

**DRAFT FOR DISCUSSION ONLY -
SUBJECT TO FURTHER REVIEW AND REVISION**

ORDINANCE NO. ____, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING VARIOUS AMENDMENTS TO THE
CITY OF FORT COLLINS LAND USE CODE

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190,1997, the City Council enacted the Fort Collins Land Use Code (the “Land Use Code”); and

WHEREAS, at the time of the adoption of the Land Use Code, it was the understanding of staff and the City Council that the Land Use Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, City staff and the Planning and Zoning Board have reviewed the Land Use Code and identified and explored various issues related to the Land Use Code and have made recommendations to the Council regarding such issues; and

WHEREAS, the City Council has determined that the recommended Land Use Code amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1.4.9 of the Land Use Code is hereby amended to read as follows:

1.4.9 Rules of Construction for Text

...

- (E) *Delegation of Authority.* Whenever a provision appears requiring the Director or some other City officer or employee to do some act or perform some duty, such provision shall be construed as authorizing the Director or other officer or employee to designate, delegate and authorize ~~professional-level subordinates~~ **another City employee** to perform the required act or duty unless the terms of the provision specify otherwise. With respect to the review of development applications eligible for Type 1 review, in addition to or in substitution for delegation to ~~subordinates~~ **City employees** as above authorized, the Director may engage the services of an attorney with experience in land use matters.

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Section 3. That Section 2.1.1 of the Land Use Code is hereby amended to read as follows:

2.1.1 Decision Maker and Administrative Bodies

The City Council, Planning and Zoning Board, Zoning Board of Appeals and ~~Community Planning and Environmental Services Director (the "Director")~~ **Director** are frequently referenced in this Land Use Code. Reference should be made to Chapter 2 of the City Code for descriptions of these and other decision makers and administrative bodies, and their powers, duties, membership qualifications and related matters.

...

Section 4. That Section 2.2.10(A)(5) of the Land Use Code is hereby amended to read as follows:

2.2.10 Step 10: Amendments and Changes of Use

(A) *Minor Amendments and Changes of Use.* (1) Minor amendments to any approved development plan, including any Overall Development Plan, Project Development Plan, or PUD Master Plan, any site specific development plan, or the existing condition of a platted property; and (2) Changes of use, either of which meet the applicable criteria of below subsections 2.2.10(A)(1) or 2.2.10(A)(2), may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. With the exception of PUD Master Plans, such minor amendments and changes of use may be authorized by the Director as long as the development plan, as so amended, continues to comply with the standards of this Code to the extent reasonably feasible. PUD Master Plan Minor amendments may be authorized by the Director as long as the PUD Master Plan, as so amended, continues to comply with the standards of this Code, as such standards may have been modified in the existing PUD Master Plan, and so long as the amendments are consistent with the existing PUD Master Plan. Minor amendments and changes of use shall only consist of any or all of the following:

...

(5) *Appeals.* **Applicable pursuant to Section 2.2.12(C).** ~~Appeals of the decision of the Director regarding the approval, approval with conditions or denial of, a change of use, or a minor amendment of any approved development plan, site specific development plan, or the existing condition of a platted property, shall be to the Planning and Zoning Board. Any such appeal shall be taken by filing a notice of appeal of the final decision with the Director within fourteen (14) days after the action that is the subject of the appeal. The decision of the Planning and Zoning Board on such appeals shall constitute a final decision appealable pursuant to Section 2.2.12 (Step 12).~~

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Section 5. That Section 2.2.12 of the Land Use Code is hereby amended to read as follows:

2.2.12 Step 12: Appeals/Alternate Review

(A) *Appeals.* Appeals of any final decision of a decision maker under this Code shall be only in accordance with Chapter 2, Article II, Division 3 of the City Code, unless otherwise provided in this Section or Division 2 Divisions 2.3 through 2.11 and 2.16, 2.18, and 2.19 of this Code.

...

(C) *Appeal of Minor Amendment, Changes of Use, and Basic Development Review Decisions by the Director.* The Director's final decision on a minor amendment or change of use application pursuant to Section 2.2.10(A) or basic development review application pursuant to Division 2.18 may be appealed to the Planning and Zoning Board as follows:

(1) *Parties Eligible to File Appeal.* The following parties are eligible to appeal the Director's final decision on a minor amendment, change of use, or basic development review application:

- (a) The applicant that submitted the application subject to the Director's final decision;
- (b) Any party holding an ownership or possessory interest in the real or personal property that was the subject of the final decision;
- (c) Any person to whom or organization to which the City mailed notice of the final decision;
- (d) Any person who or organization that provided written comments to the appropriate City staff for delivery to the Director prior to the final decision.

(2) *Filing Notice of Appeal.* An appeal shall be commenced by filing a notice of appeal with the Director within fourteen (14) calendar days after the date the written final decision is made that is the subject of the appeal. Such notice of appeal shall be on a form provided by the Director, shall be signed by each person joining the appeal ("appellant"), and shall include the following:

- (a) A copy of the Director's final decision being appealed;
- (b) The name, address, email address, and telephone number of each appellant and a description why each appellant is eligible to appeal the final decision pursuant to Subsection (C)(1) above;
- (c) The specific Land Use Code provision(s) the Director failed to properly interpret and apply and the specific allegation(s) of error and/or the specific

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Land Use Code procedure(s) not followed that harmed the appellant(s) and the nature of the harm; and

- (d) In the case of an appeal filed by more than one (1) person, the name, address, email address and telephone number of one (1) such person who shall be authorized to receive, on behalf of all persons joining the appeal, any notice required to be mailed by the City to the appellant.
- (3) *Review of Notice of Appeal.* Within five (5) working days of the date of filing of the notice of appeal, the City Attorney shall conduct a completeness review for any failure to conform to the requirements of Subsection (C) above. Any notice of appeal that does not substantially conform to Subsection (C) shall be deemed incomplete. The City Attorney shall notify the appellant(s) in writing of any deficiency, which notice shall be mailed no more than eight (8) working days from the date of the filing of the notice of appeal. The appellant(s) shall have five (5) working days from the date of mailing of the notice of deficiency to cure such deficiency. If the appellant(s) does not cure the deficiency in the judgment of the City Attorney within said period of time, the appeal shall be deemed dismissed. Any decision of the City Attorney pursuant to this Subsection shall not be subject to appeal. The Director shall post any notice of appeal deemed complete on the City's website.
- (4) *Scheduling of Appeal.* A public hearing shall be scheduled before the Planning and Zoning Board within sixty (60) calendar days of a notice of appeal being deemed complete unless the Planning and Zoning Board adopts a motion granting an extension of such time period.
- (5) *Notice.* Once a hearing date before the Planning and Zoning Board has been determined, the Director shall mail written notice pursuant to Section 2.2.6(A). Notice requirements set forth in Section 2.2.6(B)-(D) shall not apply. The mailed notice shall inform recipients of:
- (a) The subject of the appeal;
 - (b) The date, time, and place of the appeal hearing;
 - (c) The opportunity of the recipient and members of the public to appear at the hearing and address the Planning and Zoning Board; and
 - (d) How the notice of appeal can be viewed on the City's website.
- (6) *Planning and Zoning Board Hearing and Decision.*
- (a) The Planning and Zoning Board shall hold a public hearing pursuant to Section 2.2.7 to decide the appeal, and City staff shall prepare a staff report for the Planning and Zoning Board. The notice of appeal, copy of the Director's final decision, and the application and all application materials submitted to the Director shall be provided to the Planning and Zoning Board for its consideration at the hearing.

