

City Council
Agenda Memo



City Council
Meeting Date: 4-22-10

TO: Larry D. Gilley, City Manager

FROM: Jon C. James, Director of Planning and Development Services

SUBJECT: Oral Resolution to Approve the Goals and Objectives for the 2010-2014 Consolidated Plan

GENERAL INFORMATION – The City of Abilene is required to submit a Consolidated Plan that strategically addresses the City’s goals and objectives for housing and community development over the course of a five year period. This is one of the requirements placed on cities, such as Abilene, that receive funds from the U.S. Department of Housing and Urban Development (HUD). The City has conducted several major activities in the past few months to help develop the Consolidated Plan which will be submitted to HUD August 15, 2010. These activities have included four consultation work group sessions to identify services, needs and gaps, three neighborhood meetings within Community Development Eligible Areas, surveys distributed by mail, at meetings, and in person to interested organizations. To increase citizen participation in this process, the City partnered with the ACU School of Social Work and the School of Urban Studies to facilitate these meetings and to compile and present the results to the Office of Neighborhood Services Advisory Council (ONSAC). Based on this information, the ONS Council developed the Goals and Objectives for the 2010-2014 Consolidated Plan. ONSAC Chair, Susan Robinson will present the recommended goals and objectives. As per HUD regulations, a public hearing will follow.

SPECIAL CONSIDERATIONS – The ONSAC met on April 6, 2010, to develop and approve the goals and objectives that target the areas of housing, homelessness, special needs, and non-housing community development (including economic development). The ONSAC did not have the responsibility for making specific recommendations with regards to funding allocations of the City’s Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, although goals and objectives are intended to guide the City’s strategies and priorities over the five-year period.

FUNDING/FISCAL IMPACT – The Consolidated Plan goals and objectives will form the basis for utilizing CDBG and HOME funds. It will also serve as an available resource in helping to make other funding decisions.

STAFF RECOMMENDATION – The staff recommends approval by oral resolution of the following goals and objectives for the 2010-2014 Consolidated Plan. (See attachment)

BOARD OR COMMISSION RECOMMENDATION – The Office of Neighborhood Services Advisory Council recommends the approval of the attached goals and objectives for the 2010-2014 Consolidated Plan.

ATTACHMENTS – Attached is the recommended goals and objectives for 2010-2014 Consolidated Plan for the City of Abilene.

Prepared by: Name Sandy Bowen Title Neighborhood Initiatives Mgr.	Item No. <u>7.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
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Goals and Objectives for the PY2010-2014 Consolidated Plan

The following are goals and objectives for the PY2010-2014 Consolidated Plan as recommended by the Office of Neighborhood Services Advisory Council (ONSAC).

Housing Needs

Goal: Low- to moderate-income citizens will have access to safe, decent and affordable housing

Objectives:

- Increase the availability, financial accessibility, and support for affordable home ownership opportunities
- Increase the availability, financial accessibility, and support for affordable and subsidized rental units
- Maintain, rehabilitate and improve existing single-family, multi-family, and subsidized housing units
- Educate homeowners and homebuyers on all aspects of homeownership to include, but not limited to, property maintenance and environmental hazards
- Educate renters and landlords on all aspects of fair housing practices to include, but not limited to, property maintenance and environmental hazards
- Expand education and enforcement of safety codes and/or services to improve conditions of housing
- Increase the availability, financial accessibility, and support for handicap accessible housing

Homeless & Non-Homeless Special Needs

Goal: Prevent and reduce homelessness

Objectives:

- Provide and maintain transitional housing and support services for individuals and families, including unaccompanied youth and ex-offenders
- Provide long-term housing opportunities and emergency shelters

Goal: Improve the quality of programs and facilities for health and safety, information, transportation, childcare and recreation services

Objectives:

- Support the expansion of comprehensive affordable health and dental services
- Enhance the mechanism for coordination, communication, and quality assurance among service providers, city services, citizens and clients
- Provide and expand social and recreational services and facilities including, but not limited to youth and individuals with disabilities
- Expand crime prevention strategies, law enforcement services, and code enforcement

- Facilitate assimilation of refugees into the community

Economic Development Needs (Jobs)

Goal: Enhance the economic well-being of all citizens

Objectives:

- Support maintenance, enhancement, and expansion of quality childcare
- Support maintenance, enhancement, and expansion of transportation services
- Utilize and promote rehabilitation of existing properties to support business development
- Partner with higher education, businesses and service programs for life skills and language training
- Expand or enhance existing financial asset building programs
- Develop job skills training for youth
- Establish micro loan/grant programs for small business development

