

TO: City Council
FROM: Community Development Staff
DATE: April 12, 2016
RE: Text Amendment to the *LDC*

A Text Amendment has been initiated by Steve Westbay, Community Development Director to amend Section 2, Zoning Districts; Section 4, General Development Standards; Section 9, Development Standard Waivers; and, Section 12, Subdivision Standards within the *Land Development Code (LDC)*.

The amendment proposes to modify the *LDC* regarding the following:

- Table 2-4 (Residential Dimensional Standards);
- Table 4-11 (Minimum Tree and Shrub Plantings);
- Section 4.6.F.2 and 3. (Buffering and Screening);
- Adding Figure 15A (Minimum Tree and Shrub Planting and Buffer Requirements);
- Table 4-7 (Off-Street Parking with Eight or More Stalls);
- Section 4.4.F. (Off-Street Parking and Loading);
- Section 9.1.C.2 (Planning and Zoning Commission Waivers);
- Table 9-1 (Decision Making for Waivers); and,
- Section 12.1 (Subdivision Standards Purpose).

Text Amendment requests must comply with established criteria address the compatibility with the City's *Master Plan*; the purposes of the *LDC*; and preserve the health, safety and orderly development of the community.

The Planning and Zoning Commission held a public hearing on March 9, 2016 regarding this request. All Commission members supported the proposed amendments and unanimously voted to recommend approval of this Text Amendment.

The Council packet contains the staff report with the Commission recommendation and the draft ordinance.

STAFF REPORT
Text Amendment to the *Land Development Code*

TO: Planning and Zoning Commission
 FROM: Community Development Staff
 DATE: March 9, 2016
 RE: ZA 16-1, Text Amendment to the *Land Development Code*

CODE PROVISIONS

The *Land Development Code (LDC)*, Section 10.3 specifies that a text amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission establishes a recommendation to City Council to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

A Text Amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the city, an owner of a business within the city, or any person who holds a recognized interest in real property within the city.

APPLICATION

The applicant for this Text Amendment is Steven Westbay, the City of Gunnison Community Development Director. The application proposes to amend tree and buffer planting requirements within Table 4-11 (Minimum Tree and Shrub Plantings) and Section 4.6 F.3 (Zone District Boundary Buffer) and some minor typographical errors within the *LDC*.

PROPOSED AMENDMENT

Proposed amendments include the following:

TABLE 4-11 MINIMUM TREE AND SHRUB PLANTINGS	
Zone District	Number of Trees and Shrubs per Required Landscape Area
Central Business District (CBD)	N/A
Commercial (C)	1 tree and 2 shrubs per 200 400 sq. ft.
Business Professional (B-1)	1 tree and 2 shrubs per 850 1500 sq. ft.
Industrial (I)	N/A
Single-Family Residential (R-1)	1 tree and 2 shrubs per 2000 sq. ft.
Single-Family Residential Modified (R-1M)	1 tree and 2 shrubs per 2000 sq. ft.
Duplex Residential (R-2)	1 tree and 2 shrubs per 1200 1500 sq. ft.
Residential Mixed Use (RMU)	1 tree and 2 shrubs per 600 1200 sq. ft.
Multi-Family Residential (R-3)	1 tree and 2 shrubs per 500 sq. ft.
Note: The above required trees may be counted toward street tree buffer requirements of §4.6.F.4-- See Figure 15A	

Section 4.6 F. Buffering and Screening

2. **Waivers.** A waiver from these buffer and screening standards may be granted by the Commission (Section 9.4 G). A waiver application shall include a site plan showing the

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Text Amendment to the *Land Development Code*

building footprint, driveways, parking, landscaping and utility lines. The waiver application will be considered at a ~~regular meeting and does not warrant a public hearing notice~~ **public hearing and shall require public notice as specified in Section 6.7.** Waivers shall only be granted if the applicant demonstrates that there are not adequate rights-of-way from the curb edge to the building front. The Commission may consider other site-specific circumstances not contemplated herein, and are not the result of previous development constraints initiated by the applicant.

