

## Outstanding Issues with Articles 1, 2, 5, 7, 9, 10, & 11 of the Unified Development Code



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### Article 1: General Provisions

Article 1 establishes:

1. The UDC as the City's governing zoning code that applies to all development and uses of land within the City;
2. The City's zoning maps;
3. That the Zoning Administrator shall render decisions and interpretations of the UDC; and,
4. Transitional regulations.



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### Outstanding Issues – Article 1

**Issue: Transitional Regulations (UDC Section 1.7)** - The applicability of the UDC upon adoption.

**Staff Recommendation:** People owning property prior to the effective date of the UDC have the option of using the LUC or UDC for a period of three years. After three years, the LUC will cease and the UDC will become the sole zoning code in effect. People who purchase property after the effective date of the UDC must comply with the UDC when changing uses, expanding, developing, etc.



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## Article 2: Review Authorities and Powers

Purpose: Describes the powers and responsibilities of the legislative and administrative bodies, appointive officers, municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the City.



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February 1, 2012

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## Outstanding Issues – Article 2

There are no issues to report at this time. To the best of staff's knowledge, the issues previously raised, most particularly in regards to the Design Review Board, have been addressed through the proposed amendments as shown in the attached draft.



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## Article 5: Overlay Zones

Article 5 provides for overlays that impose standards and procedures that are in addition to those required under the base zoning standards.



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**Outstanding Issues – Article 5**

**Issues:** 1) Consolidate Overlays in the Downtown Area; 2) Consider protecting natural areas within HDZs via easements rather than deed restrictions.

**Staff Recommendation:** Address this issue as a separate text amendment following adoption of the UDC.

**No recommendation from the Planning Commission is required at this time.**



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**Outstanding Issues – Article 5**

**Issues:** 1) Consolidate Overlays in the Downtown Area; 2) Consider protecting natural areas within HDZs via easements rather than deed restrictions.

**Staff Recommendation:** Address this issue as a separate text amendment following adoption of the UDC.

**No recommendation from the Planning Commission is required at this time.**



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**Article 7: Development Standards**

Article 7 sets forth provides the general development standards, such as parking, loading, landscaping, and native plant preservation, that apply to principal and accessory structures and uses in the City.



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**Article 9: Nonconformities**

Article 9 establishes requirements for nonconforming uses and structures.



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**Article 10: Enforcement & Penalties**

Article 10 provides a clear division of authority in the enforcement of the UDC and to establish procedures to enforce compliance with the UDC



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**Outstanding Issues – Articles 7, 9, & 10**

There are no issues to report at this time. To the best of staff's knowledge, the issues previously raised have been addressed through the proposed amendments as shown in the attached draft.



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### Article 11: Definitions and Rules of Construction

Article 11 establishes the rules related to word usage and the construction of language used in this Code and the definitions for land use groups, land use classes, many land use types, and all other terms used in this Code.



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### Outstanding Issues – Article 11

**Issue #1: Dwelling Unit** – Some cultures actually prefer having two kitchens (one inside, one outside).

**Staff Recommendation:** Revise the definition to read as follows: "A building or portion of a building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One unenclosed kitchen per dwelling unit is permitted."

**Planning Commission Recommendation:** ?



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### Outstanding Issues – Article 11

**Issue #2: Kitchen** – What if the kitchen is located outside?

**Staff Recommendation:** Revise the definition to read as follows: "An area [deleted: "room within a building"] containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and an oven."

**Planning Commission Recommendation:** ?



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**Outstanding Issues – Article 11**

**Issue #3: Enclosed Area of a Dwelling Unit** – Further consideration required. Why are patio ramadas included? What if the ramada has lattice roof only?

**Staff Recommendation:** Delete the definition because it is not pertinent to the review of any specific regulation and the definitions of dwelling unit and enclosure suffice.

**Planning Commission Recommendation:** ?



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February 1, 2012

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**Outstanding Issues – Article 11**

**Issue #4: Public Assembly** – Should Public Assembly be limited to uses within a structure only? This definition is too inclusive as it includes schools, churches and restaurants.

**Staff Recommendation:** Revise the proposed definition to read: "Any use [deleted: "structure that is"] intended or designed, [deleted: "or used in"] whole or in part by the general public, for such purposes as, but not limited to, deliberation, worship..." Public assembly is restricted in the AEZ where high noise levels are an issue.

**Planning Commission Recommendation:** ?



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