Other Community Development Needs

Goal: Revitalize neighborhoods

Objectives:

- Encourage and support programs that diminish crime
- Provide incentives to encourage neighborhood initiated projects and organizations
- Encourage mixed use/mixed income infill development

Goal: Enhance the physical environment of Abilene

Objectives:

- Provide and maintain adequate public facilities and infrastructure especially in LMI areas, including green spaces
- Enhance pedestrian, bike and traffic safety

Goal: Enhance quality of life for elderly citizens

Objectives:

- Increase the availability, financial accessibility, and support for safe, decent, and affordable housing
- Provide resources for home repairs and property maintenance for owner-occupied homes
- Maintain and increase services to encourage independent living
- Support the expansion of comprehensive affordable health and dental services
- Enhance the mechanism for coordination, communication, and quality assurance among service providers, city services, citizens, and clients



Goals & Objectives
For
2010 - 2014 Five-Year
Consolidated Plan
 April 22, 2010



Public Participation Process

Citizen Participation Includes

- Media involvement
- Meeting with ONS Advisory Council
- Consultation Workgroup Sessions
- Neighborhood Resident Meetings
- Public Notices & Public Hearings



Housing Needs

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Objectives:

- Increase the availability, financial accessibility, and support for affordable home ownership opportunities
- Increase the availability, financial accessibility, and support for affordable and subsidized rental units
- Maintain, rehabilitate and improve existing single-family, multi-family, and subsidized housing units



Housing Needs (cont'd)

- Educate homeowners and homebuyers on all aspects of homeownership to include, but not limited to, property maintenance, environmental hazards
- Educate renters and landlords on all aspects of fair housing practices to include, but not limited to property maintenance, environmental hazards
- Expand education and enforcement of safety codes and/or services to improve conditions of housing
- Increase the availability, financial accessibility, support for handicap accessible housing



Homeless & Non-Homeless Special Needs

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Objectives:

- Provide and maintain transitional housing and support services for individuals and families, including unaccompanied youth and ex-offenders
- Provide long-term housing opportunities and emergency shelters



Homeless and Non-Homeless Special Needs (cont'd)

Goal: Improve the quality of programs and facilities for health and safety, information, transportation, child care and recreation services

Objectives

- Support the expansion of comprehensive affordable health and dental services
- Enhance the mechanism for coordination, communication, and quality assurance among service providers, city services, citizens and clients
- Provide and expand social and recreational services and facilities including, but not limited to youth and individuals with disabilities



Homeless and Non-Homeless Special Needs (cont'd)

- Expand crime prevention strategies, law enforcement services, and code enforcement
- Facilitate assimilation of refugees into the community



Economic Development Needs (Jobs)

Goal: Enhance the economic well-being of all citizens

Objectives:

- Support maintenance, enhancement, and expansion of quality childcare
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- Utilize and promote rehabilitation of existing properties to support business development
- Partner with higher education, businesses and service programs for life skills and language training



Economic Development Needs (cont'd)

- Expand or enhance existing financial asset building programs
- Develop job skills training for youth
- Establish micro loan/grant programs for small business development



Other Community Development Needs

Goal: Revitalize Neighborhoods

Objectives:

- Encourage and support programs that diminish crime
- Provide incentives to encourage neighborhood initiated projects and organizations
- Encourage mixed use/mixed income infill development



Other Community Development Needs (cont'd)

Goal: Enhance the physical environment of Abilene

Objectives:

- Provide and maintain adequate public facilities and infrastructure especially in LMI area, including green spaces
- Enhance pedestrian, bike and traffic safety



Other Housing & Community Development Needs

Goal: Enhance quality of life for elderly citizens

Objectives:

- Increase the availability, financial accessibility, and support for safe, decent, and affordable housing
- Provide resources for home repairs and property maintenance for owner-occupied homes
- Maintain and increase services to encourage independent living



Other Housing & Community Development Needs (cont'd)

- Support the expansion of comprehensive affordable health and dental services
- Enhance the mechanism for coordination, communication, and quality assurance among service providers, city services, citizens, and clients



Additional Recommendations

- Consider alternatives to establish funding for other needs identified in public meetings that are not eligible for funding with CDBG and HOME
- Consider expansion of the current Council restriction on grants to qualified proposals to include program enhancements other than capital improvements.



