

# Memo

To: City Commission  
From: Collin Bielser, Assistant City Manager  
Date: 7-1-2022  
Re: July 7, 2022 Work Session

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Please find the attached agenda and supporting documentation for the July 7, 2022, Work Session.

## Item 2 – Proposed Unified Development Code (UDC) Amendments – Part II

Please refer to the attached memorandum from Curtis Deines, Planning and Development Superintendent, regarding the proposed Unified Development Code amendments. Jesse Rohr, Director of Public Works, and his staff were tasked with identifying as many regulations as possible that could be either eliminated or modified to make the UDC less stringent and easier to use. They exceeded expectations in coming up with 26 regulations that could be either modified or eliminated. At the June 16, 2022, Work Session, 15 proposed amendments were reviewed. Part II will review the final 11 suggested amendments. Jesse will have more information on each change at the work session on Thursday. Based on the work session discussions, staff will prepare an ordinance incorporating the amendments to present at a future meeting for consideration and adoption.

## Item 3 – Commission Receives 2023 Proposed Budget

City Manager, Toby Dougherty, will be presenting the draft 2023 Budget to the City Commission. As a reminder, this is the second year of the Revenue Neutral Rate budget law which has elongated the process to adopt the budget. A process that previously concluded in August will now conclude in September. This gives City staff and the Commission more time to review the budget and make projected revenue modifications as required.



**CITY OF HAYS**  
**CITY COMMISSION WORK SESSION**  
**CITY HALL, 1507 MAIN STREET, HAYS, KS**  
**THURSDAY, JULY 7, 2022 – 6:30 P.M.**  
**AGENDA**

1. **June 16, 2022 Work Session Notes (PAGE 1)**  
Department Head Responsible: Kim Rupp, Director of Finance
2. **Proposed Unified Development Code (UDC) Amendments – Part II (PAGE 7)**  
Department Head Responsible: Jesse Rohr, Director of Public Works
3. **Commission Receives 2023 Proposed Budget**  
Person Responsible: Toby Dougherty, City Manager
4. **Other Items for Discussion**
5. **Executive Session (if required)**
6. **Adjournment**

**ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.**



City of Hays  
City Commission  
Work Session Notes  
Thursday, June 16, 2022 – 6:30 p.m.

Present: Mason Ruder, Michael Berges, Shaun Musil, Sandy Jacobs, Reese Barrick, Toby Dougherty, Kim Rupp, and Don Hoffman

**June 2, 2022 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on June 2, 2022; the minutes stand approved as presented.

**2023 Budget Presentations – Outside Agencies**

The following agencies presented requests for Outside Agency funding in the 2023 Budget:

Grow Hays

Doug Williams, Grow Hays Executive Director \$180,000

Fort Hays State University Scholarship Program

Dr. Joey Linn, FHSU Vice President for Student Affairs \$100,000

Downtown Hays Development Corp. (DHDC)

Julie Rider, DHDC Board President

Brett Ottley, DHDC Board Vice President \$60,000

CARE Council

Korinna Parker, CARE Council Chair

Erica Berges, United Way of Ellis County Executive Director \$170,000

The Chamber

Sarah Wasinger, President/CEO of the Chamber in Hays

Mike Morley, Past Chamber Board Chair

Bryan Brady, Chair-Elect \$45,000

Ellis County Historical Society

Amanda Rupp, Ellis County Historical Society Interim Director \$21,116

Note: A budget request was submitted by the CARE Council for Alcohol Tax Funds in the amount of \$60,000; this request is not part of the Social Services, Economic Development, or Quality of Life Budgets. These funds are specifically used for the education, prevention, and treatment of substance abuse.

Each organization thanked the City of Hays for their support and reviewed their past and future projects and programs.

Vice-Mayor Berges commented that as our community grows the need for social services funding grows as well and he feels the funding needs to match the growth. He would consider increasing the CARE Council funding. Commissioner Musil agreed and feels this might be the time to start investing more if possible.

Vice-Mayor Berges noted that this is a first-time request from the Chamber for funding and he asked how they arrived at the \$45,000 request and what it would be used for. Ms. Wasinger stated the Board of Directors reviewed their budget and the \$45,000 is what they would need to have a sustainable budget for 2023, based on the priorities they have set for the organization. They hope in the next two to four years they will be able to stabilize their own budget without requesting funds from the City of Hays.

The Outside Agency funding requests will be considered during this year's budget process.

### **Property/Liability Coverage Renewal – 2022/2023**

Kim Rupp, Director of Finance, reported that the City's Property/Liability Coverage is up for renewal on July 1, 2022. Insurance Planning provides oversight for the City as the Insurance Broker. Taylor Pfannenstiel, Commercial Lines Executive for Insurance Planning, has had conversations with other insurance carriers and concluded that Midwest Public Risk (MPR) provides the lowest cost option for renewal of the City's package. The outcome translates into an 11% increase or \$30,063 more than the prior period.

Mr. Pfannenstiel presented information regarding the property/liability market, the City's place in that market, and he also reviewed this year's recommended renewal with MPR.

John Scheck, local Claims Representative with Insurance Planning, reviewed recent premium changes, claims, and the City's loss ratio.

At the June 23, 2022 Commission meeting, Commissioners will be asked to authorize the City Manager to renew the 2022/2023 Property/Liability Coverages with the MPR package in the amount of \$292,679, to be funded from the Intergovernmental Insurance and Surety line item.

Commissioner Musil left the meeting.

