



MEMORANDUM

Date: August 27, 2012 – 6pm Public Hearing
To: Salida Planning Commission
From: Michael K. Yerman, Community Development Director
RE: Land Use Code Update Adoption

Commissioners,

The purpose of tonight's meeting is to hold a public hearing on the updated Land Use Code ("code"). The Commission should review the code changes from the work session and take public comment at the meeting. The Commission may make a recommendation to City Council for adoption of the updates to the code at the meeting.

Attached to this memo are the changes that have been suggested at the work session. The intent of the code update is to create expedited review procedures for applicants, to bring the current code up to date with state statute, and to condense relative codes sections together. The goal of the code update is to make the review procedures and standards transparent and easy to follow. This code update **does not** change entitlements in the zoning regulations such as lot sizes, setbacks, building heights, etc. Possible changes to zoning entitlements maybe considered after the Comprehensive Plan is updated and adopted by City Council. The Comprehensive Plan will serve as the guiding document for any future entitlement changes to the code.

The majority of the code update changes have occurred in Article III Review procedures and Article IV Zoning that designates which land uses are subject to certain levels of review. There have been slight modifications to clarify vested rights processes in Article II Administration and Enforcement. Article VI Subdivision and Article VII Planned development have been updated to reflect the expedited review processes that are proposed in Article III. Article XI Flood Control has been updated to reflect the requirements of state statute and to clarify the process for building or modifying structures in the flood plain. The remainder of the code has only seen minimal changes and has been consolidated to reflect the review procedures of Article III.

Below is a description of the updates to each Article. Please use this memo, the copy of the code that you received for the work session, and the attached revisions from the work session to make recommendations during the public hearing. The entire draft is also available on the City website. Staff will review your comments and incorporate them into the recommendation to City Council.

Article I General Provisions

The majority of the changes of this Article are to the definitions that have been removed and inserted into Chapter 1 because they appear in more than one chapter in the Salida Municipal Code.

The other modifications to definitions in this Chapter are as follows:

- Bed and breakfast inn (room number limits removed)
- Brewery, distillery, winery (Added)
- Lot line, front (changed to clarify)
- Mobile home (dimensional requirements removed)
- Zero lot line (deleted)

Article II Administration and Enforcement

Contained in this Article are the requirements for fees and deposits, vested property rights, public notice requirements, procedures for text amendments, the appeals process, subdivision improvement agreements, and enforcement. There are only a few modifications to this Article. Section 16-2-20 Vested property rights and Section 16-2-70 Subdivision improvement agreements were moved to this Article. The vested rights section is expanded from the City's existing provisions to detail what type of land use actions constitute site specific development plans giving rise to vested rights as well as the nature and extent of those rights. The concept of vested rights, which is defined by Colorado statute, is frequently misused or confused. Section 16-2-20 will help developers and staff easily identify vesting start dates and confines for land use approvals. Similarly, Section 16-2-70 clearly defines the scope of subdivision and development agreements in the City. A main objective of such agreements is to ensure the public improvements serving a project conform to City requirements and are properly warrantied, although the scope also includes other conditions of project approval and agreed upon terms between the City and developers.

Lastly, the enforcement and penalties of the Land Use Code now follow the same procedures of the rest of the Municipal Code that can be found in Chapter 1, Article VII.

Article III Review Procedures

This Article contains the most substantive changes of the Code update. Contained in the article are the new review procedures and review level classifications that are proposed for the evaluation of development applications. Section 16-3-50 Development plan creates a standardized format and outlines the required contents for all land use applications. The new review procedures will encompass new construction, subdivision, variances, conditional uses, and ROW vacations. Timelines and required public meetings have been condensed for larger scale development projects and all subdivisions.

Additional review with the expedited timeframes was recommend by the Planning Commission and City Council for large accessory structures over 1,000 sf, multi-family projects over 3 units, and commercial projects over 20,000 sf. The full list of development

permits requiring review can be found under Section 16-3-40 Classification. The level of review for specific land uses for each zone district are listed in Article IV Zoning under Table 16-D Schedule of uses and will be discussed in Article IV below.

The four levels of review that are proposed with the Code update are Permitted Uses, Administrative Review, Limited Impact Review, and Major Impact Review.

Permitted uses require no additional review by the City staff or the appointed and elected bodies. Specific land uses that qualify under this review designation can be found in Article III Table 16-D Schedule of uses. These uses would be required to meet zone district standards such as setbacks, lot coverage, parking, landscaping, etc. and would require a building permit if new construction or changes of use are proposed.

