

# TOWN OF AVON

## *Ordinance Preliminary Findings*

## INTRODUCTION

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HWC and 11<sup>th</sup> Street Development have completed our review of Avon's development ordinances. This process included obtaining input from town staff, stakeholders, and a local Steering Committee.

The key finding from our review process is there is not clear alignment between your regulatory documents, community expectations, and staff/board decisions. This results in an unpredictable development environment that can discourage all types of private investment.

In addition to addressing alignment, another overriding message from the ordinance review process is that the Town desires to have clear expectations for quality development, and a smooth process for evaluating development proposals against those standards.

Below is a summary of the key recommendations for achieving these expectations:

1. Address ordinance conflicts and deficiencies by replacing your current zoning and subdivision control ordinances with a Unified Development Ordinance (UDO).
2. Align the updated standards with community expectations by engaging the public in a conversation about the types of development that are desired. If the result differs from the Comprehensive Plan, strategically update sections of the plan to align community expectations with adopted policy.
3. Encourage an evaluation process that supports appropriate development by clarifying and realigning the roles and responsibilities of staff, BZA, Plan Commission and Town Council in the review process.
4. Prepare for expected future development pressures by updating your ordinances to account for the type of development projects that are desired and allowable. This should include consideration for remaining developable land, future infill, and future redevelopment.

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### GUIDING PRINCIPLES

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Based on input received from stakeholders and the Steering Committee, the following guiding principles were established to set the direction for the ordinance update.

- 1. Simplify the Documents.** Revise the documents for (i) ease of use and (ii) clarity of content.
  - 2. Simplify the Process.** Make the approval process clear to all users by providing timely approvals without sacrificing the quality of development. This includes revisions to the review process and shifting administrative approvals to staff.
  - 3. Align the Ordinances with the Comprehensive Plan.** The community supports the vision of the Comprehensive Plan, but the current ordinances do not allow the Town to achieve this vision.
  - 4. Greater Development Flexibility.** To attain the Comprehensive Plan vision of the Town there needs to be greater flexibility in standards of density, design, and use and how these standards are applied to reduce reliance on PUDs and match community expectations.
  - 5. Optimize Development.** There is limited developable land remaining in Avon. The Town needs to make the most of the development that occurs on these sites.
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### KEY RECOMMENDATIONS

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The Key Recommendations to fulfill the Guiding Principles will address zoning districts, uses, development standards, approval processes, and ease of use. These recommendations are detailed further on the following page. The main findings of this review are:

- ▶ Consolidate the Zoning Ordinance and Subdivision Control Ordinance into a Unified Development Ordinance (UDO).
  - ▶ Make the UDO easier to use by simplifying the document in form and content.
  - ▶ Consolidate similar zoning districts and create new mixed-use districts to help achieve the vision of the Comprehensive Plan.
  - ▶ Expand permitted uses within zoning districts to allow more diverse residential housing options.
  - ▶ Allow a mix of housing types and lot sizes within subdivisions.
  - ▶ Align the UDO with the Comprehensive Plan to allow greater flexibility in residential subdivision design.
  - ▶ Simplify the Permitted Use Table by consolidating similar uses and distinguishing uses.
  - ▶ Establish standards for infill and redevelopment to ensure compatibility.
  - ▶ Increase architectural diversity through anti-monotony standards and use of durable materials.
  - ▶ Overhaul the landscape ordinance, including language to protect existing wooded areas.
  - ▶ Incorporate an introductory presentation of the proposed change to the Town Council into the beginning of the rezone process.
  - ▶ Encourage the use of the standard subdivision process to divide land for most conventional projects. Reserve use of PUDs for unique developments such as large-scale projects, mixed use projects, or sites with development constraints.
  - ▶ Delegate secondary plat approvals and development plan approvals to the planning staff.
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## DETAILED RECOMMENDATIONS

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To achieve these Guiding Principles, these Detailed Recommendations below provide a road map for the revisions necessary in an ordinance update. The Detailed Recommendations are organized into the following categories:

- ▶ Zoning District Recommendations – Changes to the zoning districts throughout the jurisdiction of the Town.
- ▶ Permitted Use Recommendations – Modifications of the permitted use requirements to simplify and clarify this foundational part of the ordinance.
- ▶ Use Standard Recommendations – Revisions to the standards that accompany certain types of uses to ensure they are compatible with their surroundings.
- ▶ Development Standard Recommendations – Changes to standards directly impacting the development of property or the buildings on the property.
- ▶ Process Recommendations – Refinements of the approval processes used by the Town.
- ▶ Ease of Use Recommendations – Elements to include in the organization and format of the document to make it easy to navigate and find the information needed.