### **Resolution Setting a Public Hearing for the Establishment of the 4<sup>th</sup> and Fort Rural Housing Incentive District**

Kim Rupp, Director of Finance, stated that Turn-Key Properties LLC, submitted an application for Rural Housing Incentive District (RHID) financing relating to a residential project and related infrastructure. The developer seeks to construct four structures containing an aggregate total of 36 apartment units to be located at 4<sup>th</sup> and Fort Street, directly west of the former Washington Elementary School. This four-unit development will be a mix of one and two-bedroom apartments with garages.

Total cost of the project is estimated to be \$3,436,000 with \$414,500 of that eligible for RHID reimbursement. The term of the RHID is 25 years with the RHID incremental property tax over those 25 years estimated to be \$622,512.

The Commission previously adopted a Resolution making certain housing needs findings and determinations. Following adoption and publication, the Resolution was sent to the Kansas Secretary of Commerce for approval to move forward with the creation process and further Commission action. The Kansas Secretary of Commerce approved of the creation through a letter dated May 20, 2022.

Mr. Rupp stated that the next step in the statutory process is to set a public hearing to hear public comment on the consideration of establishing the RHID. If the Commission approves the Resolution being considered, a public hearing would be set for July 28, 2022. Following the public hearing, the Commission will consider an Ordinance establishing the RHID and adopting the Development Plan. If an RHID is established and the Development Plan adopted, the City and the developer will enter into a Development Agreement to govern the rights and responsibilities of the parties. The Ordinance would become effective following a 30-day veto period.

At the June 23, 2022 Commission meeting, Commissioners will be asked to adopt a Resolution setting a public hearing for the establishment of the 4<sup>th</sup> and Fort RHID and adoption of a Development Plan.

### **Proposed Unified Development Code (UDC) Amendments (Part 1)**

Jesse Rohr, Director of Public Works, stated that the UDC was adopted in August of 2016 and is a living document to be updated as changes are recognized. Staff has identified regulations within the UDC for suggested amendments. The goal in suggesting these changes is to make it easier to develop properties, relax regulations, and to clarify sections within the UDC to help citizens, developers, and staff with interpreting the regulations. Staff presented these amendments to the Planning Commission in a series of meetings, and after reaching a consensus and a favorable recommendation, now wish to move forward for City Commission consideration.

Mr. Rohr stated that for ease of discussion the suggested changes would be separated into four groups:

- Zoning Uses and Definitions
- Signage
- Landscaping
- Other Changes

Mr. Rohr reviewed the 15 proposed amendments to the UDC regarding zoning uses/definitions and signage. He stated that the other two groups of



changes, landscaping and other changes, will be presented at the July 7, 2022 Work Session and a request for adoption will be discussed at that time.

Vice-Mayor Berges thanked staff for suggesting these changes which will allow citizens to do more with their own property, but also being progressive in thinking about what this means for businesses and developers.

### **Early Redemption of Series 2004-A Bonds**

Kim Rupp, Director of Finance, stated the City has the opportunity to redeem bonds early in the 2004-A Series, which is the Home Depot Transportation Development District (TDD) Bonds. There were two bond issues for the Home Depot TDD. The first was funded with an additional .75% sales tax in the district. It was paid off early in January of 2018. The .75% also funded improvements to the road east of Home Depot and then was retired.

Mr. Rupp stated we now have additional bonds in the 2004-A Series that are eligible to be called. The debt service for this series is funded by Tax Increment Financing (TIF) as well as .5% of the City's retailer's sales tax in the Home Depot area. This early redemption will total \$407,709.72, which will include the bonds due in September 2022 as well as those due in September 2024. Depending on collections, it is planned to complete the early redemption in March 2023, which will call the September 2023 bonds and the remaining of the September 2024. This action will save the City an estimated \$32,000 in interest but will also free up the .5% sales tax mentioned above to be receipted back to the general fund some 18 months earlier than had been projected. The .5% sales tax averages \$200,000 annually.

Mr. Rupp noted that the Home Depot Economic Development Bonds Miscellaneous Fund is a budgeted fund, and we do not currently have 2022 budget authority to complete the transaction spelled out above.

At the June 23, 2022 Commission meeting, Commissioners will be asked to approve the expenditure of \$407,709.72 from City Commission Capital Reserves to redeem the September 2022 and September 2024 bonds in the

2004-A Series to be replenished from the Home Depot Economic Development Bonds Fund 2023 Budget.

**Other Items for Discussion**

Commissioner Jacobs thanked the outside agencies that came before the Commission and talked about their needs, the things that are important to them, and why it is important for the City Commission to help fund them if we can.

Mayor Ruder agreed and appreciates the outside agencies presentations. He also reminded everyone to watch their watering habits and be mindful of the watering restrictions that are in effect.

The work session was adjourned at 8:31 p.m.

Submitted by: \_\_\_\_\_

Brenda Kitchen – City Clerk

# Commission Work Session Agenda

## Memo

**From:** Curtis W. Deines, Planning & Development  
Superintendent

**Work Session:** July 7, 2022

**Subject:** Proposed Unified Development Code (UDC)  
Amendments – Part II

**Person(s) Responsible:** Jesse Rohr, Director of Public Works

### Summary

Staff has identified regulations within the UDC for suggested amendments. The ultimate goal of the changes is to make it easier to develop properties and clarify sections within the UDC to help citizens, developers, and staff with interpreting the regulations. Staff presented these amendments to the Planning Commission in a series of meetings, and after reaching a consensus and a favorable recommendation, now wish to move forward for City Commission consideration of the changes. The first set of amendments were discussed at the June 16, 2022, Work Session, and this is now Part II of the series of amendments. Staff recommends adopting the amendments as presented and as recommended by the Hays Area Planning Commission. Based on the work session discussions, staff will prepare an ordinance incorporating the amendments to present at a future meeting for consideration and adoption.