Council Funding Directives

- Requests for CDG funds must meet one of the National Objectives and HOME funds must be consistent with the intent of the HOME program.
- Projects considered for funding must meet the goals, objectives and priorities in the City's Consolidated Plan.
- Priority will be given to projects which improve the physical conditions or directly benefit residents of Council-identified Targeted Neighborhoods.
- Minimum of 50% of funds allocated to rehabilitation activities be used for projects in Targeted Neighborhoods
- Only requests for capital improvements funding from private nonprofit agencies will be considered.



Questions & Answers

City Council
Agenda Memo



City Council
Meeting Date: 04/22/10

TO: Larry D. Gilley, City Manager
FROM: Ronnie C. Kidd, Managing Director for Administration and Civil Service Director & Ken Dozier, Fire Chief
SUBJECT: Final Reading of an Ordinance Amending Budget Ordinance No. 31-2009, part 7

GENERAL INFORMATION:

Pursuant to Texas Local Government Code Chapter 143, the FY 2010 budget ordinance provides the number, classification, and designation of each position for the Police and Fire Departments. Regarding the Fire Department, the ordinance currently designates two (2) Assistant Fire Chief positions and a total of 171 positions in the Fire Department. Fire Chief Ken Dozier desires to implement a cost savings strategy that will eliminate one of the Assistant Fire Chief positions, thereby eliminating one position from the overall total.

SPECIAL CONSIDERATIONS:

FUNDING/FISCAL IMPACT:

Estimated annualized savings of approximately \$110,000 will be generated when considering the salary and benefits savings associated with the elimination of the position.

STAFF RECOMMENDATION:

Staff recommends amending the budget ordinance to designate one (1) Assistant Fire Chief position and 170 overall positions in the Fire Department.

ATTACHMENTS

Proposed Amendment to the Budget Ordinance.

Prepared by:

Name Ronnie C. Kidd

Title Managing Director for Administration

Item No. 7.2

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 31-2009; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Council has adopted Ordinance Number 31-2009; and,

WHEREAS, said Ordinance established the number, classification, and designation of each position, as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments; and,

WHEREAS, Section 7 of said Ordinance allows amendment by the City Council during the fiscal year the Ordinance is in effect; and,

WHEREAS, the Chief of the Abilene Fire Department has requested a reduction in the number of approved positions within the rank of Assistant Fire Chief,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Ordinance Number 31-2009 is amended as set forth in Attachment A.

PART 2: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PASSED ON FIRST READING on the _____ day of April, A.D. 2010.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than ten (10) days prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the _____ day of April, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:


CITY ATTORNEY

ATTACHMENT A

That Part 7 of Ordinance No. 31-2009 is hereby amended to read as follows:

Part 7: That the number, classification, and designation of each position, as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the remainder of the fiscal year **October 1, 2009, through September 30, 2010, or as may be amended by the City Council.** Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished:

Police Department

Deputy Police Chief	3
Police Lieutenant	10
Police Sergeant	23
Police Officers	<u>148</u>
	184

Fire Department

Assistant Fire Chief	1
Battalion Chief	4
Fire Captain	13
Fire Lieutenant	32
Fire Fighter	<u>120</u>
	170

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," OF THE ABILENE MUNICIPAL CODE, BY REPEALING SUBPARTS B, D & E; REPEALING THE "SIDEWALK MASTER PLAN"; AND ADOPTING THE "CITY OF ABILENE LAND DEVELOPMENT CODE" AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

WHEREAS, currently the rules and regulation governing development within the City of Abilene are dividing among the Zoning Ordinance, Subdivision Ordinance, Mobile Home Parks Ordinance, and the Sidewalk Master Plan; and,

WHEREAS, the current Zoning Ordinance was originally adopted on March 8, 1984; and,

WHEREAS, the City Council of the City of Abilene adopted the City of Abilene Comprehensive Plan on January 22, 2004; and,

WHEREAS, the adopted Comprehensive Plan calls for the unification of development regulations into a Land Development Code for the City of Abilene; and,

WHEREAS, the Planning and Zoning Commission and the Land Development Code Review Committee were tasked with reviewing and recommending a Land Development Code for adoption by the City Council; and,

WHEREAS, the Planning and Zoning Commission made a formal recommendation for adoption to the City Council on February 1, 2010; and,

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Abilene that development in the City of Abilene be regulated by a unified Land Development Code,

NOW THEREFORE, be it ordained by the City Council of the City of Abilene, Texas, that:

PART 1: That Chapter 23 "Planning and Community Development" (Ordinance 28-1984), Subparts B "Mobile Home Parks" (Ordinance 45-1986), D & E "Subdivisions" and "Zoning" (Ordinance 34-1983), of the Code of the City of Abilene, Texas, are hereby repealed, replaced and amended as set forth in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That Ordinance No. 39-2006 setting forth the Sidewalk Master Plan regulations of the City of Abilene is hereby repealed and replaced as set forth in Exhibit A, attached and made a part of this ordinance for all purposes.