3. Zone District Boundaries

- a. A landscaped buffer shall be planted on the boundary between the zoning districts set forth below, unless the abutting property is determined by staff to be unbuildable or visually separated by topographic features. Zone district buffers shall not be required for areas where street frontage buffer requirements are met.
- b. The buffer shall be 20 feet wide and planted directly adjacent to the zone district boundary.
- c. A minimum buffer consisting of ~~eight~~ **four** evergreen trees and ~~10~~ **five** shrubs per one hundred linear feet of zone district boundary shall be installed between the following zoning districts:
 - i. an Industrial zone district and any other zoning district;
 - ii. a Commercial zone district and any Residential zone district; or
 - iii. all Multi-family Residential zone districts (RMU/R-3) and any other Residential zone district.

FIGURE 15A MINIMUM TREE AND SHRUB PLANTING AND BUFFER REQUIREMENTS



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Table 4-7 Off-Street Parking Requirements			
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED	
Residential Use Categories (§3.2)			
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	2.0 per dwelling unit	
	Multi-Family Dwellings; and Upper Floor Residential	1 st Unit	2.0 per dwelling unit
		Each additional unit	1.75 per dwelling unit
	Accessory Dwelling Unit, and Upper Floor Residential	1.0 per Accessory Dwelling Unit	
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities	1.0 per bed	
	Nursing Homes	1.0 per employee, plus 1 visitor space per 2 beds	
	Assisted Living	1.0 per employee, plus 1 visitor space per 4 beds	
Accommodations	Hotels and Motels	1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)	
	Hostels	1.0 per 2 beds	
	Bed and Breakfasts	1.0 space per guest room, plus 2 spaces for the owner/manager's unit	

Section 4.4 Off-Street Parking and Loading

F. Off-Street Parking with ~~Eight or More Stalls~~. Off-street parking areas **are** ~~with eight or more stalls~~ subject to these driveway access standards; such parking facilities shall not be designed to back onto any street or alley right-of-way.

Section 9. Development Standard Waivers, 9.1 C.

2. Planning and Zoning Commission Waivers. Waivers that are determined ~~by the Commission and/or~~ administratively by staff are related to Site Development Applications. Waivers **determined by the Commission and/or** recommended to City Council by the Commission are acted upon as a public hearing agenda item at a **scheduled** ~~regular~~ meeting. The administrative review **by staff** follows all of the procedures set forth in Section 9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this LDC. (Ordinance 3, 2015)

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Text Amendment to the *Land Development Code*

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.6 E. Landscaping Requirements for all Zone Districts					Variance
§4.6 E.1. Minimum Tree and Shrub Plantings		√			Variance
§4.6 E.2 Living Plant Material requirement		√			
§4.6 E.3 10% landscape area in Industrial zone district		√			

Section 12. Subdivision Standards 12.1 Purpose

G. Development Improvement Costs Paid by Developers. ~~Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/developers of the tract.~~ **Provide provisions and documentation ensuring that defined improvement funding borne by the developer for public utilities and facilities are secure and protect the fiscal well-being of the City.**

DEPARTMENTAL COMMENTS

- Building Official: No issue.
- Fire Marshal: No issue.
- Parks and Recreation Department: No issue.
- Police Department: No issue.
- Public Works Director: No issue.
- City Engineer: No issue.
- Water and Sewer Superintendent: No issue.
- Electric Superintendent: No issue.
- City Attorney, Kathy Fogo: No issue.