### Background

Over the last few months, Planning & Development staff has presented a series of suggested UDC amendments to the Hays Area Planning Commission. Each change was discussed at length, some more than others. To help make the discussion of proposed amendments manageable, staff grouped the various changes into 4 groups – Zoning Uses and Definitions, Signage, Landscaping, and Miscellaneous Changes. Staff presented these amendments to the Planning Commission in a series of meetings, and after reaching a consensus and a favorable recommendation on the proposed amendments, now wish to move forward for City Commission consideration.

In the table below are the various sections recommended for change along with staff's proposals. In addition, the attachment provides additional detail on each change. The number beside each item in the table corresponds to the red number at the top of each page of the attachment. While some of the amendments can be confusing, especially for those that do not work with zoning regulations every day, staff has attempted to simplify each change and will show diagrams or pictures when applicable during the meeting presentation.

The June 16 Work Session covered Zoning Uses and Definitions and Signage. This work session will cover the last two groups of amendments – *Miscellaneous Changes* and *Landscaping*.

### Discussion

<i>Miscellaneous Changes</i>			
<b>UDC Suggested Change</b>	<b>UDC Section</b>	<b>Why the Change</b>	<b>Comments/Solution</b>
16	Maximum Building Height	Table 3.1.301A  Max height is set at 45 ft. in C-2. Prior to the UDC, height was unlimited. Current regulations hinder tall, multi-story office space, hospital, hotel, etc. from being constructed  Industrial zoned areas should also follow same change	Table 3.1.301A updated – Change C-2, C-3, I-1, & I-2 to unlimited height.
17	Public-Institutional (P-I) Setbacks	50 ft is not logical and requires more land to develop.	Reduce setbacks for better development. Recommend: Front – 25 ft Interior Side – 10 ft Street Side – 25 ft Rear – 20 ft Residential District Boundary – 25 ft.
17	Residential District Boundary	Table 3.1.301B  This is in combination with the buffer yard requirements between zoning districts.	Reduce the required building setbacks to allow for more usable area of the lot.
18	Rear Yard Setback Reduction  Include Rear and Side Yard Projection Setback	Table 3.1.202A, Table 3.2.201  Reduce the rear setback to maximize buildable area.	R-G Zoning – 15 ft rear with projections (unhabitable spaces, porches, patio covers, etc.) allowed to go to 5 ft.  Table 3.2.201 – Rear yard setbacks revised
19	Parking – C-3 District – Special Use	Table 2.2.203  Sec. 2.2.304 (C) (10)(c)(iii)  There are no parking requirements for businesses within a C-3 District. This section puts restrictions on how close parking is required to be to a particular use or business in	Change the Table from “S” to “P” for a permitted use in a C-3 District.  Remove the requirements for the special use, including

		C-3 and needs to be removed.	parking.	
20	Parking – Bypass Lane	Sec. 5.2.205	This section requires a bypass lane for a drive through. Some layout designs that don't go around a building may not need the bypass lane.	“Bypass lane may be eliminated upon zoning administrator approval based on site plan review if the applicant can show alternative design for proposed use.”
21	Residential Planned Development - Minimum Size of Area	Table 2.2.202A Table 3.1.201	Minimum area required is 5 & 10 acres for a planned development. Current regulation does not allow more than a duplex to be developed on one lot without a planned development.	Remove the 5- & 10-acre requirement.  Remove the footnote that only allows the various housing types in a planned development.
22	“Special Use” Language Change	Throughout UDC	The BZA has the power to grant Exceptions. This change will remove the words “Special Use” to ensure it does not conflict with any other regulations.	Change all references from “Special Use” to “Exception”.

<b>Landscaping</b>				
<b>UDC Suggested Change</b>	<b>UDC Section</b>	<b>Why the Change</b>	<b>Comments/Solution</b>	
23	Minimum Landscape Surface Ratio	Table 3.1.301A	The table requires different amounts of landscaping area based on the zoning district. Reducing the amount of landscaping will allow more use of the property for development.	Change the landscape surface ratio to 10% for all zoning districts other than C-3.
24	Xeriscape	Definition of xeriscape and where otherwise referenced in the UDC	Change references of “xeriscape” to “WaterSmart”.	Changing this word will help align with the city’s water conservation efforts for this type of landscaping practice.
25	District Bufferyard Standards and Bufferyard Classification	Table 4.1.404 Sec. 4.1.404	Table and Section 4.1.404 are not user friendly and are confusing.	Removed the table and included language to address the bufferyard standards and classifications.

Site Landscaping Overhead Irrigation	Section 4.1.302 (B) (2)(c)	Hard surfaces can be sloped not toward the street and have less risk of wasteful watering	Add “ Or other hard surfaces where water may enter onto the public sidewalk, street, or stormwater system.
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**Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City staff.

**Financial Consideration**

There are no known direct costs to the City of Hays if amendments are adopted as proposed.

**Options**

The City Commission has the following options:

- Approve the amendments as submitted
- Suggest alternatives to proposed changes
- Leave regulations as adopted

**Recommendation**

Staff, as well as the Hays Area Planning Commission, recommends approval of the amendments as presented.

**Action Requested**

Consider adopting an ordinance of the various UDC amendments as presented, at a future meeting.

**Supporting Documentation**

Regulation documents for each change

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Maximum Building Height	Table 3.1.301A	Max height is set at 45 ft. in C-2. Prior to the UDC, height was unlimited. Current regulations hinder tall, multi-story office space, hospital, hotel, etc. from being constructed  Industrial zoned areas should also follow same change	Table 3.1.301A updated – Change C-2, C-3, I-1, & I-2 to unlimited height.