- PART 3:** That the current zoning districts be modified as set out in Exhibit B, attached hereto and made part of this ordinance for all purposes.
- PART 4:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 5:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of the Code of the City of Abilene.
- PART 6:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective June 1, 2010, said date being more than ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 8th day of April, A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 10th day of February, 2010, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 22nd day of April, 2010, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective June 1, 2010, said date being more than ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 22nd day of April, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

7.3 pg.3

ORDINANCE NO. _____

EXHIBIT "B"

The following details the changes to the zoning districts from the current City of Abilene Zoning Ordinance to the proposed Land Development Code.

NO CHANGE:

- AO Agricultural Open Space district
- RR-5 Rural Residential, lot minimum equal to or greater than 5 acres
- RR-1 Rural Residential, lot minimum equal to or greater than 1 acre
- RS-12 Residential Single-Family district, 12,000 foot lot minimum
- RS-8 Residential Single-Family district, 8,000 square foot lot minimum
- RS-6 Residential Single-Family district, 6,000 square foot lot minimum
- O Office district
- MU Medical Use district
- CB Central Business district
- GC General Commercial district¹
- HC Heavy Commercial district
- LI Light Industrial district
- HI Heavy Industrial district
- COR Corridor Overlay district
- H Historic Overlay district

¹ The proposed GC General Commercial district is a more intensive district than the current GC district. The intent is for much of the area currently zoned GC to be rezoned to the new GR General Retail district. However, until these rezonings are accomplished, all GC zoned areas will remain GC under the proposed ordinance.

ADD:

- PH Residential Single-Family Patio Home district
- TH Residential Townhome district
- MD Residential Medium Density district
- MF Residential Multi-Family district
- NO Neighborhood Office district
- NR Neighborhood Retail district
- GR General Retail district
- MX Mixed Use district
- NCO Neighborhood Conservation Overlay district
- ACO Activity Center Overlay district
- PD Planned Development District

CHANGE:

- RM-3 Residential Multi-Family district 3 to MD Residential Medium Density district
- RM-2 Residential Multi-Family district 2 to MF Residential Multi-Family district
- RM-1 Residential Multi-Family district 1 to MF Residential Multi-Family district
- MH Mobile Home district to MH Manufactured/Mobile Home district
- CU College University district to CU College and University district
- LC Limited Commercial district to NR Neighborhood Retail district
- SC Shopping Center district to GR General Retail district
- PH Patio Home overlay zone to PH Residential Single-Family Patio Home district²
- MX Mixed Use overlay zone to MX Mixed Use district³
- PI Park Industrial district to LI Light Industrial district

² This converts the PH district from an overlay district to a standard zoning district. This change will result in changes to the underlying zoning of any area currently zoned with a PH overlay.

³ This converts the MX district from an overlay district to a standard zoning district. This change will result in changes to the underlying zoning of any area currently zoned with a MX overlay.

ELIMINATE:

- LC Limited Commercial district
- SC Shopping Center district
- PI Park Industrial district
- PH Patio Home overlay zone
- MRH Modular Home overlay zone

-END-

Major Changes:
Current City Code vs. Proposed Land Development Code

Below is a list of the major changes from the City's current codes. This list is not intended to be all inclusive of every proposed change, but highlights the most significant policy changes and outstanding questions. The most significant items are shown in **bold**.

This list incorporates comments, suggestions, and notes from the review meetings of the *Land Development Code Review Committee and the Planning & Zoning Commission (P&Z)*. Items that are related to outstanding questions are boxed.