STAFF OBSERVATIONS

1. The proposed Text Amendment requests amendments to Section 4.6 Landscaping Standards and other typographical corrections within the *Land Development Code*.
2. The amendment proposes changes to the minimum tree and shrub planting requirements within each zone district to provide consistency and flexibility.
3. A decrease in tree and shrub requirements is proposed for a zone district boundary. Staff believes the existing requirement is too onerous.
4. A figure is proposed that shows the relationship of the minimum tree and shrub plantings to the buffer planting requirements to provide a more user friendly document.
5. A correction to Table 4-7 Off-street Parking Requirements regarding upper floor residential is proposed.

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6. An amendment to the Waivers section (Section 9 and Section 4 regarding buffer waivers) is proposed to clarify the regular meeting versus a public hearing process by the Planning and Zoning Commission.
7. An amendment to the waiver section regarding the minimum tree and shrub plantings is proposed as a Community Development Director decision and not a Variance process.
8. A wording amendment is proposed regarding development improvement costs.
9. The proposed amendments protect the health, safety and welfare of the community.

REVIEW STANDARDS FOR TEXT AMENDMENTS

LDC Section 6.8 C., states that “...an application that fails to comply with any applicable review standard shall be denied.” The *LDC* Section 10.5 states that “...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:”

A. Consistent with Purposes. The proposed amendment shall be consistent with the purposes of this *Land Development Code*.

No Conflict. Purposes of the *LDC* are cited in Section 15.10.030 and include the following headings:

- 1) *Establish Development Standards* for the review of all proposed development in the City.
- 2) *Protect Quality of Life* by promoting the community’s general health, safety and welfare.
- 3) *Establish Review Process* that is clear, consistent, predictable and efficient.
- 4) *Provide for Orderly Development* of the City that is well-ordered and safe.
- 5) *Conserve Property Values* and respect interests of property owners and citizens.

The proposed amendment fulfills the purpose of the *LDC*. The amendment addresses needed corrections and typographical errors within the *LDC*.

B. No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

No Conflict: The proposed text amendment does not conflict with any sections of the *LDC*.

C. Consistent with Master Plan. The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

No Conflict: The proposed text amendment is consistent with the *City of Gunnison Master Plan*.

D. Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

No Conflict: The proposed amendment is intended to preserve the public health, safety and general welfare of the community.

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RECOMMENDATION

During the Planning and Zoning Commission meeting held on March 9, 2016, Commissioner Beda moved, Commissioner Cave seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 15-1, for a Text Amendment to modify the tree and buffer planting requirements within Table 4-11 (Minimum Tree and Shrub Plantings) and Section 4.6 F.3 (Zone District Boundary Buffer) and typographical errors throughout the *LDC*, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that the amendment provides consistency and flexibility within the *LDC*.
3. The Planning and Zoning Commission finds that proposed amendments clarifies the administrative direction or correct errors within the *LDC*.
4. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
5. The Planning and Zoning Commission finds that based on the record of the application proceedings, approval of this Text Amendment protects the community's health, safety and welfare.

**ORDINANCE NO. 3
SERIES 2016**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON TO AMEND SECTION 2, ZONING DISTRICTS; SECTION 4, GENERAL DEVELOPMENT STANDARDS; SECTION 9, DEVELOPMENT STANDARD WAIVERS; AND, SECTION 12, SUBDIVISION STANDARDS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE.

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to the *Land Development Code*; and

WHEREAS, the Text Amendment proposes amendments or additions to Table 2-4 (Residential Dimensional Standards); Table 4-11 (Minimum Tree and Shrub Plantings); Section 4.6.F.2 and 3. (Buffering and Screening); adding Figure 15A (Minimum Tree and Shrub Planting and Buffer Requirements); Table 4-7 (Off-Street Parking Requirements); Section 4.4.F. (Off-Street Parking with Eight or More Stalls); Section 9.1.C.2 (Planning and Zoning Commission Waivers); Table 9-1 (Decision Making for Waivers); and, Section 12.1 (Subdivision Standards Purpose); and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the *Land Development Code* of the City of Gunnison, Colorado, on March 9, 2016; and