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- (b) The hearing shall be considered a new, or *de novo*, hearing at which the Planning and Zoning Board shall not be restricted to reviewing only the allegations of error listed in the notice of appeal, the Planning and Zoning Board shall not give deference to the Director’s final decision being appealed, and the applicant shall have the burden of establishing that the application complies with all relevant Land Use Code provisions and should be granted. The applicant, appellant or appellants, members of the public, and City staff may provide information to the Planning and Zoning Board for its consideration at the appeal hearing that was not provided to the Director for his or her consideration in making the final decision being appealed.
- (c) The Planning and Zoning Board shall review the application that is the subject of the appeal for compliance with all applicable Land Use Code standards and may uphold, overturn, or modify the decision being appealed at the conclusion of the hearing and may impose conditions in the same manner as the Director pursuant to Section 2.2.10(A) and Division 2.18. The Planning and Zoning Board decision shall constitute a final decision appealable to City Council pursuant to Section 2.2.12(A).

Section 6. That Section 2.11.1(A) of the Land Use Code is hereby amended to read as follows:

DIVISION 2.11 APPEAL FROM ADMINISTRATIVE DECISIONS TO THE ZONING BOARD OF APPEALS

2.11.1 Purpose and Applicability

- (A) *Purpose.* The purpose of this Division is to provide for appeals of certain administrative/city staff decisions to the Zoning Board of Appeals. Appeals to the Planning and Zoning Board of Minor Amendment and Change of Use and Basic Development Review decisions made by the Director are addressed in Section 2.2.12(C).

...

Section 7. That Section 2.18.3(L) of the Land Use Code is hereby amended to read as follows:

2.18.3 Basic Development Review and Minor Subdivision Review Procedures

An application for a Basic Development Review or Minor Subdivision shall be processed according to, in compliance with, and subject to the provisions contained in Division 2.1 and Steps

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(1) through (12) of the Common Development Review Procedures (Sections 2.2.1 through 2.2.12, inclusive), as follows:

...

(L) *Step 12* (Appeals): **Applicable pursuant to Section 2.2.12(C).** ~~Applicable and in explanation thereof, appeals of the decision of the Director regarding approval, approval with conditions or denial of a Basic Development Review and Minor Subdivision shall be to the Planning and Zoning Board. Any such appeal shall be taken by filing a notice of appeal of the final decision of the Director within 14 days after the action that is the subject of the appeal. The appeal hearing with the Planning and Zoning Board shall be considered a new, or *de novo*, hearing. The decision of the Planning and Zoning Board on such appeals shall constitute a final decision appealable to City Council pursuant to Section 2.2.12 (Step 12).~~

Section 8. That Section 3.2.1 of the Land Use Code is hereby amended to read as follows:

3.2.1 Landscaping and Tree Protection

...

(E) *Landscape Standards.* All development applications shall include landscape plans that meet the following minimum standards:

...

(2) *Landscape Area Treatment.* Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface, **or special use areas such as play areas, plaza spaces, patios, and the like.** Landscape areas shall consist only of landscaping. The selection and location of turf, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), and pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing visibility, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area and with each other.

...

(d) *Foundation Plantings.* Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior shall have planting beds at least five (5) feet wide placed directly along at least fifty (50) percent of such walls, **except where pedestrian paving abuts a commercial building**

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with trees and/or other landscaping in cutouts or planting beds along the outer portion of the pedestrian space away from the building.

...

- (N) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative landscape and tree protection plan that may be substituted in whole or in part for a landscape plan meeting the standards of this Section.

...

In reviewing the proposed alternative plan for purposes of determining whether it accomplishes the purposes of this Section as required above, the decision maker shall take into account whether the alternative ~~preserves and incorporates existing vegetation in excess of minimum standards, protects natural areas and features, maximizes tree canopy cover, enhances neighborhood continuity and connectivity, fosters nonvehicular access or~~ accomplishes the functions listed in Subsection (C) (1) through (7) and Subsection (H) of this Section 3.2.1 and demonstrates innovative design and use of plant materials and other landscape elements.

Section 9. That Section 3.2.2(C), (D) and (K) of the Land Use Code is hereby amended to read as follows:

3.2.2 Access, Circulation and Parking

...

- (C) **Development Standards** All developments shall meet the following standards:

...

- (4) **Bicycle Facilities.** Commercial, industrial, civic, employment and multi-family residential uses shall provide bicycle facilities to meet the following standards:

...

- (b) **Bicycle Parking Space Requirements.** The minimum bicycle parking requirements are set forth in the table below. For uses that are not specifically listed in the table, the number of bicycle parking spaces required shall be the number required for the most similar use listed. Enclosed bicycle parking spaces may not be located on balconies.

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<i>Use Categories</i>	<i>Bicycle Parking Space Minimums</i>	<i>% Enclosed Bicycle Parking/ % Fixed Bicycle Racks</i>
Residential and Institutional Parking Requirements		
...
Extra Occupancy Rental Houses	1 per bed occupant	0%/100%
...		

...

(D) **Access and Parking Lot Requirements.** All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles and emergency vehicles).

...

(3) **Location.** Only off-street parking areas provided to serve uses permitted in a zone district predominated by residential uses will be allowed in such district.

...

(c) **Pavement.** All open off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other material in conformance with city specifications with the exception of off-street parking and vehicular use areas for a park or trail connection point that may be surfaced with gravel or another similar inorganic material.

(K) **Parking Lots - Required Number of Off-Street Spaces for Type of Use.***

(1) **Residential and Institutional Parking Requirements.** Residential and institutional uses shall provide a *minimum* number of parking spaces as defined by the standards below.

(a) **Attached Dwellings:** For each two-family and multi-family dwelling there shall be parking spaces provided as indicated by the following table:

<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit</i> * **
One or less	1.5
Two	1.75

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Three	2.0
Four and above	3.0
* Spaces that are located in detached residential garages (but not including parking structures) or in attached residential garages, which attached garages do not provide direct entry into an individual dwelling unit, may be credited toward the minimum requirements contained herein only if such spaces are made available to dwelling unit occupants at no additional rental or purchase cost (beyond the dwelling unit rental rate or purchase price).	
** When public streets abutting the perimeter of the development site do not provide on-street parking then the percentage of garage parking spaces provided for the development site shall not exceed eighty (80) percent of the parking total.	

...

- (j) ~~Extra Occupancy Rental Houses:~~ For each extra occupancy ~~rental house,~~ there shall be 0.75 (¾) parking space per ~~tenant~~ occupant, rounded up to the nearest whole parking space, ~~plus one (1) additional parking space if the extra occupancy rental house is owner occupied.~~ If the lot upon which such parking spaces are to be situated has more than sixty-five (65) feet of street frontage length on any one (1) street or abuts an alley, then each such parking space shall have direct access to the abutting street or alley and shall be unobstructed by any other parking space. If such lot has less than sixty-five (65) feet of street frontage length on any one (1) street and does not abut an alley, then one (1) of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street.