Chapter 1: General Provisions (Roles & Procedures)

- Generally made existing procedures more explicit (i.e., codified current procedures)
- More explicitly defined roles of “designated officials” and boards, commissions, and Council {Chapter 1, Article 1}
- Clarified the role and membership of the Development Review Committee (combined Plat Review Committee and Site Plan Review Committee) to reflect recent practice {1.1.6} *Committee discussed the following:*
 - moving back plat review by 1 week; → Staff & P&Z OK with change
- *Review Committee recommended reducing the time allowed for staff to determine the completeness of an application from 10 to 5 business days. {1.2.1.2(b)(3)} → Staff & P&Z OK with change.*
- **~~New requirement to post notice on the property being rezoned~~** {1.2.2.3} *Review Committee and P&Z recommended eliminating this provision; staff concurs.*
- *Committee recommends reducing the time required for hearing an appeal of a Stop Work Order from 5 business days to 24 hours. {1.2.6.4(c)} P&Z clarified and recommended that the appeal must be heard by 5:00pm on the first business day following the issuance of the stop work order and the appeal must be decided no later than 5:00pm the following day.*
- *Committee concerned that the list of who can be held responsible is too broad. P&Z OK as is. {1.2.6.7(c)}*
- *P&Z concerned with the fact that a permit issued in error based on a mistake by the City staff, can be revoked. {1.2.6.8} → Revised to grant this authority to the City Council.*
- Clarified purpose and procedure for proportionality appeal. {1.3.2}
- New “vested rights petition” decided by Planning Director, Appeal to Council {1.3.3}
- **~~New procedure for a “plat requirement waiver” decided by the P&Z Commission City Council upon recommendation by P&Z~~** {1.3.4} *Staff recommends that this require a super-majority of the Council, since this is a provision which waives normal ordinance requirements and is similar to a zoning variance that requires a super-majority of the Board of Adjustment.*
- **~~New provision requiring a super-majority decision at the City Council when a zoning case denied by P&Z is appealed to the Council~~** {1.4.1.3(i)(2)} *Review Committee & P&Z recommended keeping the simple majority requirement.*
- Specifically authorizing the Planning Director to waive the requirement for a Concept Plan as part of a PDD {1.4.2.3(d)}

Major Changes:

Current City Code vs. Proposed Land Development Code

- **New “conditional use permit” and procedure {1.4.3}**
Question: should CUP require submission of a Site Plan? {1.4.3.1(b) and 1.4.3.3(b)} → Draft ordinance changed to not require a full site plan; only need to show items relevant to the subject request at the discretion of the Director.
Committee recommended increasing dormancy time for CUP abandonment from 6 months to 18 months. {1.4.3.6} → Staff and P&Z OK with change.

Chapter 2: Zoning Regulations

- Substantial Changes to a number of zoning districts:
 - Patio Home (PH) District as a standalone district (rather than Overlay)
 - New Townhome (TH) District
 - RM-3 converted to Medium Density (MD) District (max 4 units/lot)
 - RM-2 and RM-1 converted to Multiple-Family (MF) District
 - Office (O) District
 - Split into two office districts: (O) Office, similar to our current office district and (NO) Neighborhood Office, that is intended to be more compatible with nearby residential (with limits on building size, height, and hours of operation)
 - Limited Commercial (LC) converted to Neighborhood Retail (NR) District
 - Changes to make this district more neighborhood-compatible, such as more limited permitted uses and limits on maximum building size, hours of operation, etc.
 - Shopping Center (SC) replaced with General Retail (GR) District
 - Generally more permissive than SC; intent is to convert much of existing SC and GC to this new GR District
 - Revised General Commercial (GC) District
 - Generally more permissive than current GC district; therefore, some areas currently zoned GC should be rezoned to the GR District
- Changes to site layout and building requirements for residential zoning districts {Table 2-2}
 - Reduced front setbacks adjacent to subcollectors or minor streets
 - Added a separate setback for collector streets
 - Added a garage setback
 - Standardized the side yard setbacks
 - Increased the maximum heights for RS zoning districts
 - Changed from regulation of “maximum building coverage” to “maximum lot coverage” which includes all impervious surfaces, not just buildings
 - Clarified that maximum lot coverage includes all impervious surfaces, not just buildings.
- Changes to site layout and building requirements for non-residential zoning districts {Table 2-4}
 - Reduced front setbacks adjacent to collector streets
- Simplified requirements of Corridor Overlay District {2.3.4}
- New Neighborhood Conservation Overlay (NCO) District {2.3.4.3}

Major Changes:

Current City Code vs. Proposed Land Development Code

- Changes to Historic Overlay (HO) District, as recommended by Landmarks Commission and Planning and Zoning Commission in 2007 (currently tabled at City Council) {2.3.4.4}
 - Allows Landmarks to initiate zoning designation in certain situations. {2.3.4.4(e)(2)}
 - **Remove super-majority vote for Landmarks Commission approval when the property owner is opposed to the overlay.** {2.3.4.4(e)(6)a}
 - **Remove 12-month demolition delay in favor of permanent delay without a Certificate of Appropriateness.** {2.3.4.4(f)(6)c.}
- Land Use Matrix {2.4.2.1}
 - Simplified use classifications using more general categories of uses
 - Reduced parking requirements for many uses:
 - 1 space / 500 square feet for most office, retail, service uses
 - 1 space / 4 seats for most recreational uses
 - 1 space / 5 seats for church and religious uses
 - 1 space / 2,000 square feet for most warehouse or outdoor storage areas
 - 1 space / 1,000 square feet of building +1 space / 5,000 square feet of outdoor storage area for manufacturing uses
- Changes to use conditions {2.4.3}
 - Churches and other places of worship
 - Day-care operation – center-based (location on arterial street)
 - Drive-thru facility
 - Dwelling – institutional
 - Fairgrounds/rodeo (location on arterial street)
 - Temporary building (office for sales and service)
 - Personal services
 - Public utility facility
 - Recreation – outdoors (active)
 - Recycling collection point
 - Recycling collection and processing center
 - Repair and maintenance services – automobile/small truck (major)
 - Repair and maintenance services (truck and other large motor vehicles)
 - Restaurant (fast food)
 - Restaurant (standard)
 - Storage – self-service units
 - Veterinary service (all size animals)
- **Accessory dwellings permitted in single-family zoning with conditions** {2.4.4.1(b)(4)}
- Changes to carport rules and procedures {2.4.4.2}
- Telecommunication towers becomes a CUP (conditional use permit) {2.4.6}
- Added Wind Energy Conversion (WEC) systems provisions (conditional use permit) {2.4.7}

Major Changes:
Current City Code vs. Proposed Land Development Code

- Building Setbacks:
 - Only enforce platted setbacks where they are less restrictive than City ordinance. {2.5.1.1(d)}
 - **Included a provision that allows a new building in a mostly developed area to meet the average setback of surrounding buildings, in lieu of the otherwise required setback. {2.5.1.1 and Tables 2-2 and 2-4}**
 - **Included a provision that allows a reduction in building setbacks where a property is adjacent to an undeveloped area, such as a floodplain, railroad right-of-way, etc. {2.5.1.1(d)(4)}**
- Minimum lot width increased to 100' on an arterial street. (This is in lieu of a complete restriction on single-family homes fronting on an arterial, which is a common requirement in many cities) {2.5.1.1(e)(3)}
- Provision to clarify that nonconforming uses cannot expand in land area (in addition to other existing provisions) {2.6.3.2(c)}

Chapter 3: Subdivision Regulations

- *Committee recommended not using value of building improvements to trigger a plat (only size of expansion) – consistent with their recommendation to remove the value trigger for site plans. {3.1.1.1(c)(2)2} → Staff OK with this change for plats.*
- **Replaced Preliminary Development Plan (PDP) with required Preliminary Plat {3.1.3}**
- Allow for administrative *approval* of a Minor Plat in circumstances allowed by state law {3.1.5}
- Added new “Conveyance Plat” {3.1.6}
- Financial guarantees {3.1.8.4}
 - *Committee questioned the 100% figure for financial guarantees.*
→ Public Works staff recommends keeping this requirement.
- *Committee discussed the option of allowing water delivery to qualify a property as having an adequate water supply (i.e., not requiring a well or connection to a certified water system). Staff is opposed to this option. P&Z recommended no change.*
- Escrow: additional form of financial guarantee provided for roadway construction only {3.2.7.3}
- Changes to street standards {3.2.7}:
 - **New requirement that subdivisions over 60 100 lots must have two points of vehicular access. {3.2.7.5(a)}**
The Review Committee recommended increasing this to 100 lots. P&Z agreed. Staff continues to recommend the lower limit of 60 lots.
 - ~~Shifts responsibility of installing street signs and streetlights to the developer. {3.2.7.6(k) and (l)}~~ *Review Committee and P&Z recommend keeping this responsibility with the City; staff disagrees, noting that many cities place this responsibility on the developer*

