

MEMO

DATE: June 16, 2022

TO: Planning and Zoning Commission Members

FROM: Clint Smith, Senior Planner

Re: Unified Development Code Text Amendment Project – Phase 4, Work Session #3

Background: The Unified Development Code (UDC) was adopted on March 20, 2017 and at the time replaced several sections of the City’s Municipal Code that addressed development and zoning regulations. The UDC, which is Chapter 29 within the Municipal Code, generally addresses zoning and subdivision regulations.

The UDC has been in place for over 5 years, and as a common practice with the adoption of new development or other codes, it is necessary to revisit sections of the code that are leading to outcomes that were not originally intended, no longer desired, or written in a way that is confusing to the general public. There are also general errors that may need to be corrected. This project is now on Phase 4.

The amendments are generally selected based on following criteria:

1. Amendments addressing sections of the UDC that have been granted variances, design adjustments, or PD exceptions since the new code was adopted;
2. Amendments addressing sections known to be confusing in their structure; and
3. Amendments correcting errors that do not change the original intent of the existing text.

Discussion:

At the March work session, staff presented several sections of the UDC for consideration to be included in the next phase of possible text amendments. Based on the feedback received at that meeting, staff has prepared draft revisions for two topics that relate to drive-thrus and the dedication of utility easements in the M-DT district. The draft revisions have undergone an initial review by relevant City staff, but no other stakeholder input has been solicited for the proposed amendments. It is anticipated that any input would be received once a final draft has been reviewed at a PZC work session, and a date for a public hearing has been set.

The proposed text amendments are listed as an attachment to this memo. The title provides the location of the text amendment within the UDC, along with any section titles (either the immediate section title or previous sections) to provide information on what the section addresses. There is an “Objective” section that succinctly lists the aim of the revision, followed by a section titled “Explanation”, which provides a broader overview of why the amendment is being proposed. The section headed “Current Text and Proposed Revisions” includes the UDC text as it exists currently, along with the proposed changes, which are indicated as listed below:

[Building & Site](#) • [CATSO](#) • [Housing Programs](#) • [Neighborhood Services](#) • [Planning](#) • [Volunteer Programs](#)

Markup Guide:

Blue Bold = New Text

~~**Blue Bold Strikethrough**~~ = Deleted Existing Text

Bold = Existing Text Relocated From A Different Section

Staff is proposing that the work session discussion adhere to the following process when reviewing each amendment being proposed by staff:

- **If no substantial changes (or only minor changes) are recommended for a particular text amendment:** Minor revisions will be incorporated and the resulting amendment will be added to the Phase 4 list of text amendments that will be scheduled for a future public hearing.
- **If a substantial change (i.e., a change that may alter how the code is applied) is recommended by a Commissioner:** After discussion, a vote will be taken to determine if there is majority support for said revision. If approved, the amendment revision would go through another round of review by relevant staff, and be reviewed again at a future work session.

Tentative project schedule:

July 7 Work session:

Review any additional amendments, and review any revisions to amendments from previous work session.

August 4 Public Hearings

Conduct public hearing on proposed text amendments

September 5, September 19: City Council

First and second readings of text amendments.

Attachments:

- UDC Text Amendments

Staff is proposing that the work session discussion adhere to the following process when reviewing each amendment being proposed by staff:

- **If no substantial changes (or only minor changes) are recommended for a particular text amendment:** Any minor revisions will be added immediately and the resulting amendment will be added to the Phase 1 list of text amendments proceeding to public hearing;
- **If a substantial change (i.e., a change that may alter how the code is applied) is recommended by a Commissioner:** After discussion, a vote will be taken to determine if there is majority support for said revision. If approved, the amendment revision would be noted and remanded back to the staff for further evaluation at a subsequent work session.

If staff, following its review of the amendment revision and possible Code impacts, determines that it cannot support the recommended amendment revision, the text will remain as originally proposed by staff. This procedure would be similar to that used in other recent code amendment processes and allows for the varied viewpoints of staff and the Commission to be provided to Council. The Commission's proposed amendment revision can be presented and voted upon as part of the public hearing process and captured within the Council report forwarded for final consideration of the particular amendment – again in a manner similar to more recent text amendments reviewed by the Commission.

The anticipated schedule for this project is as follows:

September 10 Work Session - Objectives:

15 Minutes: Staff overview of the project

1 Hour: Receive feedback from the PZC on proposed text amendments

September 24 Work Session - Objectives:

90 Minutes: Receive feedback from the PZC on proposed text amendments

October 22 Work Session - Objectives:

15 Minutes: Receive feedback from the PZC on proposed text amendments (if needed)

60 Minutes: Review proposed revisions made by Commissioners at the September 10 & 24 meeting.

15 Minutes: Set final list of text amendments for public hearing

November 19 Public Hearing:

Conduct public hearing on proposed text amendments

December 21, January 4 City Council:

First and second readings of text amendments.