



MEMO TO CITY COUNCIL

From: Caleb Hood, Deputy Director
Presenters: Caleb Hood / Bill Parsons
Topic: Potential UDC Changes

Meeting Date: September 10, 2024
Estimated Time: 30 minutes

Request:

Staff requests the Council direct Staff how best to proceed regarding a few potential, upcoming UDC changes. The direction given will be vetted through the UDC Focus Group and P&Z Commission, but Staff would like Council to be aware and have the opportunity to direct changes, prior to kicking-off the discussions externally.

Background:

There are a handful of UDC (Unified Development Code) provisions that have presented challenges in interpretation and application for staff as well as members of the public. Staff will share some examples and discuss some proposed solutions.

Fencing (11-3A-7, 11-1A-1):

1. **Issue:** Need a definition of “fence” that is adequate to include fences that incorporate atypical (and sometimes unsafe) materials, construction, heights, and placement.

Proposed solution: Clarify expectations and standards, including an update to the definition of “fence” in the UDC that eliminates the enumeration of specific materials or examples, and focuses on the effect of the fence. Staff recommends an updated definition of “fence” to be: “An enclosure, barrier, wall, trellis, or other design element used to enclose, screen, designate, adorn, or separate an outdoor area.”

2. **Issue:** Need for clarity regarding fence maintenance as a number of fences have fallen into disrepair or present other aesthetic or safety hazards.

Proposed solution: Clarify that fences delineating private property and publicly accessible areas must be in good repair; define “good repair.”

3. **Issue:** Whether and how to address double fencing, where the second fence is in the setback.

Proposed solution: Establish clear regulations regarding setbacks – allow only one fence in the side setback (includes property boundary); allow one fence, pet run, decorative screen, or second fence in the rear setback. Clarify that items inside the setbacks (in the “building envelope”) are not regulated by the UDC.

Secondary Dwellings (UDC 11-4-3-12):

1. **Issue:** Feasibility of secondary, Accessory Dwelling Units (ADUs) in existing and new subdivisions.

Proposed solution: Continue to allow ADUs, but clarify and modify definition, standards and permitting requirements.

2. **Issue:** Variation in regulation, permitting process in building codes and UDC.

Proposed solutions:

- a. Change terminology in UDC to match IRC (use term “accessory dwelling unit”).
- b. Mirror review and permitting process of single-family residential.

3. **Issue:** Whether particular items should be permitted for use as ADUs.

Proposed solution: Clarify that only structures constructed/placed on a foundation may be used as an ADU. Vehicles and tents would not be allowed for use as an ADU.

4. **Issue:** Whether ADUs should have their own water connections, wastewater connections, solid waste services, parking, and addressing, separate from the primary residence,

Proposed solution: Add provisions to the UDC that require separate/additional MUBS accounts and addresses, to ensure that hookups meet City and safety standards, and to ensure immediate emergency services response to the appropriate building on the property.

Limited Duration Signs (UDC 11-3D-9):

1. **Issue:** Businesses and sign owners often do not obtain sign permits until contacted by Code Enforcement. Therefore, only those wanting to complying with the UDC requirements or those that have been contacted by Code Enforcement for violations are seeking (and paying the fee for) permits, and required to follow the time limits (currently up to 120 days/calendar year).

Proposed solution(s): Re-work current regulations to standardize maximum time limit. One option is to eliminate limited duration sign permits altogether, but keep the time limit. This transfers oversight of time limits to Code Enforcement (similar to parking).

Miscellaneous:

If time allows, Staff would also like to discuss potential changes to the UDC regarding: Home Occupation, Swim Lessons; Planned Unit Developments (PUD); and non-industrial uses in Industrial zoning districts as these topics are also likely to be part of the next round of UDC changes. Further, MDC is working on a new plan for downtown that could have UDC implications, topics like parking, downtown building and site design standards and multi-family permitting.

Next Steps: With direction received from City Council, Staff will further discuss these topics both internally and with community partners. A UDC text amendment application will likely be filed in early 2025. (A different UDC text amendment proposal is before the Council on the September 10th regular City Council agenda.)