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### **Zoning District Recommendations**

- Consolidate the zoning districts allowing a greater range of uses within the districts. There are 23 districts in the current ordinance several of which are similar.
- Create mixed-use districts to provide transitions between uses and greater flexibility to meet market demand.
- Create mixed-use districts allowing a blend of compatible uses. Examples include allowing attached residential uses within neighborhood commercial zones or detached single-family dwellings within attached residential districts.
- Allow a mix of housing types and lot sizes within a single subdivision. Regulate subdivisions by density rather than lot size to foster greater housing options.
- Consider allowing limited, compatible non-residential uses within a subdivision. For example, a small amount of neighborhood commercial or garden offices may be permitted within a predominantly residential subdivision.
- Develop in clusters, not corridors, that are compatible with the surrounding properties.
- Decrease the required minimum lot sizes and minimum setbacks to allow the standard subdivision process to be used for developments rather than forcing the PUD process to be used.
- Remove the mixed-use requirement from the PUD language. PUDs may be pursued for other reasons, such as site conditions (e.g. allowing smaller lots to save existing trees), not only because a mix of uses is desired. Such a mix may not be appropriate and should not be required.
- Remove the conflicting requirements of the overlay districts. The conflicts are confusing and make the overlays difficult to administer. Remove the overlapping standards or specify which overlay takes precedence when an overlap occurs.
- Protect the Ronald Reagan Parkway as an economic development engine of the Town. Actively encourage the type of development desired along the corridor.
- Hold tight to the recommendations of the Comprehensive Plan when reviewing rezone requests along the Ronald Reagan Parkway to protect this important corridor.
- Identify what overlay standards may not be waived to maintain the intent and integrity of the overlay districts.
- Maintain the Agricultural Overlay District (AGO-1).
- Modify zoning district standards to better align with the Town's goals and market demand (for example, reducing residential lot width or increasing industrial building heights).
- Consider establishing build-to lines, maximum setback lines, or other requirements to fit with the setbacks of adjacent uses.
- Adjust the setback requirements for corner lots to establish a front setback line and a street side setback line rather than having two front setbacks on the lot.
- Examine and update lot coverage and floor area ratio standards for infill developments to ensure compatibility with neighboring uses.

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- Decrease the minimum lot size requirements in commercial districts to encourage the redevelopment of excess parking areas into outlots in existing commercial developments.
- For commercial uses, increase the flexibility in development standards to allow, where contextually appropriate, buildings to be placed toward the street with parking behind the building.

## **Permitted Use Recommendations**

- Simplify the Permitted Use Table by consolidating similar uses. For example, many office uses are listed on the table. Combine these into a general office use category. Office uses which may have greater impacts would still be listed separately on the table.
- Expand the range of housing choices: lifestyle, live/work units, accessory dwelling units, etc., by listing them as specific uses on the Permitted Use Table.
- The current ordinance generally segregates attached and detached housing types. It also lacks provisions for live/work units and accessory dwelling units. Permit accessory dwelling units in moderate to higher density residential districts, and identify districts where live/work units should be permitted.
- Distinguish uses by scale. Scale, not type of use, is often the distinguishing factor on whether a use is appropriate for a zoning district. A small-scale church may be compatible with a residential neighborhood where a mega-church would not.
- Distinguish dwelling building types on the Permitted Use Table to better foster infill development. For example, distinguish between duplexes, triplexes, quadplexes, townhomes, small-scale apartment buildings (six or fewer units), and larger apartment buildings to better control which zoning districts such uses are permitted.
- Provide incentives to encourage development where desired (e.g. near existing utilities) and away from agricultural areas.
- Clearly identify where warehousing is permitted and where it is not.