Major Changes:
Current City Code vs. Proposed Land Development Code

- Reduced maximum block length for non-arterial streets in residential areas from 1,800' to 1,200' {3.2.7.8(a)}
Review Committee suggested that it should be higher than the 880' originally recommended. While staff still supports 880' as the maximum block length, we can support the P&Z recommendation of 1,200', which is consistent with 5 of our 10 peer cities (3 of our peer cities have either 600' or 660' maximums).
- Draft recommends no change on maximum cul-de-sac length {3.2.7.8(b)}
{This question was addressed in a proposed ordinance amendment in 2007. Staff's recommendation to decrease the maximum cul-de-sac length from 1,000' to 600' was rejected at that time. Staff still supports a reduction to 600', which is consistent with 7 of our 10 peer cities.}
P&Z recommended no change.
- Cul-de-sac ROW width increased from 60' to 65' for industrial and heavy commercial areas; Cul-de-sac radius not changed {Tables 3-1 and 3-2}
{In 2007, Public Works staff recommended an increase in the minimum radius for the cul-de-sac bulb from 50' to 60', which was rejected by the P&Z and Council.}
P&Z recommended no change.
- Added new "Minor Arterial" designation {3.2.7.11}
- Changes to street right-of-way (ROW) requirements: {Table 3-3}
 - Established "standard" ROW requirements for most situations, but allows for "minimum" ROW where pre-existing conditions will not accommodate the full standard ROW.
 - Freeway/Expressway: increased from 200' to 300' (min. 200')
 - Arterial: standard identified as 120' (min. 80')
 - Minor Arterial (new): 100' (min. 60')
 - Collector: increased from 60' to 70' (min. 60')
 - Subcollector: no change at 60' (min. 55')
 - Local: no change at 50' (min. 30')
 - Reference to pavement widths removed (this will be in Engineering design standards instead)
- Reduced minimum curb radius {Table 3-5}
- Clarified applicability of Alternative Design Standards as applying only to technical engineering standards. {3.2.7.17}
- **New standards for access management and driveway spacing {3.2.9, particularly Table 3-7}**
- **Changes to Drainage Standards {3.2.11}:**
 - **Raises exemption for when a drainage plan is not required from 5,000 square feet of impervious cover to 20,000 square feet. {3.2.11.4(c)(2)}**
Staff disagrees with this change and recommends maintaining the current 5,000 square foot exemption.
 - **Adds exemption for areas within designated infill areas. {3.2.11.4(c)(2)}**
Staff agrees with this provision for the Central Business District, but does not support this exemption for the infill development corridors (Hwy 80, Pine, Butternut, and Treadaway) due to localized drainage problems in these areas. Note that the Alternative Design procedure is available to address unique circumstances in these areas.
- **New Alternative Design procedure {3.2.11.9}**
 - **Includes provision for a Downstream Assessment {3.2.11.9(b)}**

- **Parkland dedication requirement for new subdivisions {3.2.16}**
Review Committee & P&Z recommend eliminating this requirement.

Chapter 4: Site Development Regulations

- **Clarified and changed the triggers for a Site Plan {4.1.1.2(b)}**
 - Site Plan required for:
 - **Change:** New principal structure (currently also triggered by accessory structures)
 - **Change:** Expansion of a structure by more than 30% (was 50%)
 - **New:** Expansion of a structure by more than 20,000 square feet
 - **New:** Increase in the number of parking spaces or parking area more than 30% or 5,000 square feet
 - **Change:** Eliminated trigger based on improvements cost as a percent of the current value
 - Clarifies that a site plan may be submitted for a development site that is only a portion of the entire property {4.1.2.1}
 - Added a provision for minor revisions to an approved Site Plan {4.1.2.3(e)}

- **Proposed “Traffic Impact Analysis” for uses with high traffic generation and impacts {4.1.2.6}** Review Committee is split on this issue: some on the committee recommend eliminating this requirement, others support raising the thresholds to only apply to large-scale developments and exclude residential. **P&Z recommended eliminating this provision.** Staff recommends revising the thresholds for appropriate developments, as recommended by some on the Review Committee.

- Changes to Parking standards {4.2.1}
 - **Added parking lot permit requirement {4.2.1.1(c)}**
 - Eliminated option for compact parking spaces {4.2.1.4}
 - **Added an Alternative Parking Plan with appeal to Board of Adjustment {4.2.1.3(e)}**
- Changes to Landscaping standards {4.2.2}
 - Eliminated the exclusion of floodway property from landscape area calculations {4.2.2.3}
 - Increased the allowable landscaping credit for tree preservation from 1/3 of required landscaping to 100% {4.2.3.2(a)}
- Changes to Urban Design standards {4.2.6}
 - Removed prescriptive façade articulation standards and included within general standards without specific measurement requirements {4.2.6.1(d)(1)}
- Changes to Lighting standards {4.2.7}
 - Removed exemption from standards for lighting in the right-of-way (i.e. street lights) {4.2.7.1(d)}

Chapter 5: Definitions

- Defined many terms not previously defined in the ordinances, including adding definitions for all undefined land uses
- Substantive changes: “All Weather Surface” and “Security Residence”

This questionnaire is intended to provide some guidance to the Council in addressing the most pressing outstanding issues in the Land Development Code. **Staff and consultant recommendations are noted in bold** and *LDC Review Committee recommendations are noted in italics*. *P&Z Commission recommendation in blue and sans serif font*.