Current Table with Red Line Change

Table 3.1.301A Nonresidential and Mixed Use Development Standards								
Standard	Stories	Zoning District						
		C-1	C-2	C-3 <sup>1</sup>	I-1	I-2	M-U	P-1
Minimum Landscape Surface Ratio (LSR)	N/A	25%	15%	1%	20%	15%	15%	20%
Floor Area Ratio ("FAR") <sup>2</sup>	1	0.321	0.280	0.962	0.342	0.518	0.280	0.342
	2	0.408	0.335	1.852	0.435	N/A	0.335	0.435
	3	N/A	N/A	2.680	0.478	N/A	0.358	0.478
	4	N/A	N/A	3.448	N/A	N/A	0.371	N/A
Density	N/A	N/A	N/A	See Notes <sup>1</sup> and <sup>4</sup>	N/A	N/A	See Note <sup>4</sup>	N/A
Minimum Street Frontage	N/A	50'	50'	25'	50'	50'	50'	50'
Maximum Building Height <sup>3</sup>	N/A	35'	45' Unlimited	60' Unlimited	45' Unlimited	60' Unlimited	60'	45'
<b>TABLE NOTES:</b> N/A - Not Applicable								
1. No off-street parking is required in the C-3 district, except for live-work units and multi-family as set out in Table 3.1.202B, <i>Residential Development Standards in Nonresidential and Mixed Use Districts</i> .								
2. The FARs account for the Landscape Surface Ratio (including setbacks, bufferyards, on-site drainage, and parking lot landscaping) and required on-site parking, excluding the C-3 District. Multiplying the site area by the FAR determines the maximum building size.								

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Public-Institutional (P-I) Setbacks	Table 3.1.301B	50 ft is not logical and requires more land to develop.	Reduce setbacks for better development. Recommend: Front – 25 ft Interior Side – 10 ft Street Side – 25 ft Rear – 20 ft Residential District Boundary – 25 ft
Residential District Boundary	Table 3.1.301B	This is in combination with the buffer yard requirements between zoning districts.	Reduce the required building setbacks to allow for more usable area of the lot.

Current Table with Red Line Change

Table 3.1.301B Nonresidential and Mixed Use Setbacks							
Standard	Zoning District						
	C-1	C-2	C-3 <sup>3</sup>	I-1	I-2	M-U	P-I
Front	25'	25'	0'	35'	25'	40'	<del>50'</del> 25'
Interior Side	5'	5'	0'	10'	10'	25'	<del>50'</del> 10'
Street Side	15'	25'	0'	25'	25'	40'	<del>50'</del> 25'
Rear	0' <sup>4</sup>	0' <sup>4</sup>	0'	25'	25'	30'	<del>50'</del> 20'
Residential District Boundary <sup>1,2</sup>	<del>15'</del> 10'	20'	N/A	<del>50'</del> 20'	<del>100'</del> 20'	<del>75'</del> 20'	<del>50'</del> 20'

**TABLE NOTES:**  
N/A - Not Applicable  
1. Refer to Subsection D.2.c., *Setback Planes*, of this Section.  
2. If a two-story structure is constructed on a lot or parcel that abuts or is contiguous to a residential zoning district or use, there shall be no windows, doors, or other openings constructed on that side of the second story facing the residential district or use.  
3. Refer to Subsection E., *C-3 District Setbacks*, of this Section.  
4. The rear yard shall be minimum 20' when abutting residential zoned lots. Lots separated by public alley or street right-of-way shall not be considered as abutting.



UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Rear Yard Setback Reduction  Include Rear and Side Yard Projection Setback	Table 3.1.202A, Table 3.2.201	Reduce the rear setback to maximize buildable area.	R-G Zoning – 15 ft rear with projections (unhabitable spaces, porches, patio covers, etc.) allowed to go to 5 ft.  Table 3.2.201 – Rear yard setbacks revised

Current Table with Red Line Change

Table 3.1.202A Single-Family Detached Lot and Building Standards							
District and Neighborhood Type	Minimum						Maximum Building Height
	Lot Dimension		Setbacks				
	Area	Width	Front	Interior Side	Street Side	Rear	
<b>Agriculture (A-L) District</b>							
Standard (Farmstead) <sup>1, 5</sup>	5 ac.	275'	40'	25'	40'	40'	35'
<b>Residential Suburban (R-S) District</b>							
Standard (Rural Lot) <sup>1, 2</sup>	1 ac.	140'	30'	10% of lot width; min. 7' to max. 15'	15'	30'	35'
Standard (Estate Lot)	21,780 sf.						
Planned (Mixed Housing Types) <sup>1</sup>	15,000 sf.	75'	25'	10% of lot width; min. 7' to max. 15'	15'	30'	35'
<b>Residential General (R-G) District</b>							
Standard (Large Lot) <sup>1</sup>	9,000 sf.	70'	25'	7'	15'	15'	35'
Standard (Moderate Lot) <sup>2</sup>	7,000 sf.	60'				<del>20'</del>	
Standard (Small Lot) <sup>2, 6</sup>	6,000 sf.	50'					
Planned (Mixed Housing Types) <sup>2, 3, 4, 6, 7</sup>	3,000 sf.	30'	See Note 4	0'/5'	30'	See Note 3	35'
Manufactured Home Park	3,600 sf.	40'	25'	7'	10'	10'	20'
<b>Residential Multi-Family (R-M) District</b>							
Standard Neighborhood (Single-Family Attached) <sup>2, 3</sup>	3,000 sf.	45'	20'	4'	20'	18'	35'
Planned (Multi-Family) <sup>7</sup>	1,500 sf.	See Table 3.1.202B, <u>Single-Family Attached and Multi-Family Lot and Building Standards</u> , below.					
Mixed Use <sup>7</sup>	For multi-family, see <u>Planned Development (Multi-Family)</u> above. For mixed use buildings, see <u>Sec. 3.1.301, Nonresidential and Mixed Use Development Standards</u>						