WHEREAS, Section 10.5 of the *City of Gunnison Land Development Code* states that approval of a text amendment to the *Land Development Code* may only occur if the application meets all the Review Standards for a Text Amendment; and

WHEREAS, on March 9, 2016 the Planning and Zoning Commission of the City of Gunnison recommended approval of the Text Amendment application to the City Council based on findings of fact established through the proceedings of record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the *Land Development Code* on April 12, 2016;

WHEREAS, based upon the application seeking a Text Amendment to the *Land Development Code*, hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a Text Amendment, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
- B. That the Text Amendment includes modifications or additions to the following sections of the *LDC*: Table 2-4 (Residential Dimensional Standards); Table 4-11 (Minimum Tree and Shrub Plantings); Section 4.6.F.2 and 3. (Buffering and Screening); adding Figure 15A (Minimum Tree and Shrub Planting and Buffer Requirements); Table 4-7 (Off-Street Parking Requirements); Section 4.4.F. (Off-Street Parking with Eight or More Stalls); Section 9.1.C.2 (Planning and Zoning Commission Waivers); Table 9-1 (Decision Making for Waivers); and, Section 12.1 (Subdivision Standards Purpose).
- C. That the amendments provide consistency and flexibility within the *LDC*.
- D. That the amendments clarify staff direction or correct errors within the *LDC*.

E. That the Text Amendment complies with the review standards for Text Amendments (LDC, Section 10.5).

F. That based on the findings above, the Text Amendment protects the community's health, safety and welfare.

WHEREAS, that based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the Text Amendment to the *Land Development Code*, herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Sections of the *City of Gunnison Land Development Code* are hereby amended to read as follows:

Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
Maximum density (units/acre) ¹	3.5	6	14	16	30
Lot Size Single-Family (sq. ft.) ¹	8,000	6,250	6,250	6,250	6,250
Lot Size Duplex (per unit) (sq. ft.) ¹			3,125	3,125	3,125
Lot Size Townhouse (per unit) (sq. ft.)				2,250	2,250
Lot Size Multi-Family (per unit) (sq. ft.) ¹					
Single Story				3,000	3,000
Two Story				2,500	2,500
Three Story				2,000	2,000
Maximum lot coverage structures	40%	40%	40%	45%	45%
Maximum lot coverage parking/access	10%	10%	15%	20%	40%
Minimum lot coverage landscape area	50%	50%	45%	35%	15%
Minimum lot frontage ¹					
Single-Family	50'	50'	50'	50'	50'
Duplex (per unit)			25'	25'	25'
Townhouse (per unit)				20'	20'
Multi-Family				100'	100'
Zero-Lot Line	50'	50'	50'	50'	50'
Minimum setback front²	15'	15'	15'	15'	15'
Minimum setback side Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'
Minimum setback rear lot line: principal building Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'
Minimum setback rear lot line: accessory building	10'	5'	5'	5'	5'
Maximum building height	35'	35'	35'	35'	35'
Maximum building height for detached accessory structure	30'	30'	30'	30'	30'
Minimum building width	24'	24'	20'	20'	20'
Minimum floor area Principal Dwelling (sq. ft.)	480	480	480	300 efficiency 480 multi-family	300 efficiency 480 multi-family
Floor Area Thresholds Accessory Dwelling (sq.ft.)				720	
Minimum storage area (sq.ft.)			32	32	32
Snow storage (% of parking and access coverage)	15%	15%	15%	15%	15%

¹ Density calculations for residential development may be subject to Slope Protection Standards (§5.2) and Section 13.
² Covered porches and the landings and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d

Zone District	Number of Trees and Shrubs per Required Landscape Area
Central Business District (CBD)	N/A
Commercial (C)	1 tree and 2 shrubs per 400 sq. ft.
Business Professional (B-1)	1 tree and 2 shrubs per 1500 sq. ft.
Industrial (I)	N/A
Single-Family Residential (R-1)	1 tree and 2 shrubs per 2000 sq. ft.
Single-Family Residential Modified (R-1M)	1 tree and 2 shrubs per 2000 sq. ft.
Duplex Residential (R-2)	1 tree and 2 shrubs per 1500 sq. ft.