...

Section 10. That Section 3.3.2 of the Land Use Code is hereby amended to read as follows:

3.3.2 Development Improvements

- (A) *Approval of City Engineer.*

...

- (2) No improvements shall be made until all required plans, profiles and specifications, including reproducible plans ~~Mylar prints~~ for the same, have been submitted to and approved by the City Engineer.

...

Section 11. That Section 3.4.1 (D)(2) of the Land Use Code is hereby amended to read as follows:

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3.4.1 Natural Habitats and Features

...

- (D) ***Ecological Characterization and Natural Habitat or Feature Boundary Definition.*** The boundary of any natural habitat or feature shown on the *Natural Habitats and Features Inventory Map* is only approximate. The actual boundary of any area to be shown on a project development shall be proposed by the applicant and established by the Director through site evaluations and reconnaissance, and shall be based on the ecological characterization of the natural habitat or feature in conjunction with the map.

...

- (2) ***Wetland Boundary Delineation.*** In establishing the boundaries of a wetland, the applicant and the Director shall use soil samples, ecological characterization and hydrological evidence, to the extent that such are in existence or are requested of and provided by the applicant. The Director may also utilize the standards and guidelines and/or the professional recommendations of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Colorado Natural Heritage Program, and/or the Colorado Division of Wildlife or other organization, individual, or governmental entity in establishing reviewing such boundaries. Wetland boundary delineations, and the identification of any "jurisdictional wetland," shall be established in accordance with the U.S. Fish and Wildlife Service wetland classification system and shall be identified in the submittal documents for the review of the project development plan (if applicable, or if not applicable, the most similar development review) and prior to commencement of any construction activities. ~~The U.S. Army Corps of Engineers standards and guidelines shall be used to identify the boundaries of any "jurisdictional wetland."~~

...

Section 12. That Section 3.5.2 of the Land Use Code is hereby amended to read as follows:

3.5.2 Residential Building Standards

...

- (D) ***Relationship of Dwellings to Streets and Parking.***

- (1) ***Orientation to a Connecting Walkway.*** Every front facade with a primary entrance to a dwelling unit shall face the adjacent street to the extent reasonably feasible. Every front facade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than two hundred (200) feet from a street sidewalk and the address shall be posted to be visible from the intersection of the

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connecting walkway and public right of way. The following exceptions to this standard are permitted:

- (a) Up to ~~one~~ ^{two} (12) single-family detached dwellings on an individual lot that has frontage on either a public or private street.

...

(E) Residential Building Setbacks, Lot Width and Size.

...

- (3) *Side and Rear Yard Setbacks.* The minimum side yard setback for all residential buildings and for all detached accessory buildings that are incidental to the residential building shall be five (5) feet from the property line, except for ~~alley-accessed~~ garages accessed from alleys or private drive where the associated dwelling faces on-site walkways rather than street sidewalks; for which the minimum setback from an alley or private drive shall be eight (8) feet. If a zero-lot-line development plan is proposed, a single six-foot minimum side yard is required. Rear yard setbacks in residential areas shall be a minimum of eight (8) feet from the rear property line, except for garages and storage sheds not exceeding eight (8) feet in height, where the minimum setback shall be zero (0) feet.

...

(H) Second Kitchen. A maximum of one additional kitchen may be established inside a dwelling unit without creating an additional dwelling unit if the Director determines:

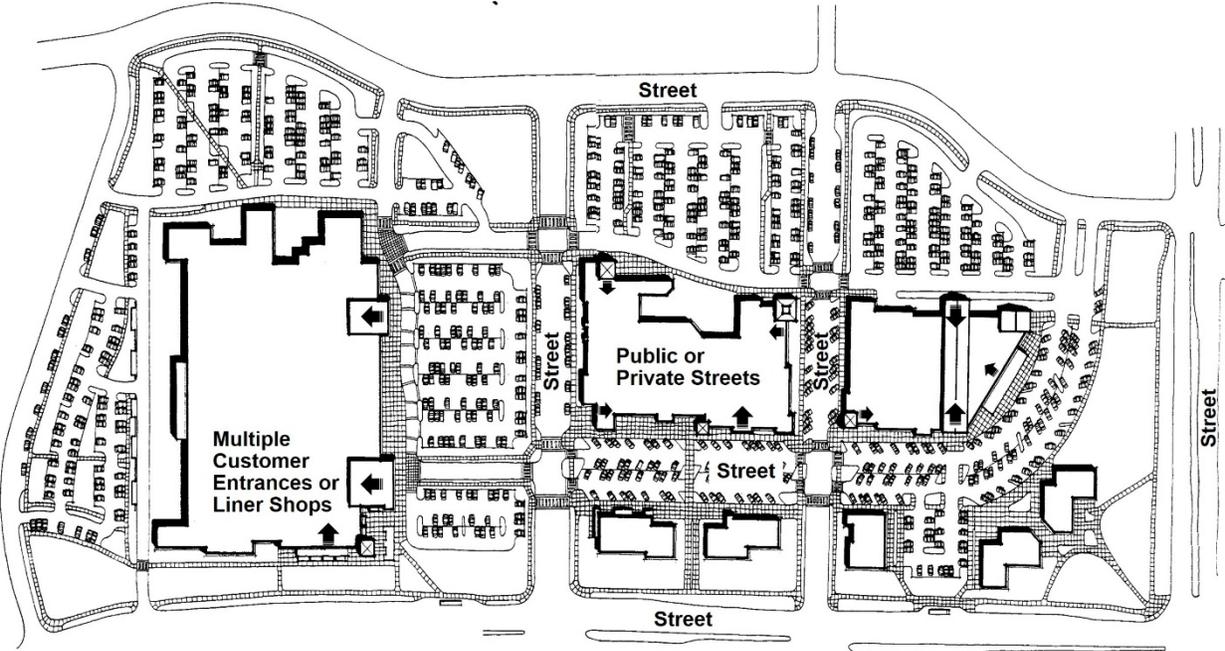
- (1) That both kitchens are accessible to all occupants of the dwelling unit;
- (2) That neither kitchen is located in an accessory building; and
- (3) That both kitchens have non-separated, continuous, and open access with no locked doors separating the kitchens from the rest of the dwelling unit.

The property owner of a dwelling unit in which a second kitchen is approved by the Director shall prior to issuance of a building permit sign and record with the Larimer County Clerk and Recorder a notarized affidavit stating that the second kitchen will not be used for a second dwelling unit and the property owner acknowledges and agrees that the dwelling shall only be used as a single-family dwelling.

Section 13. That Figure 14 in Section 3.5.4(D)(3)(a) of the Land Use Code is hereby replaced in its entirety with the following figure:

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Figure 14
Building Entrances



...

Section 14. That Section 3.6.2 of the Land Use Code is hereby amended to read as follows:

3.6.2 - Streets, Streetscapes, Alleys And Easements

...

(G) **Repealed and held in reserve** Lots having a front or rear lot line that abuts an arterial street shall have a minimum depth of one hundred fifty (150) feet.