## Current Table

Table 3.2.201 Existing Neighborhood Lot and Building Standards										
Subdistrict	Equivalent District	Predominant Housing Type (dwelling units)	Minimum Lot Width	Lot Area <sup>1</sup>		Minimum Setback				Maximum Building Height
				Minimum	Maximum	Front	Interior Side	Street Side	Rear	
NC.1	A-L / R-S	Single-family detached	140'	1 ac.	N/A	30'	7'	14'	30'	35'
	A-L			21,780 sf.						
NC.2	R-1	Single-family detached	60'	7,000 sf.	12,000 sf.	30'	7'	14'	25'	35'
	R-2		50'	6,000 sf.						
	M-S	Single-family detached - manufactured homes								
NC.3	R-3	Single-family detached	50'	5,000 sf.	12,000 sf.	25'	7'	14'	25'	35'
	R-3N					20'			10'	
	R-3	Single-family attached - duplex	50'	3,000 sf.	15,000 sf.	25'	0'	14'	25'	
	R-3N		20'			10'		15'		
	R-3A		60'			30'		30'	15'	
NC.4	R-4	Single-family detached	42'	5,000 sf.	15,000 sf.	25'	7'	14'	25'	35'
		Single-family attached - duplex	50'	3,000 sf.			0'	7'		
		Multi-family	49'	1,500 sf.			10'	14'	14'	
NC.5	M-P	Single-family detached - manufactured homes	40'	3,600 sf.	11,200 sf.	25'	7.5	15'	10'	25'

**TABLE NOTES:**  
N/A - Not Applicable  
1. Any newly constructed principal buildings on vacant lots shall have a floor area of not less than 640 square feet, with a minimum width of any building elevation of 20 feet.

Proposed New Table

Table 3.2.201									
Existing Neighborhood Lot and Building Standards									
Subdistrict	Predominant Housing Type (dwelling units)	Minimum Lot Width	Lot Area <sup>1</sup>		Minimum Setback				Maximum Building Height
			Minimum	Maximum	Front	Interior Side	Street Side	Rear	
NC.1	Single-family detached	140'	1 ac.	N/A	30'	7'	14'	25'	35'
			21,780 sf.						
NC.2	Single-family detached	50'	6,000 sf.	12,000 sf.	25'	7'	14'	15'	35'
	<a href="#">Single-family detached - manufactured homes</a>								
NC.3	Single-family detached	50'	5,000 sf.	12,000 sf.	25'	7'	14'	15'	35'
	duplex	50'	3,000 sf.	15,000 sf.					
NC.4	Single-family	50'	5,000 sf.	15,000 sf.	25'	7'	14'	10'	35'
	Duplex		3,000 sf.						
	<a href="#">Multi-family</a>	50'	1,500 sf.			10'			
NC.5	Single-family detached - manufactured homes	40'	3,600 sf.	11,200 sf.	25'	7.5	15'	10'	25'

Rear and Side Yard Projection Setback	Rear and Side Yard Projection Setback
Decks, patios, balconies, covered or uncovered, awnings, canopies, sunshades, trellises, arbors or other similar architectural features attached or detached to the primary dwelling.	5 ft. from the rear and side property line.

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Parking – C-3 District – Special Use	Table 2.2.203  Sec. 2.2.304 (C) (10)(c)(iii)	There are no parking requirements for businesses within a C-3 District. This section puts restrictions on how close parking is required to be to a particular use or business in C-3 and needs to be removed.	Change the Table from “S” to “P” for a permitted use in a C-3 District.  Remove the requirements for the special use, including parking.

Current Table with Red Line Change

Table 2.2.203 Institutional, Recreation, and Amusement Uses												
P = Permitted Use; L = Limited Use; S = Special Use; -- = Prohibited Use												
Land Use	Limited and Special Use Standards	Zoning Districts										
		Agriculture A-L	Residential			Nonresidential						
			R-S	R-G	R-M	C-1	C-2	C-3	I-1	I-2	M-U	P-I
Place of Public Assembly (event facilities; meeting halls; private clubs; lodges; places of worship)	Sec. 2.2.304	--	L	L	L	L	P	<del>S</del> P	L	--	L	P
Schools, Private	Sec. 2.2.304	--	P	P	P	L	P	L	L	--	L	P
Schools, Public	Sec. 2.2.304	--	P	P	P	L	P	L	L	--	L	P

iii. C-3: Parking shall be: ~~—~~

- a. ~~Accommodated through on-lot, on-street, or private off-street parking (via ownership or private agreements) within 300 feet of the place of public assembly; and~~
- b. ~~Not place material demands upon the on-street or public parking during peak demand hours for retail, restaurant, and other commercial uses.~~

iv. C-1, I-1 and M-U:

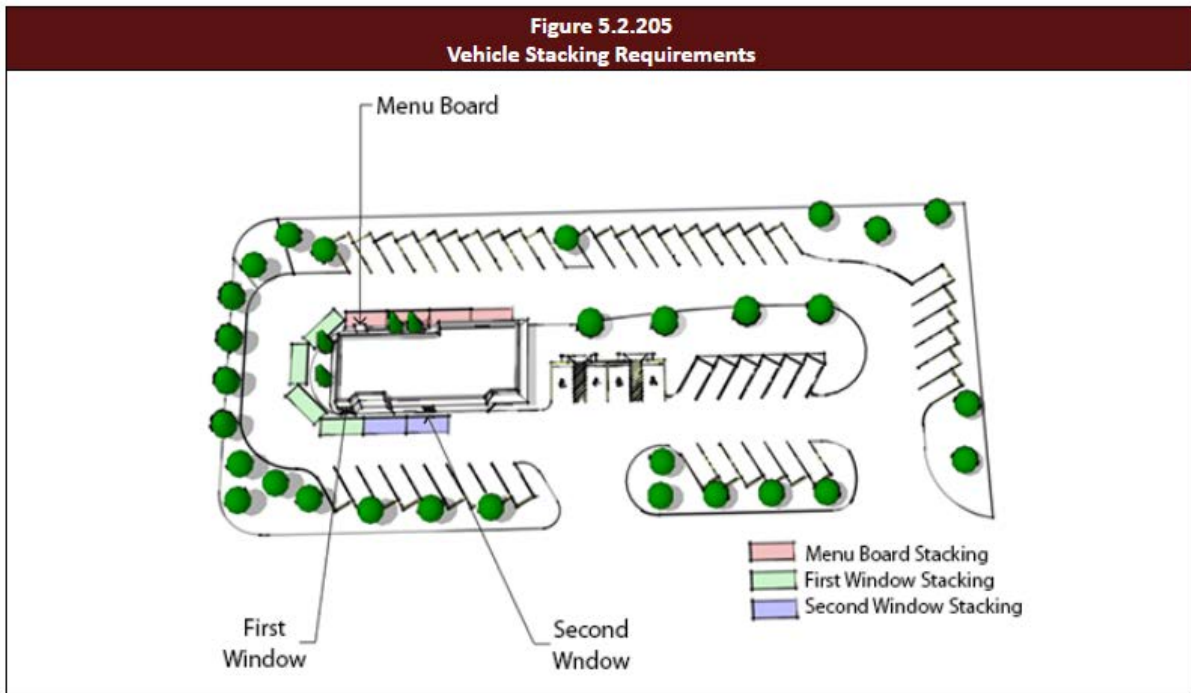
- a. The parcel proposed for development is located along and arterial or c
- b. Parking shall be:
  - A. Provided on-site without requiring parking on contiguous or noncontiguous
  - B. Conducted so that it does not create parking or traffic congestion.

Removing this requirement makes sense for properties located within a C-3 Downtown District

d. Other:

- i. R-S, R-G and R-M: N/A

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Parking – Bypass Lane	Sec. 5.2.205	This section requires a bypass lane for a drive through. Some layout designs that don't go around a building may not need the bypass lane.	"Bypass lane may be eliminated upon zoning administrator approval based on site plan review if the applicant can show alternative design for proposed use."



**D. Configuration of Stacking Spaces; Required Bypass Lane.**

1. No stacking space may occupy any portion of a public right-of-way.
2. The minimum pavement lane width shall be eight feet.
3. Stacking spaces may be used to satisfy off-street parking requirement but may not be used to meet loading space requirements.
4. Stacking lanes shall not interfere with parking spaces, vehicle aisles, loading spaces, internal site circulation, or points of ingress and egress.
5. A 10-foot bypass lane is required adjacent to the stacking lane to allow vehicles to circumvent the stacking lane.
6. Bypass lane may be eliminated upon zoning administrator approval based upon the site plan review if the applicant can show alternative design for proposed use.

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Residential Planned Development  Minimum size of Area	Table 2.2.202A  Table 3.1.201	Minimum area required is 5 & 10 acres for a planned development. Current regulation does not allow more than a duplex to be developed on one lot without a planned development.	Remove the 5 & 10 acre requirement.  Remove the footnote that only allows the various housing types in a planned development.

Current Table with Red Line Change

Table 3.1.201 Residential Development Standards					
District and Neighborhood Type	Development Standards				
	Minimum Lot Size	Minimum Open Space Ratio (OSR) <sup>1</sup>	Maximum Gross Density	Minimum Area of Development	Utility Requirement
Standard (Farmstead) <sup>1</sup>	5 ac.	50%	0.09	20 ac.	On-Site
Residential Suburban (R-S) District					
Standard (Rural Lot)	1 ac.	7%	0.83	N/A	No Water / Sanitary Sewer Available
Standard (Estate Lot)	21,780 sf.	7%	1.56	N/A	Water or Sewer Available
Planned (Mixed Housing Types) <sup>2</sup>	15,000 sf.	15%	2.07	<del>10 ac.</del>	Public (Water and Sewer Available)
Residential General (R-G) District					
Standard (Large Lot)	9,000 sf.	7%	3.73	N/A	Public (Water and Sewer Available)
Standard (Moderate Lot)	7,000 sf.	7%	4.68	N/A	Public (Water and Sewer Available)
Standard (Small Lot)	6,000 sf.	7%	5.48	N/A	Public (Water and Sewer Available)
Planned (Mixed Housing Types) <sup>2</sup>	3,000 sf.	15%	9.40	<del>5 ac.</del>	Public (Water and Sewer Available)
Manufactured Home Park <sup>3, 4, 5</sup>	3,600 sf.	10%	8.36	5 ac.	Public (Water and Sewer Available)

