



Planning Commission Staff Report

July 27, 2020

AGENDA ITEM # 2

Project Name	Title 18 Unified Development Code – Major Amendment
Staff Planner/Presenter	Kerri Burchett

Recommended Motion

Move to recommend approval to the City Council of amendments to Title 18 Unified Development Code of the Loveland Municipal Code as provided in Attachment 2 and presented to the Planning Commission on July 27, 2020, as amended on the record.

Amendment Summary

The Unified Development Code (UDC), which is Title 18 of the Municipal Code, was adopted in November of 2018. The UDC represented a complete rewrite of the City's subdivision and land use code. As with any new development code, it was anticipated that staff would bring forward periodic amendments that address needed changes identified with the implementation of the new document. Over the past 3 months, staff has brought components of an amendment package to the Planning Commission in four study sessions in April, May, and June. Additionally, a public hearing to consider the amendments was held on June 8th.

The amendment proposal encompasses revisions to 38 sections of the UDC. To create a more manageable amendment package, planning staff elected to split the amendments into 2 separate items:

- i) Minor adjustments that include corrections, clarifications, and insertion of missing provisions; and
- ii) Major adjustments that modify the City's development standards, processes, and definitions.

It is anticipated that the minor amendment package will proceed to a City Council public hearing in August. Due to the complexity of the information contained in the major amendment package, planning staff will present those amendments to City Council in a study session on August 25th.

This report focuses on the major amendment package, which includes adjustments to 21 sections of the UDC. The amendment focuses on sections of the UDC that have been problematic to both staff and customers interests. The modifications also streamline the development review process, which was a goal in adopting the UDC. The amendment includes revisions to group homes, accessory structures, accessory dwelling units, industrial storage, and day care facilities. It allows more opportunities for accessory dwelling units and rooming houses in low-density zones as a means to further the City's affordable housing goals. It also adds new provisions that allow flexibility during emergency situations and streamlines the vacation and Zoning Board of Adjustment processes. The amendment incorporates new definitions along with adjustments to current definitions for family, dwelling unit, recovery residences, and rooming houses.

Defining family is an important addition to the UDC, as it serves to distinguish a single-family use from group homes, rooming houses and lodging facilities, and provides clarity that will help staff implement the provisions of the UDC. Public comments regarding the definition of family were received at the June 8th Planning Commission hearing, which prompted Planning Commission to further review and refine the amendment language. All public comments have been included as **Attachment 5** to this report.

Each component of the amendment in this package has been reviewed by the Planning Commission in a study session and adjustments have been made based on the direction from the Commission. The Planning Commission's role is to conduct a public hearing and to make a recommendation to the City Council regarding the proposed amendment. The Commission may specify changes to the proposed sections before forwarding it to City Council. Both a redline version and a clean copy of the amendment is provided in Attachments 1 and 2 and a detailed summary of each component of the amendment is included in Section IV of this report.

I. Attachments

1. Redlined amendment
2. Clean version of the amendment
3. Staff memorandum with supplemental information on accessory dwelling units dated April 17, 2020
4. Research on surrounding municipalities definitions of family and rooming houses
5. Citizen Comments
 - a. Emails from Grant Shipman
 - b. Emails from Andrew Lewis
 - c. Email from Sarah Meabon

II. Background

The code amendment package represents a collection of problematic sections of the UDC that have been difficult to interpret or apply, are overly rigid and need adjusting to allow for flexibility, or need updating to incorporate recent State Statutes provisions. The amended sections were often identified as a result of working with developers, business owners, and residents that had difficulty with the UDC provisions.

1. Study Sessions

Four study sessions were conducted with the Planning Commission between April and June to discuss the varying components of the amendments. The major amendments contained in this report were included as part of each of the study session discussions.

A. April 6th Study Session

The first study session on April 6th focused on revisions to the following sections:

1. Zoning Board of Adjustment
2. Variances
3. Capital Expansion Fees Exemptions
4. Required Notice by Application Type and Contents of Public Notice
5. Downtown District: Core and General Character Areas
6. Lot of Record
7. Group Home, Recovery Residences
8. Day Care Center, Adult and Child (Commercial)
9. Home Child Care
10. Place of Assembly

Based on the direction from Planning Commission at the study session, adjustments to the zoning board of adjustment, variances, capital expansion fees (CEFs), and group home sections were made. This included inserting a new map that identifies the historic downtown for the purposes of applying CEFs and revising the definition of “family”, which is a needed definition to differentiate “family” from a group home, lodging uses and rooming houses. Further discussion and revisions to the family and rooming house definitions were made at a subsequent study session on June 22nd.