(1) ~~Alternative Compliance.~~ Upon request by the applicant, the decision maker may approve an alternative lot plan that does not meet the standard of this subsection if the alternative lot plan includes additional buffering or screening that will, in the judgment of the decision maker, protect such lots from the noise, light and other potential negative impacts of the arterial street as well as, or better than, a plan which complies with the standard of this subsection.

(2) ~~Procedure.~~ Alternative lot plans shall be prepared and submitted in accordance with the submittal requirements for streets, streetscapes, alleys and easements as set forth in this Section and landscape plans as set forth in Section 3.2.1. The alternative lot plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in

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which the plan will equally well or better accomplish the purpose of this subsection than would a plan which complies with the standards of this subsection.

- (3) ~~*Review Criteria.* To approve an alternative lot plan, the decision maker must first find that the proposed alternative plan accomplishes the purpose of this subsection as well as, or better than, a lot plan which complies with the standard of this subsection. In reviewing the proposed alternative plan, the decision maker shall take into account whether the lot plan provides screening and protection of the lots adjacent to the arterial street from noise, light and other negative impacts of the arterial street equally well or better than a plan which complies with the standard of this subsection.~~

...

(M) ***Private Streets.*** Private streets shall be controlled by the following requirements:

- (1) *When Allowed.* Private streets shall be allowed in a development, provided that their function will ~~only~~ be **primarily** to provide access to property within the development. Private streets shall not be permitted if (by plan or circumstance) such streets would, in the judgment of the City Engineer, attract "through traffic" in such volumes as to render such **public** streets necessary as connections between developments, neighborhoods or other origins and destinations outside of the development plan.
- (2) *Design Requirements.* ~~Designs for private streets shall meet all standards for public streets in accordance with the *Larimer County Urban Area Street Standards*, as adopted by the City Council by ordinance or resolution. Optional treatments beyond the minimum city standards, such as landscaped medians or other decorative features, will not be approved unless the City determines that such treatments present no safety risk to the public and that the City's utilities will not incur maintenance or replacement costs for their utilities above normal costs associated with the City's standard design. As with public streets, the design of private streets must be completed by or under the charge of a professional engineer licensed by the State of Colorado. The design for all private streets shall be included in the utility plans for the development.~~ **Designs for public streets shall be permitted if either:**

(a) The designs meet all standards for public streets in accordance with the *Larimer County Urban Area Street Standards*, as adopted by the City Council by ordinance or resolution; or

(b) The designs have customized treatments and features including travel lanes; parallel or diagonal street parking; tree-lined sidewalks with the sidewalks either detached or attached with trees in cutouts; and crosswalks. Other features such as bikeways, landscaped medians, corner plazas, custom lighting, bike racks, and identity signs may be provided to afford an appropriate alternative to a standard City street in the context of the development plan. Head-in parking may only be used in isolated parking situations where the effect on the character of the street is negligible. Customized treatments and features will not be approved unless the City determines that such treatments and features present no safety risk to the public and that the City's utilities

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will not incur maintenance or replacement costs for their utilities above normal costs associated with the City's standard design.

...

(N) *Private Drives and Street-Like Private Drives.*

(1) *When Allowed.*

...

~~(c) Street-Like Private Drives. A street like private drive shall be allowed as primary access to facing buildings or to parcels internal to a larger, cohesive development plan, or for the purposes of meeting other requirements for streets. Street like private drives shall be designed to include travel lanes, on street parking, tree-lined border(s), detached sidewalk(s) and crosswalks. Other features such as bikeways, landscaped medians, corner plazas and pedestrian lighting may be provided to afford an appropriate alternative to a street in the context of the development plan.~~

~~On street parking for abutting buildings may be parallel or angled. Head in parking may only be used in isolated parking situations.~~

~~Such street like private drives must be similar to public or private streets in overall function and buildings shall front on and offer primary orientation to the street like private drive.~~

~~Street like private drives may be used in conjunction with other standards, such as block configuration, orientation to connecting walkways, build to lines, or street pattern and connectivity.~~

~~(dc) Neither a private drive nor a street like private drive shall be permitted if it prevents or diminishes compliance with any other provisions of this Code.~~

...

Section 15. That Section 3.8.3 of the Land Use Code is hereby amended to read as follows:

3.8.3 Home Occupations

A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:

...

(4) There shall be no exterior advertising other than identification of the home occupation the residential sign allowed in Section 3.8.7.1(D)(5)(a) of this Code.

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...

Section 16. That Section 3.8.7.1(G)(2) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally.

...

(G) *Prohibited signs and sign elements.*

...

(2) *Prohibited Signs.* The following signs are not allowed, whether temporary or permanent:

...

(f) Permanent off-premises signs, ~~except as provided in Section 3.8.7.6;~~

...

Section 17. That Section 3.8.7.2(B) and (G) of the Land Use Code is hereby amended to read as follows:

3.8.7.2 Permanent Signs

...

(B) *Wall Signs.* Wall signs are allowed according to the standards in Table (B), Wall Signs.

Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multifamily	Single-Family	Within Residential Neighborhood Sign District ¹
Applied or Painted Wall Signs						
...
Max. Sign Width	N/A	N/A	N/A	N/A	N/A	Tenant space 45,000-sf. or less; lesser of

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						40 ft. or 75% of width of tenant space; Tenant space is larger than 45,000 sf.: 55 ft. N/A
...

...

(G) **Freestanding Permanent Signs.** Detached permanent signs are allowed according to the standards in Table (G)(1), Freestanding Permanent Signs.

Table (G)(1) Freestanding Permanent Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multifamily	Single-Family	Within Residential Neighborhood Sign District ¹
Primary Detached Signs						
...
Allowed Lighting	Any	Any	Any	Indirect only	None	Any Indirect only
...
Other Standards	Location may be established by approved development plan; Structure shall match primary finish and colors of associated buildings; Pole style signs shall contain no more than thirty (30) percent (or forty [40] percent if located within the site distance triangle) of free air space between the top of the sign and the ground, vertically and between the extreme horizontal limits of the sign extended perpendicular to the ground. A base or pole cover provided to satisfy this requirement shall be integrally designed as part of the sign by use of such techniques as color, material and texture. Freestanding signs that existed prior to December 30, 2011, and that do not comply with this requirement shall be removed or brought into compliance by December 31, 2019, provided that such signs otherwise comply with Section 3.8.7.4, Nonconforming Signs.					Structure shall match primary finish and colors of associated buildings; must be monument style
Secondary Detached Signs						
Max. #	1 per vehicular access point to nonresidential	1 per vehicular access point to nonresidential, mixed-use, or	1 per vehicular access point to nonresidential, mixed-use,	1 per vehicular access point to nonresidential, mixed-use,	1 per vehicular access point to nonresidential, mixed-use, or	1 per street frontage of a neighborhood service center or neighborhood commercial

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	l, mixed-use, or multifamily property	multifamily property	or multifamily property	or multifamily property	multifamily property	district nonresidential, mixed-use, or multifamily uses
...
Max. Sign Area	16 sf.	16 sf.	16 sf.	16 sf.	16 sf.	320 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	65 ft.
Allowed Lighting	Any	Any	Any	Indirect only	Indirect only	Any Indirect only
...