**Table 2.2.202A  
Residential and Commercial Uses of the Home**

P = Permitted Use; L = Limited Use; S = Special Use; -- = Prohibited Use

Land Use	Limited and Special Use Standards	Zoning Districts										
		Agriculture	Residential			Nonresidential						
		A-L	R-S	R-G	R-M	C-1	C-2	C-3	I-1	I-2	M-U	P-I
<b>Residential Uses</b>												
<b>Single-Family Detached</b>												
- <u>Single-Family Detached</u>	Sec. 2.2.302	p <sup>2</sup>	P	P	p <sup>1</sup>	--	--	--	--	--	L <sup>1</sup>	--
- <u>Manufactured Home</u>	Sec. 2.2.302	L	L	L	--	--	--	--	--	--	--	--
- <u>Modular Home</u>	Sec. 2.2.302	L	L	L	--	--	--	--	--	--	--	--
<b>Single-Family Attached</b>												
- <u>Duplex</u>	Sec. 2.2.302	--	L <sup>1</sup>	L	L	--	--	--	--	--	L <sup>1</sup>	--
- <u>Triplex</u>	Sec. 2.2.302	--	--	L <sup>1</sup>	L <sup>1</sup>	--	--	--	--	--	L <sup>1</sup>	--
- <u>Townhouse</u>	Sec. 2.2.302	--	--	L <sup>1</sup>	L <sup>1</sup>	--	--	--	--	--	L <sup>1</sup>	--
- <u>Live-Work Unit</u>	Sec. 2.2.302	--	--	--	--	--	--	L	--	--	L <sup>1</sup>	--
<b>Multi-Family</b>												
- <u>Apartment</u>	Sec. 2.2.302	--	--	L <sup>1</sup>	P	--	--	L	--	--	L <sup>1</sup>	--
- <u>Mixed Use Lofts</u>	N/A	--	--	--	--	--	--	P	--	--	--	--
<b>Commercial Use of the Home</b>												
<u>Child-Care Facility, Family Day Care Home</u>	Sec. 2.2.303	L	--	--	L	--	--	L	--	--	L <sup>1</sup>	--
<u>Child-Care Facility, Group Day Care Home</u>	Sec. 2.2.303	L	--	--	L	--	--	L	--	--	L <sup>1</sup>	--
<u>Child-Care Facility, Youth Residential</u>	Sec. 2.2.303	L	--	--	L	--	--	L	--	--	L <sup>1</sup>	--
<u>Home Occupations</u>	Sec. 2.2.303	L	--	--	L	--	--	L	--	--	L	--

All the highlighted "L"s or "P"s would have the "1" removed and not require the Planned Development

**TABLE NOTES:**

N/A - Not Applicable.

1. These dwelling units may only be utilized in these districts as part of a planned development option.
2. See Table 3.1.201, Residential Development Standards.

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
"Special Use" Language Change	Throughout UDC	The BZA has the power to grant Exceptions. This change will remove the words "Special Use" to ensure it does not conflict with any other regulations.	Change all references from "Special Use" to "Exception".

**C. Powers and Duties.** The BZA shall have the following powers and duties:

1. *Appeals.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, or other administrative official, in the administration and enforcement of this Code (see Section 11.2.401, *Administrative Appeals*).
2. *Variances.* To authorize in specific cases a variance from the specific terms of this Code. Such variance shall not permit any use not permitted by Article 2.2, Land Uses (see Section 11.2.410, *Variances*).
3. *Exceptions.* To grant exceptions to the provisions of this Code, but only in those instances where the BZA is specifically authorized to grant such exceptions (see Section 11.2.408, *Special Use Permits*).



UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Minimum Landscape Surface Ratio	Table 3.1.301A	The table requires different amounts of landscaping area based on the zoning district. Reducing the amount of landscaping will allow more use of the property for development.	Change the landscape surface ratio to 10% for all zoning districts other than C-3.

Current Table with Red Line Change

Table 3.1.301A Nonresidential and Mixed Use Development Standards								
Standard	Stories	Zoning District						
		C-1	C-2	C-3 <sup>1</sup>	I-1	I-2	M-U	P-I
Minimum Landscape Surface Ratio (LSR)	N/A	10% <del>25%</del>	10% <del>15%</del>	1%	10% <del>20%</del>	10% <del>15%</del>	10% <del>15%</del>	10% <del>20%</del>
Floor Area Ratio ("FAR") <sup>2</sup>	1	0.321	0.280	0.962	0.342	0.518	0.280	0.342
	2	0.408	0.335	1.852	0.435	N/A	0.335	0.435
	3	N/A	N/A	2.680	0.478	N/A	0.358	0.478
	4	N/A	N/A	3.448	N/A	N/A	0.371	N/A
Density	N/A	N/A	N/A	See Notes <sup>1</sup> and <sup>4</sup>	N/A	N/A	See Note <sup>4</sup>	N/A
Minimum Street Frontage	N/A	50'	50'	25'	50'	50'	50'	50'
Maximum Building Height <sup>3</sup>	N/A	35'	45'	60'	45'	60'	60'	45'

**TABLE NOTES:**  
 N/A - Not Applicable

- No off-street parking is required in the C-3 district, except for live-work units and multi-family as set out in Table 3.1.202B, *Residential Development Standards in Nonresidential and Mixed Use Districts*.
- The FARs account for the Landscape Surface Ratio (including setbacks, bufferyards, on-site drainage, and parking lot landscaping) and required on-site parking, excluding the C-3 District. Multiplying the site area by the FAR determines the maximum building size.
- Refer to Subsection D.2.c., *Setback Planes*, of this Section.
- Refer to Table 3.1.201, *Residential Development Standards*, for the planned development (multi-family) neighborhood type in the Residential Multi-Family (R-2) District for the maximum gross density in the C-3 and M-U districts.

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Xeriscape	Definition of xeriscape and where otherwise referenced in the UDC	Change references of “xeriscape” to “WaterSmart”.	Changing this word will help align with Water Resources, Water Conservation efforts for this landscaping practice.