## **Use Standards Recommendations**

- Create standards for infill development to promote compatibility with surrounding uses. Such standards could address building height, setbacks, and other massing requirements within 50 feet of a residential district. Permitted building height can be the height of the tallest building on the adjacent parcel plus one floor.
- Establish conditions under which the maximum square footage of warehouse buildings can be increased. This could be based on location, mix of building sizes in a master planned development, etc.
- Establish standards for uses on the Permitted Use Table to address issues of compatibility that may require limitation on location of the use, separation between uses, restrictions on the scale of the use, its hours of operation, or other factors to ensure compatibility.

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### **Development Standards Recommendations**

- Remove the conflicts between the zoning ordinance, subdivision control ordinance, and other development requirements. There are known conflicts with landscaping standards, setback requirements, roadway geometry, and other key aspects of the ordinances.
- Adjust development standards to better align with the Comprehensive Plan.
- Allow greater flexibility in design to help foster a sense of place. This is not only important to community identity but is important to businesses in attracting workers.
- Allow for context-sensitive infill housing. This is desirable, but participants had difficulty envisioning it. Further identify what the community finds acceptable and under what conditions.
- Encourage more residential architectural variety by establishing anti-monotony standards and requiring the use of quality building materials. Eliminate standards requiring a minimum percentage of certain building materials as such standards are contributing to the lack of architectural diversity.
- Encourage housing diversity by managing new development based on density, not dimensional lot standards. Have a community conversation about desired types of residential development. Ensure the community will support the type of development the updated standards would produce.
- Reduce the side yard setback requirements for residential uses to better align with the desires of home buyers who prefer that space in the back yard.
- Allow the creation of lots that do not front upon a street. Such lots can face directly upon a common area and be served by an alley or shared drive.
- Revise the regulation of residential neighborhood entry monuments to allow for greater diversity of design.
- Protect existing significant woodlands on sites through the use of clustering the homes on a portion of site and preserving the woods.
- Requests for an increase in density should be accompanied by an increase the architectural standards for the neighborhood seeking the density request.
- Decrease the minimum square footage requirements of multifamily residential units to allow greater housing options.
- For required architectural features (such as porches) expand architectural diversity by regulating the size of the feature by minimum square footage rather than minimum dimensions.
- Increase recreational opportunities throughout the community. Allow clustering of homes to create open space with appropriate amenities. This helps meet recreation demand without cost to the Town.
- Allow greater flexibility in amenity center requirements to better tailor the amenities to the desires of the buyers.
- Maintain the signage and stormwater standards.

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- Monitor the application of the signage ordinance for ordinance modifications to make at a future date. These are examples of items to be addressed in an annual review of the ordinance.
- The current vision clearance requirements are excessive. Reduce them to allow a larger buildable area with parcels without impacting public safety.
- Incorporate by reference the Thoroughfare Plan, Town Construction Standards, and other documents setting standards for development to reduce duplication and conflict.
- Incorporate basic architectural design requirements for commercial and industrial buildings.
- Place restrictions on the creation of long, blank building walls along streetscapes.
- Eliminate outdated controls that are ineffective or inflexible (for example, the street tree list includes ash trees which are now prohibited).
- Update the landscape ordinance to remove the conflicts between it and other ordinances.
- Require landscape plans to provide a summary table showing required and provided landscaping to speed up plan reviews.
- Update the various plant lists within the landscape ordinance to remove undesirable species and expand the approved plant list.
- Adjust the parking standards table so it aligns with the Permitted Use Table.
- Revise the shared parking requirements to encourage more efficient use of parking areas.
- Adjust required off-street parking ratios based upon the availability and level of use of public parking lots in the area. The lower the usage of public parking lots, the fewer off-street parking spaces are required.
- Adjust the parking rates for commercial and industrial uses to better match the needs and impacts of the use.
- Retain the Town's street standards as recently updated during your Thoroughfare Plan.
- Evaluate the amount of right-of-way requested for Signature Streets. The right-of-way dedication appears disproportionate to the roadway section to be constructed.
- Update the requirements in the Subdivision Control Ordinance to eliminate conflicts and to correct density bonus calculations which do not work.
- Update the signature streets map to correlate with ordinance designation.