Residential Mixed Use (RMU)	1 tree and 2 shrubs per 1200 sq. ft.
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Note: The above required trees may be counted toward buffer requirements of §4.6.F.4. See Figure 15A	

Section 4.6 F. Buffering and Screening

2. Waivers. A waiver from these buffer and screening standards may be granted by the Commission (Section 9.4 G). A waiver application shall include a site plan showing the building footprint, driveways, parking, landscaping and utility lines. The waiver application will be considered at a public hearing and shall require public notice as specified in Section 6.7. Waivers shall only be granted if the applicant demonstrates that there are not adequate rights-of-way from the curb edge to the building front. The Commission may consider other site-specific circumstances not contemplated herein, and are not the result of previous development constraints initiated by the applicant.

3. Zone District Boundaries

- a. A landscaped buffer shall be planted on the boundary between the zoning districts set forth below, unless the abutting property is determined by staff to be unbuildable or visually separated by topographic features. Zone district buffers shall not be required for areas where street frontage buffer requirements are met.
- b. The buffer shall be 20 feet wide and planted directly adjacent to the zone district boundary.
- c. A minimum buffer consisting of four evergreen trees and five shrubs per one hundred linear feet of zone district boundary shall be installed between the following zoning districts:
 - i. an Industrial zone district and any other zoning district;
 - ii. a Commercial zone district and any Residential zone district; or
 - iii. all Multi-family Residential zone districts (RMU/R-3) and any other Residential zone district.

FIGURE 15A MINIMUM TREE AND SHRUB PLANTING AND BUFFER REQUIREMENTS



TABLE 4-7 OFF-STREET PARKING REQUIREMENTS			
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED	
Residential Use Categories (§3.2)			
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	2.0 per dwelling unit	
	Multi-Family Dwellings	1 st Unit	2.0 per dwelling unit
		Each additional unit	1.75 per dwelling unit
	Accessory Dwelling Unit, and Upper Floor Residential	1.0 per dwelling unit	
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities	1.0 per bed	
	Nursing Homes	1.0 per employee, plus 1 visitor space per 2 beds	
	Assisted Living	1.0 per employee, plus 1 visitor space per 4 beds	

Accommodations	Hotels and Motels	1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)
	Hostels	1.0 per 2 beds
	Bed and Breakfasts	1.0 space per guest room, plus 2 spaces for the owner/manager's unit

Section 4.4 Off-Street Parking and Loading

F. Off-Street Parking. Off-street parking areas are subject to these driveway access standards; such parking facilities shall not be designed to back onto any street or alley right-of-way.

Section 9. Development Standard Waivers, 9.1 C.

2. Planning and Zoning Commission Waivers. Waivers that are determined administratively by staff are related to Site Development Applications. Waivers determined by the Commission and/or recommended to City Council by the Commission are acted upon as a public hearing agenda item at a scheduled meeting. The administrative review by staff follows all of the procedures set forth in Section 9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this LDC. (Ordinance 3, 2015)

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.6 E. Landscaping Requirements for all Zone Districts					Variance
§4.6 E.1. Minimum Tree and Shrub Plantings		√			
§4.6 E.2 Living Plant Material requirement		√			
§4.6 E.3 10% landscape area in Industrial zone district		√			

Section 12. Subdivision Standards 12.1 Purpose

G. Development Improvement Costs. Provide provisions and documentation ensuring that defined improvement funding borne by the developer for public utilities and facilities are secure and protect the fiscal well-being of the City.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this ____ day of April, 2016, on first reading, and introduced, read, and adopted on second and final reading this ____ day of _____, 2016.

Mayor

(SEAL)

ATTEST:

City Clerk