...

Section 18. That Section 3.8.16(D) and (E) of the Land Use Code is hereby amended to read as follows:

3.8.16 Occupancy Limits; Increasing the Number of Persons Allowed

...

(D) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them below:

(4) **Occupant** shall mean a person who occupies a dwelling unit or any portion thereof for living and sleeping purposes.

(E) **Increasing the Occupancy Limit.**

(1) With respect to single-family and two-family dwellings, the number of persons allowed under this Section may be increased by the issuance of a certificate of occupancy allowing for use as an extra occupancy rental house in zones allowing such use.

(2) With respect to multiple-family and single family attached dwellings, the decision maker (depending on the type of review, Type 1 or Type 2) may, upon receipt of a written request from the applicant and upon a finding that all applicable criteria of this Code have been satisfied, increase the number of unrelated persons who may reside in individual dwelling units. The decision maker shall not increase said number unless satisfied that the applicant has provided sufficient additional amenities, either public or private, to sustain the activities associated with multi-family residential development, to adequately serve the occupants of the development and to

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protect the adjacent neighborhood. Such amenities may include, without limitation, passive open space, buffer yards, on-site management, recreational areas, plazas, courtyards, outdoor cafes, neighborhood centers, limited mixed-use restaurants, parking areas, sidewalks, bikeways, bus shelters, shuttle services or other facilities and services.

...

Section 19. That Section 3.8.17(A)(2) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) *Measuring Building Height.*

...

(2) *Building Height Measured in Stories.* In measuring the height of a building in stories the following measurement rules shall apply:

- (a) A balcony or mezzanine shall be counted as a full story when its floor area is in excess of one-third ($\frac{1}{3}$) of the total area of the nearest full floor directly below it.
- (b) Half ($\frac{1}{2}$) story shall mean a space under a sloping roof which has the line of intersection of the roof and wall face not more than three (3) feet above the floor level, and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.
- (bc) No story of a commercial or industrial building shall have more than twenty-five (25) feet from the center of all walls to the eave/wall intersection or wall plate height if there is no eave, or from floor to floor, or from floor to eave/wall intersection or wall plate height as applicable.
- (ed) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story measured from average ground level at the center of all walls to the eave/wall intersection or wall plate height if there is no eave, or from floor to floor, or from floor to eave/wall intersection or wall plate height as applicable. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C.

...

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Section 20. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy ~~Rental House~~ Regulations

- (A) Extra occupancy ~~rental houses~~, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<i>Zone</i>	<i>Maximum number of permissible residents, excluding occupant family</i>	<i>Maximum percentage of parcels per block face that may be used for extra occupancy houses</i>
L-M-N	One (1) tenant occupant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied	No more than twenty-five (25) percent of parcels on a block face may be approved for extra occupancy rental house use.
M-M-N, H-M-N, N-C-B	One (1) tenant occupant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.	No limit.
D, R-D-R, C-C, C-C-N, C-C-R, C-G, C-N, N-C, C-L-E, I	One (1) tenant occupant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.	No limit.
R-L, N-C-L, R-F, U-E, N-C-M, H-C, P-O-L, R-C	n/a	Extra occupancy rental houses not allowed.

- (B) In all zone districts allowing extra occupancy ~~rental houses~~ except L-M-N, an application for extra occupancy ~~rental house~~ use for five (5) or fewer ~~tenants~~ occupants shall be subject to basic development review.
- (C) In all zone districts allowing extra occupancy ~~rental houses~~ except L-M-N, an application for extra occupancy ~~rental house~~ use for more than five (5) ~~tenants~~ occupants shall be subject to Type 1 administrative review.
- (D) In the L-M-N zone district, an application for extra occupancy ~~rental house~~ use for more than four (4) ~~tenants~~ occupants shall be subject to Type 1 administrative review.

Section 21. That Section 4.4(B) and (D) of the Land Use Code is hereby amended to read as follows:

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Division 4.4 Low Density Residential District (R-L)

...

(B) Permitted Uses.

(1) The following uses are permitted in the R-L District, subject to basic development review, provided that such uses are located on lots that are part of an approved site specific development plan:

(a) Residential Uses:

1. Single-family detached dwellings on lots created through the Minor Subdivision process pursuant to Section 2.18.2.

...

...

(D) Land Use Standards.

...

(2) Dimensional Standards.

...

(e) Maximum building height shall be twenty-eight (28) feet for a single-family dwelling, accessory building, group home, or child care center and three (3) stories for all other uses.

(f) Accessory buildings and structures shall not exceed the height of any existing or proposed principal building on the lot by more than two (2) feet.

...

Section 22. That Section 4.5(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

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(2) The following uses are permitted in the L-M-N District, subject to administrative review:

(a) **Residential Uses:**

...

8. Extra occupancy ~~rental houses~~ with four (4) or more tenants.

...

Section 23. That Sections 4.6(B)(1)(e) and 4.6(B)(2)(a) of the Land Use Code are hereby amended to read as follows:

Division 4.6 Medium Density Mixed-Use Neighborhood District (M-M-N)

...

(B) *Permitted Uses.*

(1) The following uses are permitted in the M-M-N District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

...

(e) **Residential Uses:**

1. Extra occupancy ~~rental houses~~ with five (5) or fewer tenants.

...

(2) The following uses are permitted in the M-M-N District, subject to administrative review:

(a) **Residential Uses:**

...

8. Extra occupancy ~~rental houses~~ with more than five (5) tenants.

...

Section 24. That Section 4.7(E) and (F) of the Land Use Code is hereby amended to read as follows:

Division 4.7 Neighborhood Conservation, Low Density District (N-C-L)

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(E) *Dimensional Standards.*

...

- (5) **Building Height.** ~~Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings~~
- (a) Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings, which shall be limited to one and one-half (1 ½) stories.
 - (b) Front porches shall be limited to one (1) story.
 - (c) The height of a carriage house or an accessory building containing habitable space shall not exceed twenty-four (24) feet.
 - (d) The height of an accessory building containing no habitable space shall not exceed twenty (20) feet.
- (6) **Eave Height.**
- (a) The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
 - (b) The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
 - (c) If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended downward) would intersect with the lower story's exterior wall (if extended upward).