### Current Definition

**Xeriscaping** means a method of landscaping which requires little to no supplemental irrigation once the vegetation is established. Plants used in xeriscape must be well adapted to the extremes of the local climate, particularly drought, high solar radiation, wind gusts and low winter temperatures. Xeriscape may be constructed with many types of groundcover, including 100 percent ground coverage with living plants or individual and group plantings surrounded by mulches and the incorporation of decorative rocks and gravel. Weed barriers must be made of water-permeable material. Xeriscape includes traditional hardscapes such as sidewalks, decks, driveways and patios only if they incorporate vegetation.

### Revised Definition

WaterSmart Landscaping means a method of landscaping which requires little to no supplemental irrigation once the vegetation is established. Plants used in WaterSmart landscaping must be well adapted to the extremes of the local climate, particularly drought, high solar radiation, wind gusts and low winter temperatures. WaterSmart landscaping may be constructed with many types of ground cover, including 100 percent ground coverage with living plans or individual and group plantings surrounded by mulches and the incorporation of decorative rocks and gravel. Weed barriers must be made of water-permeable material. WaterSmart landscaping includes traditional hardscapes such as sidewalks, decks, driveways and patios only if they incorporate vegetation.

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
District Bufferyard Standards and Bufferyard Classifications	Table 4.1.404 Sec. 4.1.404	Table and Section 4.1.404 are not user friendly and is confusing.	Removed the table and included language to address the bufferyard standards and classifications.

**Bufferyard** means a designated strip of land upon which a buffer is installed. Bufferyards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

Section 4.1.404 shown on next page is to be removed and replaced with below:

4.1.404 District Bufferyards.

- A. The classification of bufferyards required between non-residential and residential districts that are not separated by a public street or alley are as follows:
  - 1. Any non-residential lot developed adjacent to a residential use or zoning district is required to provide a 10 ft. district bufferyard. A 6 ft. solid fence, wall, or landscaping with a visual density equal to or greater than of a 6 ft. solid fence is required.

### Sec. 4.1.404 District Bufferyards

A. **Generally.** The classification of bufferyards required between zoning districts that are not separated by a public street are set out in Table 4.1.404, *District Bufferyard Standards*.

B. **Interpretation of Table.** The table is a matrix in which all zoning districts are shown. The rows indicate the zoning of the parcel proposed for development, and columns indicate the zoning of the adjoining or adjacent land. There are two letters shown for each combination of adjacent districts. The bufferyard that is required to be planted for the proposed use is listed first, with the second letter indicating the buffer that is required to be planted on the adjoining or adjacent property. Where "--" is found there is no bufferyard required.

Zoning of Parcel Proposed for Development	Zoning of Adjoining District							
	A-L	NC, R-S, R-G	R-M	C-1	C-2, M-U	C-3	I-1, I-2	P-I
A-L	--/--	A/A	A/A	A/A	A/C	A/--	A/C	A/B
N-C, R-S, R-G	A/A	--/--	A/B	A/B	A/C	A/C	A/C	A/C
R-M	B/A	B/A	--/--	B/B	B/B	B/B	B/C	B/B
C-1	B/A	B/A	B/B	--/--	B/B	B/B	B/C	B/B
C-2, M-U	C/A	C/A	C/B	B/B	--/--	B/B	B/C	B/B
C-3	C/A	C/A	B/B	B/B	B/B	--/--	B/C	B/B
I-1, I-2	C/A	C/A	C/B	C/B	C/B	C/B	--/--	C/B
P-I	C/A	C/A	C/B	B/B	B/B	B/B	B/C	--/--

C. **Existing Adjacent Development without Bufferyards.** Where the adjoining property is existing and does not have the required bufferyard, the parcel proposed for development shall provide a bufferyard of the next higher classification than the greater screening of the two bufferyards required (*e.g.*, if the requirement is B/A, then the screening of the parcel proposed for development must install a Type C bufferyard).

D. **Relationship to Other Bufferyard Requirements.** Some limited or special uses have different requirements for bufferyards, as specified in [Division 2.2.300, Compatibility Standards for Limited and Special Uses](#). If bufferyards are required by another section of this Code along property boundaries that are also district boundaries, then the greater bufferyard requirement shall supersede the lesser one (only one bufferyard is required).

E. **Buffering Existing Residential Development and Mixed Housing or Mixed Use Development.** New residential development is required to provide an increase in the level of screening of a bufferyard (*e.g.*, from Type A to Type B) when adjacent to an existing single-family detached, duplex, or single-family attached residential property or development, if:

1. The lot widths of the new development are less than 80 percent of the lot widths of the nearest lots of the existing development;
2. The building height(s) of the new development is (are) more than eight feet taller than the building height(s) of the existing property or development; or
3. The housing type that is located on the lots that abut the existing development is more dense than the housing type of the existing development (*e.g.*, new townhouse lots abutting existing single-family detached lots).

Effective on: 8/31/2016

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Site Landscaping Overhead Irrigation	Section 4.1.302 (B) (2)(c)	Hard surfaces can be sloped not toward the street and have less risk of wasteful watering	Add " Or other hard surfaces where water may enter onto the public sidewalk, street, or stormwater system.

Irrigation systems must be designed and operated to avoid watering impervious surfaces and streets and shall comply with all applicable codes. Overhead irrigation methods shall not be used within five feet of driveways, sidewalks or other hard surfaces where water may enter onto the public sidewalk, street, or enter the stormwater system. Landscape designers and property owners are encouraged to utilize watersmart landscaping and take advantage of its water-saving principles and practices.