

Removed language ~~struckthrough~~. Added language **bold underlined**.

1. Define Net Development Area

Intent: To clearly define net development area as it relates to standards for Frog Pond East and South.

Applicability: Citywide, but primarily applicable to Frog Pond East and South at this time.

Additional Explanation: The Development Code currently defines “Gross Development Area”, but not “Net Development Area”. The proposal is to define net by defining what is removed from gross to get to net. The Net Development Area is proposed as an important measure in determining compliance with Frog Pond East and South variety standards.

4.001 Definitions

(.XXX) Development Area, Net: For residential development, the portion of Gross Development Area that is used for off-street parking, alleyways and off-street circulation areas, areas covered by primary and accessory structures, private and semi-private yard space and landscaping, and hardscape not otherwise excluded as follows: required open space in tracts, stormwater facilities in tracts, other similar common-use tracts, and public right-of-way.

2. Clean up and clarify definitions regarding lots, lot lines, and yards

Intent: To clean up and clarify certain definitions around lots, lot lines, and yards based on questions that have arisen in implementation of the current code. No policy change intended.

Applicability: Citywide

Additional Explanation: none

4.001 Definitions

(.XXX) Lot, Corner: A lot either (1) where two intersecting lot lines both abut a street or private drive or (2) where the shortest lot line abuts an alley or tract with a non-vehicular pathway and an intersecting lot line abuts a street or private drive.

(.XXX) Lot, Through: A lot with two non-intersecting lot lines each abutting a street or private drive. Any lot, except a corner lot, that abuts two or more streets or private drives other than a freeway. Private drives which are bound on two sides by a single lot shall not be considered in determining if a lot is a through lot.

- ~~(.XXX) Lot, Front: The boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to be the front.~~
- (.XXX) Lot Line, Front: Except for Corner Lots and Through Lots, **the** ~~The~~ boundary line of a lot abutting a street or private drive, other than a boundary line along a side or rear yard. **If no boundary lines of a lot abut a street or private drive, but do abut a tract with a non-vehicular pathway with vehicle access to the lot provided via an alley, the boundary line abutting the tract with the pathway.** the narrowest boundary line shall be considered to be the front. In the Village zone: ~~the case of an interior lot, the lot line separating the lot from the public space, street or private drive, other than an alley.~~ In the case of a corner lot **Corner Lot**, the shortest lot line along a ~~public space~~ **tract with a pathway**, street or private drive, other than an alley. **In the case of a Through Lot, the shortest lot line abutting a street or private drive, and if multiple boundary lines abutting a street or private drive are of the same length, the boundary line on the lower classification street, and if both equal length and same street classification, the boundary line indicated as the front on a final plat.** A private drive bounded on two sides by a single lot shall not be considered in determining if a lot is a through lot.
- (.XXX) Lot Line, Rear: Any boundary line opposite and most distant from a front line and not intersecting a front lot line, except in the case of a **C**orner **L**ot.
- (.XXX) Yard, Front: Any yard abutting a ~~street or private drive~~ **Front Lot Line**, unless one side is determined to meet the definition of a side yard, below. Private drives which are bounded on two sides by a single lot shall not be considered in determining if a yard is a front yard.

3. Clarify which type of residential structures can be approved through a Class I Administrative Review and which are a Class II Administrative Review.

Intent: Provide clarity that all residential buildings are subject to administrative review. The primary policy change is making multi-family housing (apartments) throughout the City subject to administrative review consistent with other residential structures rather than subject to Site Design Review like commercial and industrial buildings. Of note, and as previously guided by the Planning Commission and Council, only smaller multi-family buildings similar in size to middle housing (five or six unit) are proposed to not require public notice. Multi-family buildings with

Attachment 1 Frog Pond East and South City Council Work Session April 15, 2024 Draft Development Code Amendments Except for 4.113 and 4.127

seven or more units would require Class II Administrative Review as drafted, which requires public notice.

Applicability: Citywide

Additional Explanation: The new process applies only to the building and the immediately surrounding site improvements like landscaping. Site design and layout for apartment complexes remains subject to Development Review Board review.

Section 4.030 Jurisdiction and Powers of Planning Director and Community Development Director

(.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
 - 4. Building permits for **residential structures in residential zones not subject to Site Design Review, except for multi-family structures with seven or more units**, ~~single family dwellings, middle housing, and in the Village zone, row houses or apartments,~~ meeting clear and objective zoning, siting, and design requirements standards and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
 - 12. **Architectural and site plans, including modifications and remodels, for multi-family residential structures in residential zones with seven or more units not subject to Site Design Review and meeting clear and objective zoning, siting, and design standards and located on lots that have been legally created. This does not include review of Stage I and Stage II Planned Development Master Plans and Site Design Review of open space and**

other common improvements, which is subject to review by the Development Review Board.