B. April 13th Study Session

The second study session was held on April 13th and included a review of the revisions from the April 6th study session, along with a discussion of the following sections:

1. Accessory Structures
2. Accessory Dwelling Units
3. Fences, Walls, and Hedges
4. Outdoor Storage, Storage Yards, and Salvage Yards
5. Applicability of Use Standards

Upon review of the accessory dwelling unit (ADU) amendment, the Planning Commission requested additional information on building and fire code restrictions pertaining to ADUs and basement conversions. Staff explained that there were substantial building and fire code requirements that were problematic to converting a basement to an ADU. Additionally, the square footage limitations for an ADU are difficult to enforce in basements. Following the study session, staff provided a memorandum to the Planning Commission that summarized the building and fire codes relating to basement units to further clarify the reasoning behind the basement restriction. After review of the memorandum, the Commission did not identify further questions or comments regarding the ADU amendment.

At the conclusion of the study session, the Planning Commission indicated that they were ready for the amendment package to proceed to a public hearing. With the Governor’s Executive Order for social distancing, the City Manager’s office required authorization to proceed with a public hearing. While waiting for authorization for the UDC amendment package to proceed, staff was able to complete further code revisions.

C. May 18th Study Session

A third study session was held with the Planning Commission on May 18th. The amendment focused on the following sections:

1. Accessory Structures (further revisions)
2. Street Trees
3. Unpaid Capital Expansion Fee – Lien
4. Vacation of Emergency Access, Utility, and Non-Constructed Access Easements
5. Director Authorization
6. Neighborhood Notice and Comment
7. Required Notice by Application Type
8. Unity of Title Alternative
9. General Standards for Adaptable Uses

2. Public Hearing

A public hearing was held on June 8th. The hearing was conducted via Zoom. Two citizens spoke during the public comment period. Both individuals expressed a concern regarding the definition of family and the distinction between a family and a rooming house. Based on the discussion, the Planning Commission tabled the UDC amendments and requested a study session to allow staff additional time to research family and rooming house provisions in other communities and present options for the Commissioners to consider.

3. Additional Study Session: June 22nd

A fourth study session was held on June 22nd to specifically focus on options for defining and distinguishing “family” and small and large rooming houses. At the meeting, staff presented research from surrounding communities, along with 4 options for Planning Commission’s consideration. Additionally, a citizen email from Andrew Lewis was provided to the Commission along with an email that staff read into the public record from Grant Shipman. The emails along with additional correspondence from Grant Shipman are provided in **Attachment 5**. Based on the Commission’s direction, modifications to the definitions of family and rooming houses were made, residential occupancy provisions were added, and the land use table was adjusted to allow small rooming houses in the estate and low-density zones as a conditional use.

III. Outreach

- Notification of the public hearing was published in the Reporter Herald on May 30, 2020.
- The amendment was posted on the City’s website on July 21, 2020.
- A press release was published in the Reporter Herald on June 6th.
- Many of the components of the amendment were products of working with developers to add flexibility, adjust requirements, and further streamline the development review process. Several projects are waiting for approval of the amendment package.

IV. Amendment Components

The amendment components have been categorized into the following two groups based on the purpose or intent of the amendment:

1. Streamline Processes
2. Substantive Changes

Each amendment component includes a table that outlines the purpose, section references, and key elements of the proposed amendment. Following each table, relevant background information is provided. Redlines of the amendment are included as **Attachment 1** and a page number clean version of the amendment is included as **Attachment 2**.

1. Streamline Processes

A. Director Authorization

Amendment	Section No.	Purpose	Key Elements
Director Authorization	18.13.01.01	Streamline the process for technical corrections to the UDC	<ul style="list-style-type: none"> Provides a reference to the City Clerk's ability to correct typographical and punctuation errors. Specifies the process for the Director to make minor adjustments to the UDC.

Section 18.13.01.01 of the UDC outlines authorizations of the Director to make minor adjustments to the UDC. These adjustments include creating illustrations and figures to provide additional clarity as to the intent of the standard, add and maintain cross-references and hyperlinks, and correct typographical and punctuation errors. The authorization to correct grammatical errors, however is granted to the City Clerk in Section 1.01.085 of the Municipal Code. To avoid confusion or duplication of efforts, and streamline the process, this amendment adjusts the Director's authority to align with the responsibilities of the City Clerk. The amendment further clarifies that if the Director exercises the authority allowed for in this section, the Director must notify the Planning Commission and City Council. It removes the requirement that the notification be conducted at a regular Commission or Council meeting.