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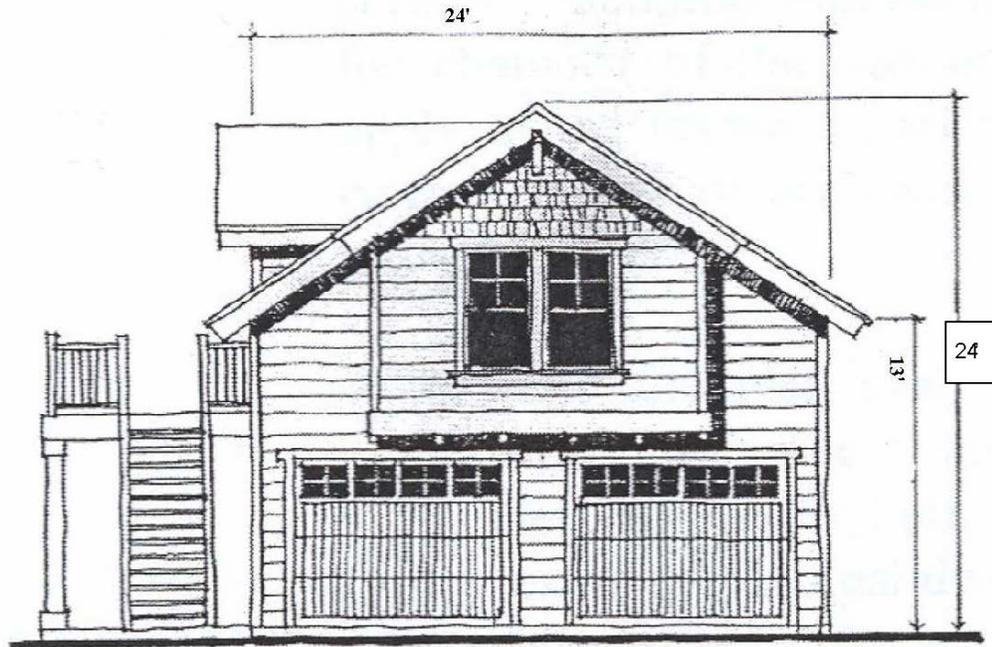


Illustration of Carriage House Roofline and Eave Heights

(F) *Development Standards.*

(1) *Building Design.*

...

~~(e) — Front porches shall be limited to one (1) story, and the front facades of all one and two family dwellings shall be no higher than two (2) stories, except in the case of carriage houses and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1½) stories.~~

(fe) In the event that a new dwelling is proposed to be constructed on the rear portion of a lot which has frontage on two (2) streets and an alley, the front of such new dwelling shall face the street.

(gf) The minimum pitch of the roof of any building shall be 2:12 and the maximum pitch of the roof of any building shall be 12:12, except that new, detached accessory buildings and additions to existing dwelling units may be constructed with a pitch that matches any roof pitch of the existing dwelling unit. Additionally, the roof pitch of a dormer, turret or similar architectural feature may not exceed 24:12 and the roof pitch of a covered porch may be flat whenever the roof of such a porch is also considered to be the floor of a second-story deck.

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(hg) *Front Facade Character.* When building construction results in:

...

(ih) *Side Façade Character.* When building construction results in:

...

~~(2) Bulk and Massing~~

~~(a) **Building Height.**~~

- ~~1. Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings.~~
- ~~2. The height of a detached dwelling unit at the rear of the lot or an accessory building containing habitable space shall not exceed twenty four (24) feet.~~
- ~~3. The height of an accessory building containing no habitable space shall not exceed twenty (20) feet.~~

~~(b) **Eave Height.**~~

- ~~1. The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty five (25) percent of the wall length.~~
- ~~2. The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (feet) from the wall below and does not exceed twenty five (25) percent of the wall length.~~
- ~~3. The maximum eave height is measured at the minimum setback from an interior side yard lot line and can be increased at a ratio of six (6) inches of additional building height for each one (1) foot of setback from the interior side property line.~~
- ~~4. If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended horizontally) would intersect with the lower story's exterior wall (if extended vertically).~~

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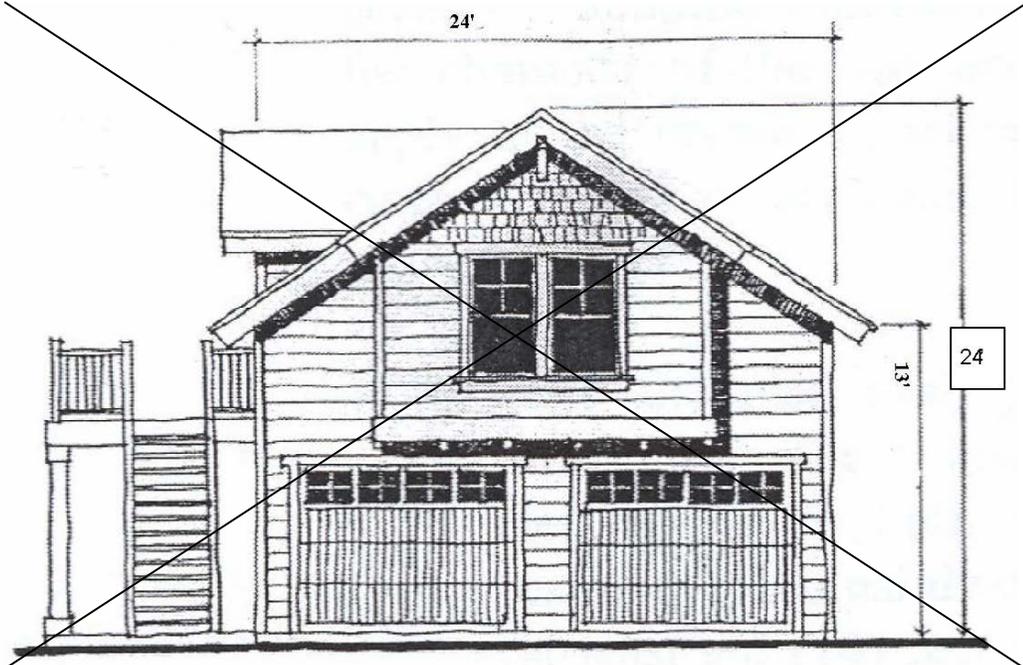


Illustration of Carriage House Roofline and Eave Heights

(32) *Carriage Houses and Habitable Accessory Buildings.*

...

Section 25. That Section 4.8(E) and (F) of the Land Use Code are hereby amended to read as follows:

Division 4.8 Neighborhood Conservation, Medium Density District

...

(E) *Dimensional Standards.*

...

(5) **Building Height.** Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings

(a) Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings, which shall be limited to one and one-half (1 ½) stories.

(b) Front porches shall be limited to one (1) story.

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- (c) The height of a carriage house or an accessory building containing habitable space shall not exceed twenty-four (24) feet.
- (d) The height of an accessory building containing no habitable space shall not exceed twenty (20) feet.

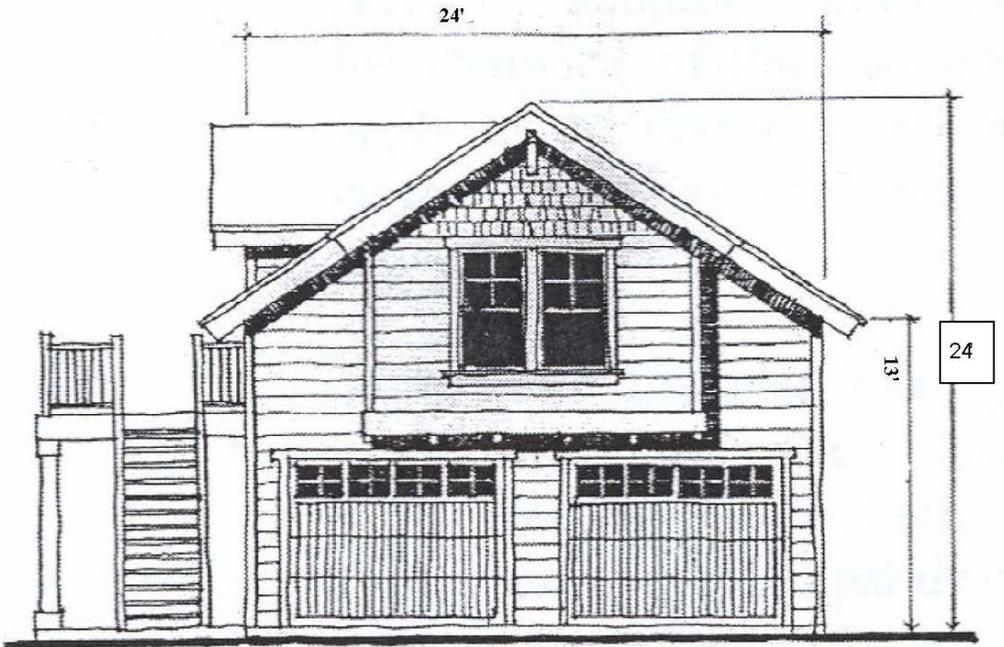
(6) Eave Height.