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### **Process Recommendations**

- Change the rezone process to begin with an introduction of the project to the Town Council. This alerts the Council to project and allows them to provide initial feedback on the proposal.
- Reduce the number of studies required to accompany rezone requests. Items such as traffic impact studies, fiscal impact studies, etc. should not be mandatory, but rather should be required when the scale of the development or site features require such examination.
- Reduce the use of the PUD process. PUDs should be reserved for creative or unique developments such as (1) large, image-making sites, like the Town Center, (2) Sites including a mix of uses, or (3) Sites with existing features that require development flexibility such as existing woodlands that should be protected. Such PUD developments do require negotiation. Standard subdivisions should be straight rezones that follow zoning district standards. They should not require negotiated approval.
- Use subcommittees of the Plan Commission to improve the review process. The subcommittees would meet once per month to review projects and provide recommendations to the Plan Commission.
- Allow flexibility in the application of the ordinance. After zoning approval, conditions may arise in detailed engineering that make it difficult to match the approved zoning concept. Allow flexibility in standards to provide a relief valve so zoning amendments do not need to be pursued for simple dimensional changes. For example, up to 5% of lots may be below required lot sizes or setbacks to allow adjustments for implementation aligned with the approved plans.
- Allow staff greater flexibility in the application of ordinances. Build in “wobble room” so the intent of the ordinances can be achieved without having to obtain variances.
- Maintain the ease of use of the current Subdivision Control Ordinance.
- Simplify the subdivision requirements to focus on process rather than specific subdivision types.
- Delegate approval of plats to staff. Consider the creation of a Plat Committee to address simpler platting issues. Have the Plan Commission continue to approve significant primary plats and plats with waivers. Delegate approval of secondary plats to staff.
- Delegate development plan approval to staff. These approvals are technical and ministerial in nature. Development Plan approvals by the Plan Commission should occur when waivers need to be approved.
- Clarify and consistently apply the plat recording and bonding process. These are currently being inconsistently applied.
- Allow the Planning Director to make more discretionary determinations in the application of the ordinance rather than forcing such decisions into a review process with the Board of Zoning Appeals.
- Have a clear process for how to handle the unexpected issues or questions. Defer to the staff where possible with an appeal process to Plan Commission or Board of Zoning Appeals.
- Do not create an Architectural Review Board. Participants felt this added uncertainty and unnecessarily extended the approval process.

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- Keep the current building permit process. It is working well.
- The stormwater review process works well. Maintain it.
- Conduct regular maintenance updates of the ordinance to continue to refine, simplify, and clarify the ordinance.
- Better align the planning staff, Plan Commission, and Town Council through improved communication, changes in process, and education.
- Provide regular training sessions to the Town Council, Plan Commission, and Board of Zoning Appeals to help them better understand the planning process and understand certain types of development.

## **Ease of Use Recommendations**

- Merge the zoning ordinance and subdivision control ordinance into a unified development ordinance.
- Keep the ordinances simple and easy to use. Residents should be able to understand the ordinance.
- Consider a more intuitive organizational ordinance structure such as:
  - a. General Provisions
  - b. Zoning Districts
  - c. Permitted Uses
  - d. Use Standards
  - e. Development Standards
  - f. Process
  - g. Administration and Enforcement
  - h. Definitions
- Write the ordinances in plain English.
- Utilize tables, graphics, and photographs to convey standards.
- Create better navigation of the ordinance through the design layout and organization of the ordinance.
- Correct and hyperlink cross references to other documents within the ordinance so they are referring to the most current version of the document.
- Create predictability by simplifying the standards and approval process. For example, PUDs remove the ability of planning staff to quickly answer simple questions like, “What are the setbacks for my property?”

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- Remove conflicting standards. They are confusing and time consuming in interpreting the ordinance and in the approval process if waivers or variances are required.
- Strive for consistency in the application of municipal codes and policies.
- Create better webbing between the development ordinances and other regulatory documents (e.g. stormwater ordinance, Town construction standards, etc.)
- Strategically update the Comprehensive Plan to align with the enacted ordinance updates. It is anticipated that some of the current Comprehensive Plan recommendations may not align with final decisions made during this ordinance update. These references should be updated so that there is clear alignment when the documents are completed.