B. Vacation of Emergency Access, Utility, and Non-Constructed Access Easements

Amendment	Section No.	Purpose	Key Elements
Vacation	18.17.16.03	Streamline the vacation process	<ul style="list-style-type: none"> Provides an additional option for vacating easements that were created on a subdivision plat.

A vacation is a termination of an easement, right-of-way, or public dedication of land. With the adoption of the UDC, the vacation process for easements was streamlined to allow the Director the ability to vacate emergency access, utility and non-constructed access easements administratively. Vacation of rights-of-way require approval by City Council.

In order to vacate an easement that was dedicated on a subdivision plat, the UDC specifies that the Director must approve a new subdivision plat that does not show the easement. Creation of a new subdivision plat is often expensive, as it requires a new survey of the property. The amendment proposes an alternative option for vacating the easement by allowing the Director the ability to approve and record a notice of vacation with Larimer County. This would eliminate the need for a surveyed subdivision plat and create a more streamlined vacation process. Recording a notice to vacate an easement is allowed currently for easements that were created by separate instruments.

C. Zoning Board of Adjustment

Amendment	Section No.	Purpose	Key Elements
Zoning Board of Adjustment	18.13.02.03	Flexibility for the Director to forward variances to the full Zoning Board.	<ul style="list-style-type: none"> Director can request that a variance be forward to the full Zoning Board.

Since the adoption of the UDC, staff has processed 16 variances, several of which have had significant neighborhood involvement. In those cases, staff has worked with the Zoning Hearing Officer to forward the requests directly to the full Zoning Board of Adjustment (ZBA) resulting in a more streamlined and appropriate

process for these complex and controversial items. The proposed amendment codifies the process and allows the Director to request that a variance be forward directly to the ZBA. The amendment also clarifies that the process determination must be made prior to noticing the public hearing.

2. Substantive Changes

A. Applicability – Exception for Emergencies

Amendment	Section No.	Purpose	Key Elements
Applicability, Exception for Emergencies	18.01.01.03.D	Allows exceptions to the UDC for emergencies situations.	<ul style="list-style-type: none"> Allows the Director to temporarily waive UDC requirements under emergency situations when the City Manager determines that there is a declared emergency. Director must consult with the City Manager prior to exemptions.

An exception for emergencies provision is typically found in land use codes. Under emergency situations, including a declared disaster or state of emergency, it allows the City the ability to exempt land use activities from requirements of the code to the extent necessary to protect life, safety, or property, or to cure impossibility. The amendment incorporates this provision to the UDC and grants the Director, after consultation with the City Manager, the ability to temporarily waive UDC requirements when the City Manager determines that there is an emergency or declared disaster.

B. Group Homes and Recovery Residences

Amendment	Section No.	Purpose	Key Elements
Group Home, Recovery Residence	18.19.03 18.02.04.04	Update Group Home provisions to coincide with recent State legislation concerning recovery residences.	<ul style="list-style-type: none"> Modify group home provisions to include recovery residences. Provide new definition of “recovery residence”. Include informational requirements for all group homes to ensure compliance with State requirements.

In 2019, the State passed legislation defining and establishing rules for “recovery residences” or “sober living facilities”. A recovery residence provides accommodations for individuals with a substance use disorder in a residential home setting. The use is protected under the Federal Fair Housing Act. Residents must be free from alcohol and non-prescribed or illicit drugs and the facility must promote independent living and life skill development, while providing support services intended to promote recovery from substance use disorders. Effective in 2020, recovery residences require certification from the State Office of Behavioral Health. The proposed UDC amendment modifies the City’s group home provisions to include recovery residences and to coincide with the State’s requirements for certification.

C. Family and Rooming Houses

Amendment	Section No.	Purpose	Key Elements
Definitions	18.19.03	Provide new definitions and requirements for family and rooming houses to help administer the Code.	<ul style="list-style-type: none"> • Include definitions for dwelling unit and family to distinguish from a rooming house, group home or lodging facility. • Occupancy standards for residential uses • Allowance of small rooming houses as a conditional use in estate and low density residential zones.

The UDC amendment adds new definitions for family and dwelling unit, modifies the rooming house definitions, includes occupancy standards that allow four unrelated individuals to live together as a family, and provides allowances for small rooming houses in the City's estate and low-density residential districts, which is currently not allowed.

