ZONES
SECTION 5.13. URBAN OVERLAY DISTRICT (UOD)

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5.13.9 AMENDMENT PROCEDURES

A. The Mayor and Council may initiate an amendment to a UOD. A property owner or an owner's agent may submit a written request to the Mayor and Council to initiate an amendment to a UOD.

B. The PDSD shall determine if the amendment would result in a substantial change in the UOD. An amendment shall be determined to be a substantial change in accordance with the standards set forth in Section 3.5.~~6~~5.l, *Amendment to a an Adopted PAD Zone*, or may be determined to be a special procedure contained in the UOD's development or urban design documents.

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