

# UDO CLEARCODE

PRESENTATION TO CITY COUNCIL COMMITTEE 3-19-19



# PROJECT BACKGROUND

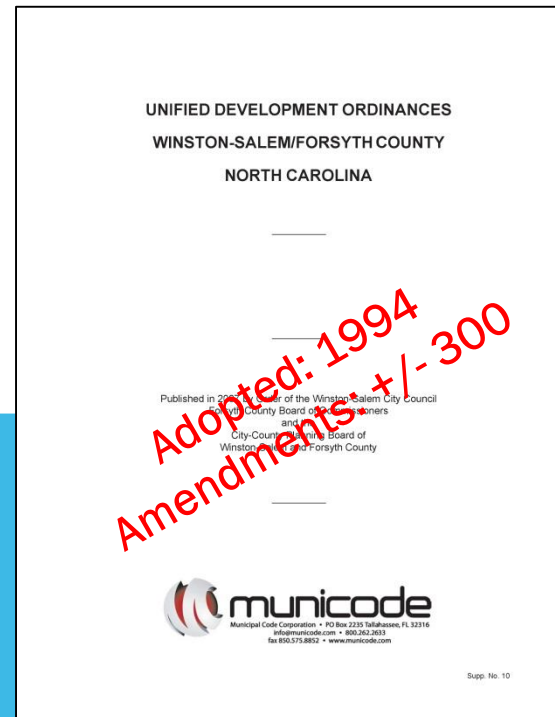
Project to make user-friendly improvements to the UDO

Part of a multi-pronged effort (text/layout, graphics, digital version improvements)

Prepare a Code Assessment of the current UDO

Focus on non-substantive improvements

- Organization
- Layout
- Appearance
- Operation



# TASKS COMPLETED TO DATE

Project Kickoff	11.29.17
Project Webpage	12.11.17
Stakeholder Interviews (29)	12.13 & 12.19.17
Meeting with Planning/ Inspections Staff	1.9.18
Webinar with Staff on Examples	1.18.18
Update with Planning Board	1.25.18 & 5.23.18
Code Assessment Draft	8.31.18
Public Presentations	10.4.18
Planning Board Presentation	10.25.18

# TOP 10 RECOMMENDATIONS FOR IMPROVEMENT

1. Reconfigure the UDO into 10 topic-based chapters
2. Use MS Word to create a new page layout with better navigational tools (typeface styles, dynamic headers, x-ref)
3. Build the document for use on the screen first & paper second
4. Use graphics, tables, and flowcharts to aid comprehension
5. Remove/Replace obsolete provisions
6. Simplify language construction (plain English, not “legalese”)
7. Embed non-binding commentary into the text
8. Add “Rules” sections: conflict, measurement, interpretation, etc.
9. Create a path of procedural least resistance
10. Undertake a campaign to simplify the development standards

UDOClearCode



# CODE ASSESSMENT

Public Review Draft

October 17, 2018

## Non-Substantive Recommendations

- Structure
- Page Layout
- Text Formatting
- Illustrations

# NON-SUBSTANTIVE RECOMMENDATIONS: STRUCTURE

## Current UDO Chapter Structure

Chapter A – Definitions Ordinance
Article I. General
Article II. Definitions
Chapter B – Zoning Ordinance
Article I. Purpose and Authority
Article II. Zoning Districts, Official Zoning Maps & Uses
Article III. Other Development Standards
Article IV. Historic/Historic Overlay Districts
Article V. Nonconforming Situations
Article VI. Administration and Amendments
Article VII. Site Plan Requirements
Article VIII. Fees
Article IX. Enforcement
Article X. Appointed Boards
Chapter C - Environmental Ordinance
Chapter D - Subdivision Regulations

## Proposed Updated UDO Chapters

Chapter 1. General Provisions
Chapter 2. Procedures
Chapter 3. Zoning Districts
Chapter 4. Use Regulations
Chapter 5. Development Standards
Chapter 6. Subdivision Requirements
Chapter 7. Environmental Provisions
Chapter 8. Nonconformities
Chapter 9. Authorities & Enforcement
Chapter 10. Definitions & Measurement