The UDC does not currently contain a definition of family. There are, however, definitions of small and large rooming houses that include a limitation on the number of unrelated individuals living together before the use is considered a rooming house. This definition has implications on what is considered a single family use in low-density zones. The definitions of rooming houses are as follows:

Rooming House (Small) means a building with sleeping rooms and shared kitchen and living areas (usually designed like a single-family detached residence) used to accommodate, for compensation, four, but not more than eight people who are not related by blood, marriage, adoption, or legal guardianship.

Rooming House (Large) means a building (of portion thereof) with sleeping rooms and a shared kitchen and living areas, that is used to accommodate, for compensation, nine or more people who are not related by blood, marriage, adoption, or legal guardianship.

A small rooming house is permitted in the City's two-family, high-density residential, and commercial zoning districts (R2, R3e, R3, DT, B, MAC, and E) as a limited use, which is administratively approved without public notification or outreach. There are land use standards associated with a rooming house that includes access to rooms from the interior of the building, a requirement for 2 full bathrooms, and off-street parking based on the number of bedrooms. A small rooming house is not permitted in the Estate and low-density residential districts (ER, R1e, and R1).

The definition of a small rooming house and the restriction on a small rooming house in the low-density zones, essentially creates a limitation of 3 unrelated individuals that can live together in the estate and low density residential zones as a family. Prior to the adoption of the UDC, the Municipal Code defined family as:

Family means any individual or two or more persons related by blood, adoption or marriage, or an unrelated group of not more than three persons living together in a dwelling unit and includes family foster care of up to four children which is licensed according to the statutes of the state.

Although removing the specific family definition, the UDC effectively follows the same limitation of not more than 3 unrelated individuals living together as a family, through the definition and location restriction of a small rooming house.

At the Planning Commission hearing on June 8th, more information regarding the family and rooming house definitions was requested. Staff completed the research and compiled a list of family and boarding/rooming house definitions from surrounding jurisdictions including Fort Collins, Longmont, Greeley, Windsor and

Larimer County. That information is included as **Attachment 4**. While there were variations in the definition of family between the communities, each contained an element of being related by blood, marriage, adoption, guardianship or other custodial/foster children arrangement.

The question on the validity of including a definition of family for the purposes of zoning regulations was also researched by Legal staff. The research concluded that the Supreme Court of the United States and the Colorado Supreme Court have upheld a definition of family as valid based on the governmental interests involved (noise, parking, neighborhood character, etc.). This information, along with 4 options to define, clarify and regulate family and rooming houses provisions, was provided in a study session on June 22nd. Based on the direction from the Planning Commission, the definition of family and rooming houses were modified to the following:

Family means any number of persons who are all related by blood, marriage, adoption, guardianship, or custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking, and eating facilities.

Rooming House (Small) means a building with sleeping rooms and shared kitchen and living areas usually designed like a single-family detached residence, that is used to accommodate, for compensation, any group of people who do not meet the definition of family and do not exceed more than eight people.

Rooming House (Large) means a building with sleeping rooms and a shared kitchen and living areas, that is used to accommodate, for compensation, any group of nine or more people who do not meet the definition for family.

Residential occupancy limits were also incorporated to clarify an allowance that 4 unrelated individuals and their dependents living together would be allowed in a single family dwelling unit. This increased the allowance from 3 unrelated individuals. Subsequently, the small rooming house definition was adjusted to include 5 or more unrelated individuals, as opposed to 4 individuals currently in the UDC.

The final adjustment to this section includes the allowance of a small rooming house as a conditional use in the estate and low-density residential districts. This would afford an applicant the opportunity to pursue a small rooming house in the City's estate and low-density residential zones, which is not allowed under the current provisions, thereby allowing small rooming homes in every residential and commercial zone in the City. By requiring a conditional use approval in the low-density districts, the surrounding neighborhood can participate in the decision-making process by attending the neighborhood meeting and Planning Commission public hearing.

Two citizens have provided comments regarding the definition of family and rooming houses. Correspondence from the individuals have been included as **Attachment 5** to this report.

D. Accessory Structures

Amendment	Section No.	Purpose	Key Elements
Accessory Structures	18.19.03 18.04.07.01 18.04.07.03	Consolidate accessory buildings and accessory structures; create clear and flexible provisions, reducing the need for variances.	<ul style="list-style-type: none"> Combine terms into one section. Provide setbacks specific to accessory structures, similar to the previous Code. Size of accessory structures equal to 10% of the lot area or 500 square feet, whichever is greater. Added a definition for carport as that term is used in this section. Included a reference to the design standards for multifamily parking structures. Included specific setbacks for carports in existing manufactured home parks that coincide with the allowances in the previous code.

