



MEMO TO CITY COUNCIL

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

Meeting Date: May 20, 2025
Estimated Time: 30 minutes

Request:

In September, Staff approached Council seeking direction on how best to proceed with some challenging sections of the development code (UDC.) Staff have since developed some draft changes and met with the UDC Focus Group (and others) multiple times to discuss. Because September was a while ago, and need for additional changes has arisen, Staff would like to provide Council with an update, prior to public hearings occurring.

Background:

There are some existing UDC (Unified Development Code) provisions that have presented challenges in interpretation and application for Staff as well as members of the public and the development community. Below is a list of the most difficult sections of the UDC up for amendment. During the workshop, Staff will share some examples and discuss potential solutions identified to date.

Secondary (Accessory) Dwelling Units (UDC 11-4-3-12)

Primary issue: Feasibility of building secondary, Accessory Dwelling Units (ADUs).

Proposed solution: Continue to allow ADUs, but clarify and modify definition, standards and permitting requirements to ensure life-safety and neighborhood character. Variations currently exist in regulation, permitting process between building codes and UDC so amend the following:

- a. Use term "accessory dwelling unit" in UDC to be more consistent with IRC.
- b. Mirror review and permitting process of single-family residential.
- c. Clarify what qualifies as an ADU, versus an addition or a garage or a shed.
- d. Require hook-up to sewer, water, electricity and garbage service with a stand-alone address.

Potential additional changes, not currently proposed:

- a. Parking requirements
- b. Location/setbacks
- c. Minimum/maximum size and bedrooms

Private Streets (UDC 11-3F): There are several proposed, potential changes to existing private street standards. Private streets can be a useful tool, but they are not always an appropriate transportation solution. Staff is supportive of allowing private streets, but private streets can be problematic for neighborhood connectivity, emergency access, pedestrians and bicyclists, maintenance and more, so we do not want to see them be used too frequently or in the wrong context. Staff will run through the current standards and some of the potential changes during the workshop.

Drive-throughs (UDC 11-4-3-11)

Staff is proposing a tiered approach to drive-through review and approval. Essentially, unless a drive-through is within 300-feet of a residence or in Old-Town, it will be reviewed and permitted

administratively (so long as the design standards are met.) Tier 1 drive-through standards apply to banks, pharmacies and laundromats. Tier 2 drive-through standards apply to food and beverage with only one lane. Tier 3 drive-through standards apply to food and beverage/restaurants as well, but ones that are proposing multiple lanes. Staff will go into more detail during the workshop.

Flex space buildings: (UDC 11-4-3-18)

Flex space is defined in the UDC as: The use of a building or portion thereof for small scale warehousing and/or light industry with associated office and/or retail showroom space. Flexibility in use of the interior spaces and low scale, attractive exterior appearance characterize flex buildings.

Buildings that offer flexibility in how the square footage is used is appropriate in a lot of situations. However, the ratio of warehousing and light industry to office and retail is critical in both establishing and maintaining business neighborhood integrity and meeting some of the City's goals for targeted industries. Some control through minimum and maximum square footage allowances is necessary for the stability of areas that may tend to have more retail/office than envisioned in an industrial area, or more industrial/warehousing than envisioned in a planned commercial or mixed-use area.

Staff is proposing to amend "flex space" allowances across multiple zoning districts, but is still proposing some caps. Below is the draft language (*with staff comment in italics*):

A. Office and/or retail showroom areas shall comprise a minimum of thirty (30) percent of the structure and/or tenant space in the C-C District, twenty-five (25) percent in the C-G and M-E Districts, and twenty (20) percent in the I-L and I-H Districts. (*Current code outright requires 30% in all districts.*)

B. Light industry and warehousing shall not comprise more than seventy (70) percent of the tenant space in the C-C District, seventy-five (75) percent in the C-G and M-E Districts, and eighty (80) percent in the I-L and I-H Districts. (*Current code outright limits this to 70% in all districts.*)

C. In the C-C, C-G and M-E Districts, roll-up doors and loading docks shall not be visible from a public street.

D. Retail use shall not exceed twenty-five (25) percent of leasable area in any tenant space.

E. At a minimum, one (1) parking space shall be provided for every five hundred (500) square feet of gross floor area. (*Parking is not currently addressed in code and would defer to the underlying district requirement.*)

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

Fencing and what constitutes a fence is becoming more and more of a question/issue. Staff is attempting to clarify what qualifies as a "fence" to include fences that incorporate atypical (and sometimes unsafe) materials, construction, heights, and placement. The amendments are intended to clarify expectations and standards that eliminates the enumeration of specific materials or examples and focuses on the effect of the fence (screening, privacy, security, etc.). Staff will share more details and examples during the workshop.

Miscellaneous: There are some other sections of the UDC Staff is proposing to "clean-up" as well. Some of those sections Council is aware of, and others are "new" but more administrative in nature, therefore we do not plan to address during the workshop. However, here are some more of the UDC change topics: Home Occupations (allowing swim lessons); allowing neighborhood meetings to be held virtually; Vertically Integrated Buildings/Projects – percent of non-residential to qualify and

requiring keyless entry for emergency service providers; clarifying setbacks in the R-2 zone, as well as a few others.

If time allows, Staff would like to discuss what is on the agenda for the next round of UDC changes, topics like: Planned Unit Developments (PUD); limited duration business signs and fence permits; alternative compliance; and further restricting non-industrial uses (eg – daycares and churches) in Industrial zoning districts, amongst others.

Next Steps: A UDC text amendment application will be filed and public hearings before the P&Z Commission and City Council will be scheduled.