# NON-SUBSTANTIVE RECOMMENDATIONS: TEXT FORMATTING

## Chapter 2 Procedures

### Section 2.3 Specific Development Applications

#### 9.02. NOTICE

The Planning Board shall post on the property a notice of public meeting at least ten (10) days prior to the date of the meeting of the Planning Board. A sign is required on the property at a conspicuous location(s). Location(s) which are not conspicuous or require additional notification to the public, will be required to have directional sign(s) posted. Each sign(s) or each directional sign(s) will have a charge as determined by the Director of Planning. The signs are, and shall remain, the property of the governmental agency which provided them, and shall be prepared, posted and reclaimed by it. The sign serves as constructive notice of the Elected Body public hearing. The review of the site plan by the Planning Board is not a public hearing.

#### 9.03. ADVERTISEMENT

The Elected Body shall duly advertise a public hearing.

#### 9.04. NOTIFICATION TO PROPERTY OWNERS AND ADJACENT PROPERTY OWNERS FOR AN ELECTED BODY SPECIAL USE PERMIT

Letters shall be sent via first class mail to the subject property owner(s) and all property owners within five hundred (500) feet of any portion of the subject property for which the Special Use Permit is requested.

### 2.3.19 TEMPORARY USE PERMIT

Temporary use permits shall be issued or renewed by the Director of Inspections in compliance with Section 8.2-7, provided that such permits are issued only upon written agreement by the owner to remove the structures or uses upon expiration of the permit.

#### A. APPLICATION

All applications for temporary use permits shall be made to the Director of Inspections by the owner or his authorized agent.

#### B. REQUIREMENTS

Before the issuance of a temporary use permit, the Director of Inspections shall determine that all other pertinent regulations which may apply to such proposed use are complied with.

### 2.3.20 UDO TEXT AMENDMENT

#### A. GENERAL PROCEDURES

Proposals to amend, supplement, change, modify, or repeal any of the regulations established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

##### 1.01. PETITION SUBMITTED<sup>18</sup>

A petition by an interested person to amend or change the regulations shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

##### 1.02. PUBLIC HEARING

In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

<sup>18</sup> Information on application submittal, review, notice, public hearing, elected body decision, and withdrawal would be more user-friendly if relocated to standard review procedures.

## Chapter 2 Procedures

### Section 2.3 Specific Development Applications

#### 1.03. NOTICE

- a. A notice of each public hearing shall be given once in a newspaper of general circulation in the adopting jurisdiction, the publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.
- b. *A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.*

#### 2. SUBMITTAL TO PLANNING BOARD

##### 2.01. PETITION SUBMITTED

The petition of any interested person to amend the regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Section B.8; otherwise consideration may be deferred until the following monthly meeting.

##### 2.02. AMENDING THE TEXT OF THIS ORDINANCE

Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by:

- a. Recommendation of planning staff;
- b. Completed petitions to amend the regulations established by this Ordinance; and
- c. The fees required by this Ordinance.

#### 3. APPLICATION AND FEE

Each petition shall be accompanied by a completed application form and a fee as specified by the Planning Board. The sections of the Ordinance to be amended and the new or revised language of the Ordinance proposed shall be submitted.

#### 4. WAIVER OF FEES

The fee for a text amendment submitted by a private individual which, in the opinion of the Director of Planning, is of public benefit, would introduce a beneficial change in the Zoning Ordinance with application throughout the jurisdiction, and is not designed primarily to benefit a single property or specific situation, may be waived by the Planning Board upon recommendation of the Director of Planning. Said waiver must be approved prior to formal consideration of the text amendment by the Planning Board.

Such publication of the public hearing, together with the names, addresses and tax lot and block numbers of nonpetitioning owners shall be made within one hundred eighty (180) days of the posting of the first letter to the nonpetitioning owner at such person's last known address. Otherwise, said notification procedure shall start anew. The Planning Board shall not advertise the public hearing until receipt of the petitioner's certificate as provided above.