The UDC includes provisions for accessory structures, accessory buildings, and accessory dwelling units. While the distinction between an accessory building and an accessory structure creates difficulties, more problematic is that accessory buildings, which includes detached garages, sheds and other similar structures, are subject to the same 15-foot setback as a principal structure. These setback provisions constituted the majority of the variances processed under the UDC. The proposed amendment simplifies these terms by combining accessory buildings and structures into one category. It also adjusts setbacks to be similar to allowances in the previous Code: a minimum 5-foot rear and side setbacks, with larger setbacks required based on the height of the structure. The amendment also correlates the amount of square footage allowed for one or more accessory structures, allowing 10% of the lot area as the amount of square footage allowed for one or more accessory structures. For example, a standard 7,000 square foot lot would be allowed 700 square feet of accessory structures. Alternatively, a 15,000 square foot lot would be allowed 1,500 cumulative square feet of building footprint that include a detached garage plus a shed. Allowing larger accessory structures on estate or large suburban size lots has been another frequent variance request.

The amendment also includes adding a definition of “carport” which is a term used throughout the section, adding a reference to the UDC standards for covered parking for multifamily developments, and providing alternative setbacks for carports in existing manufactured home parks, to comply with standards from the previous code.

E. Accessory Dwelling Units

Amendment	Section No.	Purpose	Key Elements
Accessory Dwelling Unit (ADU)	18.04.07.02	Streamline process, allowing greater flexibility for ADUs in residential zones, ultimately assisting in providing more alternative housing options.	<ul style="list-style-type: none"> Reduce lot square footage requirements from 10,000 to 7,000 square feet in low density zones. Stipulate size of ADUs based on lot size and zoning. Flexibility to increase size of ADU by adaptable use process (requires neighborhood meeting).

Provisions for accessory dwelling units (ADUs) are proposed to be adjusted in the amendment to provide more opportunities for this housing type. With affordable housing concerns rising and the need for a variety of attainable housing options within the City, the Planning office has worked closely with the Community Partnership office to provide more flexibility in allowing ADUs in all residential zones. The amendment would reduce the minimum lot size for an ADU from 10,000 to 7,000 square feet. This would result in an ADU being allowed on a standard 7,000 sf single family lot without a public hearing or neighborhood meeting. This change

will significantly increase the opportunity for ADUs throughout the City aligning with fundamental housing goals in the City's Comprehensive Plan.

F. Home Child Care, Day Care Center, and Place of Assembly

Amendment	Section No.	Purpose	Key Elements
Home Child Care	18.02.06.03	Provide standards for large child care homes (7-12 children).	<ul style="list-style-type: none"> Large child care homes in low and medium density residential districts would be allowed as a conditional use, requiring Planning Commission approval.
Day Care Center, Adult or Child	18.19.03 18.02.03.06 18.05.03.03.E	Consolidate large and small commercial day care into one category; eliminate conflicting provisions.	<ul style="list-style-type: none"> Combine commercial day care into one category. Allow existing places of assembly such as a church to redevelop into a day care center.
Place of Assembly	18.19.03 18.02.04.07	Provide compatibility standards to minimize impacts on neighbors.	<ul style="list-style-type: none"> Establish noise limitations on outdoor activities. In low and median density residential zones, allow use on existing lots established for a place of assembly.

The amendment to both home child care and commercial day care centers began as a need to simplify and correct provisions of the UDC that were difficult to interpret and apply. One example is that the UDC requires a small commercial day care to be developed within a single family home or a place of assembly. This led to confusion between home child care and a day care center. In adjusting the provisions, staff simplified terms and combined large and small day care centers into one category, adjusting standards to be more applicable to a commercial facility. Associated amendments to the use standards for places of assembly have also been included, as a conversion of these places to a day care center is allowed. The proposed amendment establishes compatibility standards with limitations on noise and outdoor activity in low and medium density residential zones.

Staff also modified provisions for home child care to require a conditional use process for large child care homes in low and medium density residential districts. A large child care home, as defined by the State, allows 7-12 children, which could have impacts to a neighborhood. A conditional use process, as recommended in this amendment, allows for neighborhood involvement and requires Planning Commission approval.

