



## Agenda Memorandum

Agenda Item – {{section.number}}.A.

### City Council Study Session July 17, 2023



#### **Strategic Priority 1: Preparedness and Resilience**

Build a system of intentional support for residents, businesses and the environment that mitigates risks and proactively seeks out ways to ensure the community not only endures, but thrives.



#### **Strategic Priority 2: Proactive Public Safety**

Enhance public safety to emphasize both prevention and enforcement, engage the community through education and outreach and provide the resources necessary to ensure safety and well-being throughout Westminster.



#### **Strategic Priority 3: Shared Sense of Community**

Foster equitable opportunities that help residents feel at home and connected in their community and empowered to live their best lives.



#### **Strategic Priority 4: Quality of Life**

Ensure that Westminster offers a diverse range of amenities and activities for residents, businesses and visitors that honor the city's history and support the arts, parks, recreation, open spaces, and libraries.



#### **Strategic Priority 5: Robust Infrastructure**

Provide safe and equitable access to core services and amenities by safeguarding, maintaining and improving the city's water, wastewater, stormwater, mobility and roadway systems.

**Subject:** Information Only – Unified Development Code

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### **Summary Statement:**

This report is for City Council information only and requires no action by City Council.

- The Unified Development Code (UDC) project was planned as Phase 2 of the update to the City's Growth Management program, in which Phase 1 was completed in 2018.
- The UDC is intended to "unify" Westminster Municipal Code (W.M.C.) Title XI, landscape regulations, and the six different design standards/guideline documents into a one-stop shop

for land development.

- The City separated from a consultant used earlier in the process as the proposed approach did not align with the City's change in vision to depart from "the Next Urban Center". The draft UDC was also unnecessarily lengthy, complicated, and too difficult to apply to the limited remaining land inventory within Westminster.
- With adoption of the 2040 Comprehensive Plan (2040 Plan) on March 27, 2023, the UDC project has been reset to ensure consistency with the City's vision and the 2040 Plan, and proposes a more contextual based approach.
- Other work planned in 2023, specifically the Adaptive Re-Use Toolkit and Housing Needs Assessment, will inform strategies to incorporate into the UDC.

### **Background Information:**

The UDC is informed by the goals, policies, and strategies of the 2040 Plan, Transportation and Mobility Plan, Sustainability Plan, and the forthcoming Parks, Recreation, and Libraries (PRL) Vision Plan. The project functions as a Phase 2 of the Growth Management program. Prior to Phase 1, with the former service competition, a pattern was emerging with proposed residential development achieving a declining share of points assigned for different design features. The former service competition resulted in fewer points every year while the number of service commitments allotted was not being utilized, effectively creating an unnecessary system of slowing residential projects featuring lower design quality.

The Phase 1 changes resulted in certain mandatory minimum standards for residential development and established a system where only City Council can approve exceptions. This was a change that increased transparency from past practice where a Planned Unit Development (PUD) may have modified development standards through notes in a Preliminary Development Plan (PDP) or Official Development Plan (ODP). Staff is also aware, however, that in some cases this has caused frustration for developers about the necessity of this step in lieu of a modernized set of development standards. Recent introduction of the new Concept Plan Review process may help Staff, developers, and City Council better understand at an early stage the challenges with a particular development site and alternative approaches to support quality projects.

The initial 543-page draft UDC was released in 2021. Staff's review focused on procedures and similar content since the 2040 Plan was not finalized at that time. Review of the draft resulted in concern that the UDC was too urban and not aligned with the change in the City's vision. A revised draft from the consultant grew to 710-pages. When City Council did not approve the prior version of the 2040 Plan in 2021, further work on the UDC was limited until City Council established new policy direction for the city through a revised 2040 Plan.

Based on discussions with City Council in fall of 2022, the 2040 Plan shifted in focus to support further employment development with emphasis on opportunities for research and development and life sciences, supporting housing formats that lend themselves to home ownership, reducing the amount of future multi-family development, and reducing citywide water demand. As an

implementation component of the 2040 Plan, the UDC will continue to work from these three overarching themes through a context-based approach to site development.

The project scope unifies W.M.C. Title XI, landscape regulations, and six different design standards and design guideline documents into a one-stop shop for land development. However, Staff proposes a more surgical approach than the 710-page prior draft. The scope includes zoning, site planning, architectural design, and associated procedures. Key topics introduced with the 2040 Plan that will be incorporated into the UDC include zoning more closely aligned with comprehensive plan designations; strategies to support home ownership through smaller format single-family products, townhomes, and accessory dwelling units; standards for office and industrial development that are lacking in current standards; and standards for the public realm to support the City's continued high quality of life.

To keep the UDC focused and manageable for the City's limited remaining land inventory, the UDC will leave in place other development-related regulations including the City's building codes, construction engineering standards, and development-related topics incorporated elsewhere in W.M.C. such as alcohol sales, short-term rentals, and animal management. Regulation of wildlife on private property, including but not limited to prairie dogs, is not included in the UDC scope.

The UDC will be further informed by current and upcoming Strategic Plan items identified by City Council including the Redevelopment and Adaptive Re-Use Toolkit (expected October 2023); the Housing Needs Assessment (expected December 2023); and the PRL Vision Plan (expected December 2024). As the UDC is not a Focused Objective identified in the current adopted Strategic Plan, Staff will prioritize the Adaptive Re-Use Toolkit, Housing Needs Assessment, and PRL Vision Plan and continue the UDC once these Focused Objectives are more advanced.

The primary benefits and/or impacts of the UDC will be in the few locations where new development occurs, which is less than 2.5 percent of the City's land area, and in locations where redevelopment occurs. Mandatory compliance with the 2040 Plan will remain a requirement of new development. The UDC would not apply to Downtown Westminster and Westminster Station since those are regulated by Specific Plans that are separate from the more general citywide standards that will be in the UDC. Projects that are vested through PDPs may also be subject to the regulations in place at the time of PDP approval. Existing, lawfully established uses may continue to exist perpetually and are not subject to the UDC until redevelopment is proposed. The limited applicability of the UDC further speaks to the need for an approach that is more surgical and contextual in nature rather than the prior 710-page draft.

Through 2023, Staff will reengage with stakeholders who have been involved with the UDC to refine the focus to key areas of concern. Staff will return to City Council later in 2023 with a project update.

The City's Strategic Plan priority of Preparedness and Resilience is met by providing a framework to support quality development with an updated set of regulations in support of the 2040 Plan. The priority of Shared Sense of Community is also met by fostering neighborhood designs that facilitate opportunities for home ownership and continued focus on the public realm. By integrating amenities and community institutions into an intentional pattern of development, the priority of Quality of Life is met. Lastly, the priority of Robust Infrastructure is met by ensuring new development supports delivery of the City's core services and planning to respect the city's water, wastewater, mobility, and roadway systems.

Respectfully Submitted,

*Mark A Freitag*

Mark A. Freitag  
City Manager

**Attachments:**

Attachment 1 - UDC and Strategic Plan Focused Objectives