#### 5. ADVERTISING AND POSTING FOR A PLANNING BOARD PUBLIC HEARING

Whenever a petition to amend this Ordinance is submitted to the Planning Board, the Planning Board shall schedule a public hearing. Notice of the public hearing shall be advertised once in a newspaper of general circulation in the adopting jurisdiction, said notice being not less than ten (10) days prior to the date fixed for the hearing.

#### 6. WITHDRAWAL

# NON-SUBSTANTIVE RECOMMENDATIONS: TEXT FORMATTING

## COMMENTARY:

The “golden arches” at McDonald’s, if used as support for a sign, are clearly integral to the sign message and would be included in the computation of the area of the sign face.



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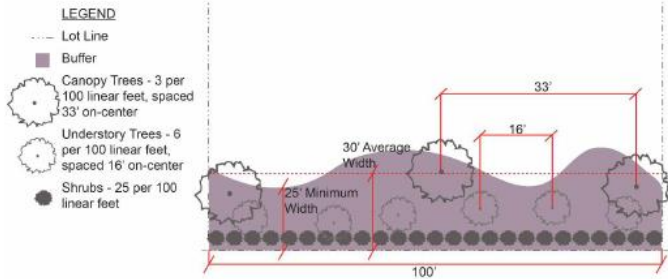
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**6. WITHDRAWAL**



# NON-SUBSTANTIVE RECOMMENDATIONS: ILLUSTRATIONS

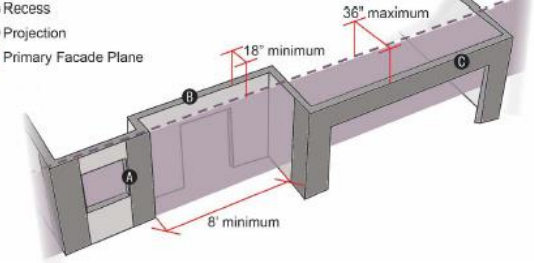
Examples of annotated photographs used in other communities' codes. At top, a photographic range of examples of acceptable screening methods. At right, an illustration of acceptable and unacceptable ways of screening trash receptacles.



- A** Evergreen Vegetation
- B** Vegetated Berm
- C** Opaque Fence
- D** Wall of Principal Structure
- E** Masonry Wall
- F** Wall of Accessory Structure

## LEGEND

- A** Primary Facade
- B** Recess
- C** Projection
- Primary Facade Plane



These three graphics all come from the same community's code and demonstrate the benefit of using a standard set of colors, conventions, and annotation styles, even across different types of graphics.

**1** Maximum Sign Face Area 12' per side

**B** 3' Minimum Distance to Street Paving

**C** 8' Minimum Clearance

FIGURE 4-3. EROSION CONTROL PERMIT PROCEDURE	
STEP	ACTION
1	<b>PRE-APPLICATION CONFERENCE</b> Required for sites that disturb 30 or more acres of land area, otherwise optional <i>See Section 4-2, Pre-Application Conference</i>
2	<b>FILE APPLICATION</b> Filed with City Engineer Required for land-disturbing activity occupying one or more acres
3	<b>COMPLETENESS DETERMINATION</b> <i>See Section 4-3, Completeness Determination</i>
4	<b>STAFF REVIEW</b> Site plans shall include details on erosion control and sedimentation devices configured in accordance with this Ordinance, regardless of whether an erosion control permit is required
5	<b>CITY ENGINEER DECISION</b> Erosion control permits or approval of proposed erosion control and sedimentation devices shall take place prior to any land clearing activity
6	<b>NOTIFICATION OF DECISION</b> Delivered via personal service, electronic mail, or 3 <sup>rd</sup> class mail
7	<b>APPLY FOR OTHER APPLICABLE PERMITS</b> as appropriate