Chapter 1: Roles & Procedures

1. Should the applicant or staff be required to post a sign or signs on the property proposed for rezoning to provide additional notification to potentially interested neighbors or citizens that might not be within the 200' notification area?

- No, current notifications are sufficient (Staff/Consultant, Committee, P&Z*)***
- Yes, the applicant should be responsible
- Yes, the City staff should be responsible*

2. Should the City Council or Planning and Zoning Commission have the authority to waive individual plat requirements as part of plat review and approval?

- No, the current system works fine. (Consultant's original draft)
- Yes, the P&Z Commission should have this authority (Committee)*
- Given the potential impacts to city budget and infrastructure, the City Council should make the final decision based on a recommendation from the Commission. (P&Z)***
- City Council should make this decision, but waiving normal requirements should require a super-majority vote by the Council, similar to super-majority required for zoning variances by the Board of Adjustment. (Staff)**

3. When the P&Z Commission denies a zoning case, should a Council vote to over-ride the denial require a super-majority, as authorized by state law?

- Yes, super-majority should be required (Staff/Consultant)**
- No, simple majority is sufficient (Committee and P&Z)*

Chapter 2: Zoning

4. Should the Landmarks Commission be authorized to permanently stop demolition of an historic building, as opposed to the current 12 month demolition delay? {Note: This was previously approved by the Landmarks Commission and P&Z and has been tabled at City Council since 2007} (*Review Committee did not discuss*)

- Yes (Staff/Consultant, P&Z, Landmarks Commission)**
- No

Staff/Consultant recommendation in bold.

Review Committee recommendation in italics.

P&Z Commission in blue sans serif font. *Signifies that P&Z was not unanimous

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Chapter 3: Subdivision

5. Should a subdivision be required to have two points of vehicular access?
- Yes, for a subdivision with more than 60 lots. (Staff/Consultant)**
 - Yes, for a subdivision with more than 100 lots. (Committee and P&Z)*
 - No
6. Who should be responsible for the cost of installing streetlights (\$2,000 - \$3,000 per light pole) and street signs (\$100 - \$200 per sign post) in a new development?
- The City/taxpayers (current practice and Committee recommendation, P&Z*)*
 - The developer should be responsible for this (Staff/Consultant)***
7. Currently drainage plans are required for development that would exceed 5,000 square feet of impervious cover on a site. Should this exemption threshold be increased to 20,000 square feet?
- No, the current standard is preferable (Staff/Consultant/City Engineer)**
 - Yes, the current standard is too low and makes development difficult for small projects (P&Z)*
8. Should infill areas be exempt from the requirement to prepare a drainage plan?
- Yes, exempt all designated infill areas (Central Business District and designated corridors) with the exception of Highway 80 east of Treadaway (P&Z)*
 - Yes, but only exempt the CBD, not infill corridors due to localized drainage issues on those corridors. Any individual site would still be eligible for an individualized waiver through an Alternative Design. (Staff/Consultant/City Engineer)**
9. Should the City require new subdivisions to dedicate parkland or fees-in-lieu of parkland to ensure adequate parks and park facilities for the future?
- Yes (Staff/Consultant)**
 - No (Committee and P&Z)*

Chapter 4: Site Development

10. Should a Traffic Impact Analysis (TIA) be required for new developments that result in substantial traffic impacts on City streets? (A TIA would identify proportionate traffic system improvements that the developer would be responsible for including as part of the development)
- Yes, but only for large commercial developments and large residential subdivisions (Staff/Consultant recommendation)**
 - Yes, with larger thresholds that only apply to the largest big box and shopping center developments and do NOT apply to residential developments (some Committee members support this option)*
 - No (some Committee members recommend eliminating this provision, P&Z agreed)*

Staff/Consultant recommendation in bold.

Review Committee recommendation in italics.

P&Z Commission in blue sans serif font. *Signifies that P&Z was not unanimous

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