G. Outdoor Storage, Storage Yards, and Salvage Yards

Amendment	Section No.	Purpose	Key Elements
Outdoor Storage, Storage Yards, & Salvage Yards	18.19.03 18.04.07.06 18.04.07.07 18.04.07.08 18.02.04.08 18.04.06.04	Clarify and adjust standards, removing unnecessary limitations in the Industrial zone.	<ul style="list-style-type: none"> Clarify distinction between outdoor storage and storage yards. Remove square footage limitation in Industrial zone Update standards along highways and arterials. Clarify screening requirements. Align requirements with the proposed nuisance code

The UDC contains a limitation on the square footage for accessory outdoor storage in the Industrial zone. This limitation restricts outdoor storage to an area not greater than the gross floor area of the principal structure. This limitation is inconsistent with allowances granted prior to the UDC and the intent of the Industrial zone to house wholesale, warehousing, distribution and manufacturing uses that often include associated outdoor storage. The amendment removes this limitation and clarifies the distinction between outdoor storage and a

storage yard, which has been problematic in interpreting and applying the provisions. It also refines screening standards and outlines locational aspects of outdoor storage adjacent to State Highways and arterial roads.

Another purpose of the amendment is to align the residential outdoor storage provisions in the UDC with the proposed Nuisance Code, which is being reviewed simultaneously with the UDC amendments. The amendment removes duplicative provisions and references proposed Chapter 16.32, Improper Outdoor Storage of Materials and Chapter 16.20 Unlawful Vehicles.

H. Applicability of Use Standards

Amendment	Section No.	Purpose	Key Elements
Applicability of Use Standards	18.02.04.01	Adjusts the modification of use standards through the Adaptable Use process	<ul style="list-style-type: none"> Restricts the use of the adaptable use process to modify standards that either prohibit a particular use based on its location or require compliance with state or federal requirements. Expand the notice requirements when an adaptable use process is used to modify a distance separation from a residential use or residential zone boundary.

The UDC categorizes uses into uses by right, limited uses, adaptable uses and conditional uses. Below is a general description of each category:

1. Uses by Right - must comply with the general standards in the UDC. Approved administratively.
2. Limited Use - must comply with the general standards of the UDC along with additional standards particular to the use. These standards include provisions such as particular bufferyards or screening, noise restrictions, distances from a residential use or zone, and locational criteria. The uses are approved administratively.
3. Adaptable Use – in addition to compliance with the UDC standards, adaptable uses require a neighborhood meeting and outreach efforts. Findings concerning compatibility are required. These uses can be appealed to the Planning Commission.
4. Conditional Use – these uses require Planning Commission approval and can be appealed to City Council. Often uses designated as conditional have the potential to create substantial impacts on a neighborhood. Findings concerning compatibility and mitigation of impacts are required.

The amendment to this section focuses on provisions for limited uses and in particular, the ability to modify a specific use standard through the adaptable use process. Flexibility was an important element of the UDC. With the adoption of specific use standards, a process was also created to allow those standards to be modified by converting the limited use to an adaptable use process, which requires neighborhood outreach. The amendment clarifies this provision and limits the ability to modify a use standard that either prohibits a particular use, requires compliance with state or federal regulations, or changes the residential occupancy provisions. Further, the amendment requires an expanded notification radius if the adaptable use process is used to modify a separation distance from a residential use or residential zone boundary.

I. Using the Housing Palette

Amendment	Section No.	Purpose	Key Elements
Housing Palette	18.04.02.01	Provides flexibility to interpret setbacks for established neighborhoods.	<ul style="list-style-type: none"> Grants the Director the ability to establish setbacks for existing neighborhoods based on the established setback pattern in the subdivisions.

The housing palette in the UDC establishes setbacks, lot area, and building height limitations for each housing product in the City. The housing palette includes all lot types for single family (urban, large urban, general, suburban, large suburban, and estate), duplex, townhomes, and multifamily. Setbacks for housing products are now based on the lot area, as opposed to the zoning district, which established the setbacks in the previous code. This new method for determining setbacks in the UDC has created difficulties primarily for larger lots and created non-conforming situations in existing neighborhoods. The amendment would grant the Director the ability to establish setbacks for existing neighborhoods based on the established setback pattern in the subdivision instead of by individual lot area. This allowance will reduce the amount of setback variances needed in existing neighborhoods resulting from the new setback requirements.

V. Staff Recommendation

Staff recommends that, after review of the UDC amendment, the Planning Commission forward a recommendation of approval to the City Council.