- (a) The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
- (b) The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
- (c) If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended downward) would intersect with the lower story's exterior wall (if extended upward).

Figure 17.5-1

Illustration of Carriage House Roofline and Eave Heights

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(F) *Development Standards.*

(1) *Building Design.*

- ...
- (e) ~~Front porches shall be limited to one (1) story, and the front facades of all one and two family dwellings shall be no higher than two (2) stories, except for carriage houses and accessory buildings containing habitable space, which shall be limited to one and one half (1½) stories.~~
- (fe) In the event that a new dwelling is proposed to be constructed on the rear portion of a lot which has frontage on two (2) streets and an alley, the front of such new dwelling shall face the street.
- (gf) The minimum pitch of the roof of any building shall be 2:12 and the maximum pitch of the roof of any building shall be 12:12, except that new, detached accessory buildings and additions to existing dwelling units may be constructed with a pitch that matches any roof pitch of the existing dwelling unit. Additionally, the roof pitch of a dormer, turret or similar architectural feature may not exceed 24:12 and the covered porch may be flat whenever the roof of such porch is also considered to be the floor of a second-story deck.

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(hg) *Front Facade Character.* When building construction results in:

1. a two (2) -story house where a one (1) -story house previously existed and where there is an abutting house on either side that is one (1) story, or

...

(ih) *Side Façade Character.* When building construction results in:

...

~~(2) *Bulk and Massing.*~~

~~(a) **Building Height.**~~

- ~~1. Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings.~~
- ~~2. The height of a detached dwelling unit at the rear of the lot or an accessory building containing habitable space shall not exceed twenty four (24) feet.~~
- ~~3. The height of an accessory building containing no habitable space shall not exceed twenty (20) feet.~~

~~(b) **Eave Height.**~~

- ~~1. The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty five (25) percent of the wall length.~~
- ~~2. The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (2) feet from the wall below and does not exceed twenty five (25) percent of the wall length.~~
- ~~3. The maximum eave height is measured at the minimum setback from an interior side yard lot line and can be increased at a ratio of six (6) inches of additional building height for each one (1) foot of setback from the interior side property line.~~
- ~~4. If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended~~

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~~horizontally) would intersect with the lower story's exterior wall (if
extended vertically).~~

~~(See illustration contained in Division 4.7.)~~

~~(32) Carriage Houses and Habitable Accessory Buildings.~~

~~...~~

Section 26. That Sections 4.9(B)(1)(a) and 4.9(B)(2)(a) of the Land Use Code are hereby amended to read as follows:

Division 4.9 Neighborhood Conservation, Buffer District (N-C-B)

...

(B) *Permitted Uses.*

(1) The following uses are permitted in the N-C-B District, subject to basic development review, provided that such uses are located on lots that are part of an approved site specific development plan:

(a) **Residential Uses:**

...

4. Extra occupancy ~~rental houses~~ with five (5) or fewer tenants.

...

(2) The following uses are permitted in the N-C-B District, subject to administrative review:

(a) **Residential Uses:**

...

7. Extra occupancy ~~rental houses~~ with more than five (5) tenants.

...

Section 27. That Section 4.9(E)(1)(b) of the Land Use Code is hereby amended to read as follows:

Division 4.9 Neighborhood Conservation, Buffer District (N-C-B)

...

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(E) *Development Standards.*

(1) *Single-Family Dwellings.*

...

(b) *Bulk and Massing.*

1. Building Height.

- ~~1~~.a. Maximum building height shall be three (3) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings which shall be limited to one and one-half (1 ½) stories.

...

2. Eave Height.

- ~~1~~.a. The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.

- ~~2~~.b. The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.

- ~~3~~.c. The maximum eave height is measured at the minimum setback from an interior side-yard lot line and can be increased at a ratio of six (6) inches of additional building height for each one (1) foot of setback from the interior side property line.

- ~~4~~.d. If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline

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(if extended horizontally) would intersect with the lower story's exterior wall (if extended vertically).

...

Section 28. That Section 4-10(B)(1)(e)1 and 4-10(B)(2)(a)4 of the Land Use Code are hereby amended to read as follows:

Division 4.10 High Density Mixed-Use Neighborhood District (H-M-N)

...

(B) Permitted Uses.

(1) The following uses are permitted in the H-M-N District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

...

(e) Residential Uses:

1. Extra occupancy rental houses with five (5) or fewer tenants **occupants**.

...

(2) The following uses are permitted in the H-M-N District, subject to administrative review:

(a) Residential Uses:

4. Extra occupancy rental houses with more than five (5) tenants **occupants**.

...

Section 29. That the table contained in Section 4.16(F)(2) of the Land Use Code is hereby amended to read as follows:

4.16 Downtown District (D)

...

(F) Permitted Uses.

...

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(2) The following uses are permitted in the subdistricts of the Downtown District, subject to Basic Development Review (BDR), Minor Amendment (MA), Administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

<i>Land Use</i>	<i>Historic Core</i>	<i>Canyon Avenue/Civic/North Mason</i>	<i>Innovation/River</i>	<i>River Corridor</i>	<i>Campus North</i>	<i>Entryway Corridor</i>
...
EOR Houses < 5 tenants occupants	BDR/MA	BDR/MA	BDR/MA	Not Permitted	BDR/MA	BDR/MA
EOR Houses > 5 tenants occupants	Type 1	Type 1	Type 1	Not Permitted	Type 1	Type 1
Medical Marijuana Research and Development	Not Permitted	Not Permitted	BDR/MA	Not Permitted	Not Permitted	Not Permitted
...

Section 30. That Section 4.18(B)(1)(e) and B(2)(a) of the Land Use Code are hereby amended to read as follows:

Division 4.18 Community Commercial District (C-C)

...

(B) **Permitted Uses.**

(1) The following uses are permitted in the C-C District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

...

(e) **Residential Uses:**

1. Extra occupancy ~~rental houses~~ with five (5) or fewer **tenants occupants**.

...

(2) The following uses are permitted in the C-C District, subject to administrative review:

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(a) **Residential Uses:**

...

- 5. Extra occupancy rental houses with more than five (5) tenants occupants.

...