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## **CODE ASSESSMENT**

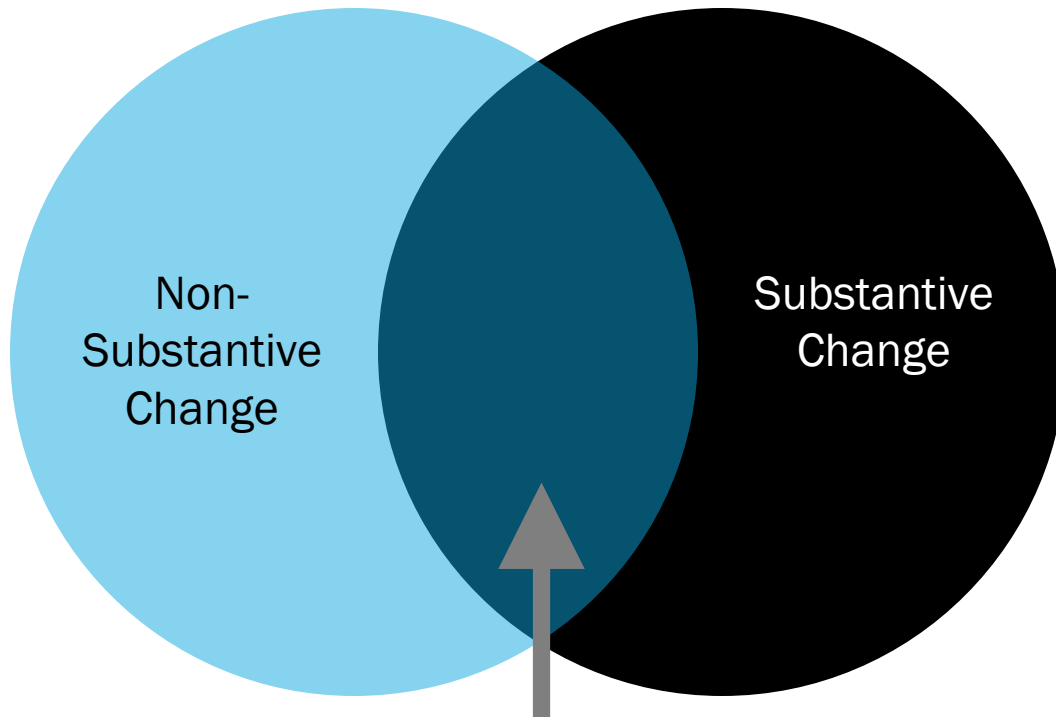
Public Review Draft

October 17, 2018

### Substantive Recommendations

- The “Gray Area”
- State Statutes
- Issues for  
Consideration

# SUBSTANTIVE VS. NON-SUBSTANTIVE CHANGES



THE "GRAY AREA"

# HOW FAR INTO THE “GRAY AREA” WILL WE GO?

- Remove/Replace Obsolete Provisions
- Incorporate Purpose and Intent Statements
- Procedural Changes
- Enhance Clarity
  - Conflict
  - Rules of Language Construction
  - Rules of Measurement
  - Review Criteria
  - Appeal Path
  - Definitions

# STATE STATUTORY CHANGES

- Simultaneous Comp Plan Amendment
- Statute of Limitations on Enforcement
- Stormwater Limitations at Airports
- Expedited Subdivisions
- Agri-Tourism Exemptions
- Small Wireless Facilities

# SUBSTANTIVE CHANGES

- Outside Procedures Manual
- The 80/20 Problem
- Text Amendment Reform
- Signage Standards
- Tree Save Standards
- Nonconformity Tracking
- Watershed Requirements
- GMA Rules for Infill
- Sidewalks
- Alternative Compliance



# RECOMMENDATIONS

1. Confirm Structure/Style Set	See Appendix 5 for a working example
2. Bring Current Text in to new Format	Using New Headings & Structure; Otherwise Unchanged
3. Incorporate new Tables and Visuals	Procedures, Districts, Standards, Definitions, etc.
4. Adopt Replacement UDO	No need for redline
5. Complete “Easy” Text Revisions	This is the “Gray Area”
6. Commence Quarterly Amendment Cycle	Issues for Deeper Consideration

# PROJECT STATUS

## December 2018

- City/County staff finalized the proposed UDO style and layout

## January 2019

- CodeWright began reformatting the current UDO into the new style and layout - No changes to current text are proposed

## March 2019

- Work can commence on tables and visuals – suggest adopting the newly reformatted UDO beforehand