Administrative review would require a development permit application in accordance with Section 16-3-50 to be submitted to the administrator. The administrator would review the application, solicit comment from other departments if necessary, and render a decision on a development permit within 10 days of receiving a completed application. An appeal of an administrative review decision will be appealed to the Planning Commission.

Limited impact review would require a development permit that meets the specifications of Section 16-3-50 and would be reviewed during the regular monthly Planning Commission meeting. Applicants would be required to meet with staff for a pre-application conference prior to submitting an application. Due to public noticing requirements and agency review timelines, applicants will need to submit their development plans a month prior to the regularly scheduled Planning Commission meeting. The Planning Commission will render the final decision on these applications. An appeal of a limited impact review decision by the Planning Commission will go before the City Council.

Major impact review offers applicants the most expedited timeframe and relief from the public meeting requirements of the current Code. Applicants would be required to meet with staff for a pre-application conference prior to submitting an application. The applicant would then submit a conceptual plan at a joint meeting of the Commission and City Council. This will allow the Commission, Council and the applicant to exchange information and ideas prior to preparing a development plan that meets the requirements of Section 16-3-50 for the Planning Commission's review. The Commission will review the application and make a recommendation to City Council. After a recommendation from the Planning Commission, the City Council will conduct a public hearing and render a decision regarding the application. The Council will also approve any development agreements at this time. The applicant would then file the development plans with the Chaffee County Clerk and Recorder which will begin the vested rights period.

The new review procedures will also allow for concurrent review of multiple applications. For example, an applicant could apply for a minor subdivision and a conditional use at the same time under the limited impact review. This will allow the applicant to present the entire project as a whole and only require one public meeting instead of applying for each application as it is required under the current Code.

Article IV Zoning

Article IV has combined several of the articles from the old Code including Zone District Standards, Use and Dimensional Standards, Conditional Uses, Variances, Nonconformities, and Rezoning. The standards from these Articles remain largely unchanged with the exception of Table 16-D Schedule of Uses which now cites which specific land uses are subject to the new review processes of Article III.

Table 16-D Schedule of Uses contains the largest amount of changes in this Article. Staff would ask the Planning Commission to review this table to ensure they feel the appropriate level of review has been recommended for each use in accordance with Article III. Staff has highlighted several uses that have been changed from Permitted to Administrative Review. Staff feels it may be appropriate to rethink requiring additional review for several of these uses. There was also an additional standard dealing with scale added for the review of accessory dwellings/structures added to this section.

Other modifications to this Article include Section 16-4-120 Expiration of conditional uses which provides clarification on the approval process and an expiration of conditional use permits.

Article V Zoning Overlays

There are no changes to this Article besides being renumbered.

Article VI Subdivision

This article was modified to define the different types of subdivisions that are permitted under the Code. The review procedures of Article III are cited for each type of subdivision. The update has eliminated procedures for Sketch Plan, Preliminary Plat, and Final Plat because these steps are condensed to allow the expedited timeline for applicants. The new review process eliminates almost 3 months of additional meetings for applicants from the old Code.

One recommendation from the work session was to add a provision to allow open space fees to be paid at the time of building permit. This revision is in the additional material attached to this memo.

Article VII Planned Developments

This article was updated for the expedited approval timelines of Major Impact Review in accordance with Article III Review procedures. Planned Developments will be applied as an overlay to prevent properties from going unzoned with a failed development. This update simplifies the review procedures and clarifies the process for applicants.

Article VIII Design Standards

This Article is a combination of several articles from the old Code including off-street parking, illumination and landscaping standards, large scale design standards, and improvement standards. The biggest modification to this Article is Table 16-H Off-street parking standards which has been modified to reflect the uses in Table 16-D. Staff would ask the Commission to review this table.

The only other changes to this chapter are clarifications to the exemptions to landscaping standards for single-family and duplex development.

Article IX Annexation

This article has been updated to reflect the requirements for annexation under state statute. These revisions provide further clarification to applicants on what is required under state statute for annexation. Section 16-9-40 Application contents provides clear direction on application submittal requirements for annexations.

Article X Sign Standards

There are no changes to this Article besides being renumbered.

Article XI Flood Control

This article has been update to reflect the requirements of state statute and the new FEMA flood plain regulations. This update provides further clarification to applicants on what is required to build or alter property that is located in the flood plain.

Article XII Historic Perseveration

There are no changes to this Article besides being renumbered.