4. Clarify that all residential building types, including multi-family (apartments) are not subject to DRB review under Site Design Review

Intent: Provide clarity that review of residential structures under clear and objective residential design standards are not subject to Site Design Review by the Development Review Board. Besides providing additional clarity for single-family and middle housing, this draft amendment supports the proposed change allowing administrative review of multi-family buildings (apartments). Site Design Review will continue to apply to commercial and industrial buildings, mixed-use residential buildings, and required open space landscaping. The language also allows the option for residential developers to seek Site Design Review as an alternative to following the clear and objective residential design standards.

Applicability: Citywide

Additional Explanation: none

Section 4.420. Jurisdiction and Powers of the Board **Review Authority for Site Design Review**

(.01) *Application of Section.* ~~Except for single-family and middle housing dwellings in any residential zoning district, and apartments in the Village zone,~~

- A. **Unless exempt as noted in 1.-2. below, no building permit shall be issued for a new building or major exterior remodeling of an existing building unless the building architecture and siting is approved by the Development Review Board (Board) through Site Design Review.**
 - 1. **Residential structures in residential zones are exempt from Site Design Review as long as they meet established clear and objective design and siting standards or any allowed adjustments. This exemption does not apply to mixed-use residential structures. An applicant may elect to have residential structures approved by the Board through Site Design Review in association with waivers from specific standards.**
 - 2. **Minor building modifications to non-residential structures reviewed under the authority of the Planning Director as established in Section 4.030.**
- B. **Unless exempt as noted in 1.-2. below, no building permit within an area covered by a Stage II Planned Development, or PDP in the Village Zone, shall be granted unless landscaping plans are reviewed and approved by**

the Board through Site Design Review, or FDP in the Village Zone.

1. **Landscaping on residential lots in residential zones is exempt from Site Design Review unless it is part of the open space required under Subsection 4.113 (.01).**
 2. **Minor modifications to landscape plans subject to Site Design Review reviewed by the Planning Director as established in Section 4.030.**
- C. No Sign Permit, except as permitted in Sections 4.156.02 and 4.156.05, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board.

5. Clarify that residential design standards are among the architectural design standards subject to waiver

Intent: Residential design standards did not exist in the way they do now when this code language was created. This provides clarity that an applicant can apply for a waiver for residential design standards. This is not a policy change.

Applicability: Citywide

Additional Explanation: none

4.118 Standards Applying to all Planned Development Zones

(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

. . .

13. Architectural design standards, **including residential design standards;**

6. Clarify, providing consistency across the City, that ADUs are subject to 10 foot setbacks rather than larger setbacks

Intent: To ensure setbacks allowed for ADUs is consistent across the City and removing additional barriers to their development.

Applicability: Citywide

Additional Explanation: none

Section 4.120 (.05) FDA-H Dimensional Standards

- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three feet. **Minimum front and rear setbacks for ADUs is 10 feet.**

Old Town Residential Design Standards footnote (noted by *) on page 19

For cottage clusters **and ADUs**, minimum front and rear setbacks are 10'.

7. Remove buffering language between multi-family and other residential development

Intent: Frog Pond East and South focuses on a mix of residential types throughout, rather than segregation of residential types. This legacy language reflects a development era dominated by separated single-family and multi-family areas without middle housing. Removing this language better reflects the Master Plan policy directive and current approach of integration of housing types.

Applicability: Citywide

Additional Explanation: While screening of multi-family development is not required, screening applying more broadly to parking lots still applies.

Subsection 4.176 (.04) Buffering and Screening

- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. ~~Multi-family developments shall be screened and buffered from single-family areas.~~

8. Add language that no new deed restrictions shall restrict housing types

Intent: House Bill 2001 (2019) established that from January 1, 2020 private deed restrictions and covenants, including CC&Rs, could not be written to exclude middle housing. This language reflects this law and further clarifies that any housing type allowed under City zoning cannot be limited by private deed restrictions and covenants.

Applicability: Citywide

Additional Explanation: none

Section 4.210 Application Procedure (Tentative Plat)

- (.01) C. 4.

Limitations on Deed Restrictions. ~~Board~~ **The City** may limit content of deed restrictions **or covenants** in order to promote local, regional and state interests in affordable housing **and/or comply with applicable statute, rules, and policies,** ~~the Board may limit the content that will be accepted within proposed deed restrictions or covenants.~~ In adopting conditions of approval for a residential subdivision ~~or condominium development~~ **land division,** the Board **or Planning Director may** prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions of manufactured housing, etc. **The City shall in all cases ensure no deed restrictions or covenants limit construction of any housing allowed by City zoning for the subject land.**

Section 4.220. Final Plat Review

(.02) C.

Deed restrictions. A copy of all protective deed restrictions proposed for the area shall accompany the final Plat and specifications of all easements and dedications as required by the Development Review Board. The Planning Director shall not sign the final plat if the proposed deed restrictions fail to provide for the on-going maintenance of common areas ~~or,~~ violate established conditions of approval for the development, **or violate other statutes, rules, or standards the City has responsibility to enforce, including deeds or covenants that would limit housing types allowed by the City's zoning for a given property(s).**