Section 31. That Section 4.19(B)(1)(e) and (B)(2)(a) of the Land Use Code are hereby amended to read as follows:

Division 4.19 Community Commercial - North College District (C-C-N)

...

(B) *Permitted Uses.*

- (1) The following uses are permitted in the C-C-N District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

...

(e) **Residential Uses:**

- 1. Extra occupancy rental houses with five (5) or fewer tenants occupants.

...

- (2) The following uses are permitted in the C-C-N District, subject to administrative review:

(a) **Residential Uses:**

...

- 6. Extra occupancy rental houses with more than five (5) tenants occupants.

...

Section 32. That the table contained in Section 4.21(B)(2) of the Land Use Code is hereby amended to read as follows:

Division 4.21 General Commercial District (C-G)

...

(B) *Permitted Uses.*

...

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(2) The following uses are permitted in subdistricts of the C-G District, subject to Basic Development Review (BDR), Minor Amendment (MA), Administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
A. RESIDENTIAL		
Extra occupancy rental houses with 5 or fewer tenants occupants	Not permitted	BDR
...
Extra-occupancy rental houses with more than 5 tenants occupants	Not permitted	Type 1
...

Section 33. That Section 4.22(B)(1)(e) and (B)(2)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.22 Service Commercial District (C-S)

...

(B) **Permitted Uses.**

(1) The following uses are permitted in the C-S District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

...

(e) **Residential Uses:**

1. Extra occupancy rental houses with five (5) or fewer tenants
occupants.*

...

(2) The following uses are permitted in the C-S District, subject to administrative review:

(a) **Residential Uses:**

...

6. Extra occupancy rental houses with more than five (5) tenants
occupants.*

...

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Section 34. That Section 4.23(B)(1)(e) and (B)(2)(a) of the Land Use Code are hereby amended to read as follows:

Division 4.23 Neighborhood Commercial District (N-C)

...

(B) Permitted Uses.

- (1) The following uses are permitted in the N-C District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

...

(e) Residential Uses:

- 1. Extra occupancy rental houses with five (5) or fewer tenants occupants.

- (2) The following uses are permitted in the N-C District, subject to administrative review:

(a) Residential Uses:

- 5. Extra occupancy rental houses with more than (5) tenants occupants.

...

Section 35. That the table contained in Section 4.24(B) of the Land Use Code is hereby amended to read as follows:

Division 4.24 Limited Commercial District (C-L)

...

(B) Permitted Uses.

...

- (2) The following uses are permitted in subdistricts of the C-L District, subject to Basic Development Review (BDR), Minor Amendment (MA), Administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

<i>Land Use</i>	<i>Riverside Area</i>	<i>All Other Areas</i>
A. RESIDENTIAL		

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...
Extra occupancy rental houses with five (5) or fewer tenants occupants	BDR	BDR
...
B. INSTITUTIONAL/CIVIC/PUBLIC		
Extra occupancy rental houses with more than five (5) tenants occupants	Type 1	Type 1
...

Section 36. That Section 4.27(B)(1)(e) and (B)(2)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.27 Employment District (E)

...

(B) Permitted Uses.

- (1) The following uses are permitted in the E District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

...

(e) Residential Uses:

- 1. Extra occupancy ~~rental houses~~ with five (5) or fewer ~~tenants~~ **occupants**.

...

- (2) The following uses are permitted in the E District, subject to administrative review:

(a) Residential Uses:

...

- 2. Extra occupancy ~~rental houses~~ with more than five (5) ~~tenants~~ **occupants**.

...

Section 37. That Section 4.28 (B)(1)(e) and (B)(2)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.28 Industrial District (I)

...

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(B) *Permitted Uses.*

(1) The following uses are permitted in the I District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

...

(e) **Residential Uses:**

1. Extra occupancy rental houses with five (5) or fewer tenants occupants.

...

(2) The following uses are permitted in the I District, subject to administrative review:

(a) **Residential Uses:**

...

2. Extra occupancy rental houses with more than five (5) tenants occupants.

...

Section 38. That Section 4.29 of the Land Use Code is hereby amended to read as follows:

DIVISION 4.29 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY*

...

(D) *PUD Master Plan Review Procedure.*

...

(2) In order to approve a proposed PUD Master Plan, the decision maker must find that the PUD Master Plan satisfies the following criteria:

...

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- (e) The PUD Master Plan is consistent with all applicable Land Use Code General Development Standards (Article 3) except to the extent such development standards have been modified pursuant to below Subsection (G) ~~or are inconsistent with the PUD Master Plan.~~

(E) ***Permitted Uses.***

...

- (2) Additional uses not permitted in the underlying zone district may be requested for inclusion in a PUD Master Plan along with the type of review for such use, whether Type I, Type II, or Basic Development Review. The application must enumerate the additional use being requested, the proposed type of review, and how the use satisfies below criteria (a) through (d). The decision maker shall approve an additional use if it satisfies criteria (a) through (d). For each approved additional use, the decision maker shall determine the applicable type of review and may grant a requested type of review if it would not be contrary to the public good.

...

- (b) The use complies with applicable Land Use Code provisions regarding the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment;
- (c) The use is compatible with the other proposed uses within the requested PUD Overlay and with the uses permitted in the zone district or districts adjacent to the proposed PUD Overlay; and
- (d) The use is appropriate for the property or properties within the PUD Overlay.

...

(G) ***Modification of Densities and Development Standards.***

...

- (3) In order to approve requested density or development standard modifications, the decision maker must find that the density or development standard as modified satisfies the following criteria:
 - (a) The modified density or development standard is consistent with the applicable purposes, and advances the applicable objectives of, the PUD Overlay as described in Sections 4.29 (A) and (B);

...

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(H) **PUD Master Plan Non-Expiration**. PUD Master Plans do not expire but are subject to the amendment and termination provisions of Sections 4.29 (I) and (J).

...

Section 39. That the definition “*Dwelling unit*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Dwelling unit shall mean one (1) or more rooms and a single kitchen, or including a second kitchen pursuant to Section 3.5.2(H), and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

Section 40. That the definition “*Extra occupancy rental house*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Extra occupancy rental house shall mean the use of a building or portion of a building which is used by a number of occupants that exceeds the occupancy limits set forth in Section 3.8.16 to accommodate, for compensation, four (4) or more tenants, boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.

Section 41. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Kitchen*” which reads in its entirety as follows:

Kitchen shall mean a portion of a dwelling unit used for the purposes of cooking, preserving, or otherwise preparing food and contains a cooking appliance such as a stove, microwave, or hot-plate.

Section 42. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Occupant*” which reads in its entirety as follows:

Occupant, as the term is used only in Section 3.8.28 and in relation to extra occupancy in other parts of this Code, shall mean a person who occupies a dwelling unit or any portion thereof for living and sleeping purposes.

Section 43. That the definition “*Story*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Story, half shall mean a space under a sloping roof which has the line of intersection of the roof and wall face not more than three (3) feet above the floor level, and in which

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space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

Introduced, considered favorably on first reading, and ordered published this ___ day of ___, A.D. 2020, and to be presented for final passage on the ___ day of ___, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this ___ day of ___, A.D. 2020.

Mayor

ATTEST:

City Clerk