

TO: City Council  
FROM: Community Development Staff  
DATE: July 1, 2016  
RE: Text Amendment to the *LDC*

A Text Amendment has been initiated by Steve Westbay, Community Development Director to amend to amend Sections 1, Administration (1.7.K. Density) and 8, Variances (8.1.C. Dimensional Standards Variances Authorized) within the *Land Development Code (LDC)*.

Text Amendment requests must comply with established criteria to 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 June 22, 2016 regarding this request. 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: June 22, 2016  
RE: ZA 16-3, 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 Sections 1, Administration (1.7.K. Density) and 8, Variances (8.1.C. Dimensional Standards Variances Authorized).

**PROPOSED AMENDMENT**

Proposed amendments include the following:

**Section 1.7 K. Density:**

3. When applying a density standard to the net land area of a parcel, ~~all~~ resulting fractions with 0.65 or lower shall be rounded down to the lower whole number and resulting fractions that are 0.66 or higher shall be rounded up to the higher whole number.

**Section 8.1 General:**

**C. Dimensional Standards Variances Authorized.** Variance from the dimensional standards of the underlying zone district shall be authorized only for minimum lot area, maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, minimum landscape area, and buffer width.

## STAFF REPORT

### Text Amendment to the *Land Development Code*

#### 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 Sections 1.7.K. Density and 8.1.C. Dimensional Standards Variances Authorized within the *Land Development Code*.
2. The amendment proposes a change to the density calculation rounding and the addition of minimum lot area to variances to provide flexibility.
3. 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 modifications 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*.

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**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.

**RECOMMENDATION**

During the Planning and Zoning Commission meeting held on June 22, 2016, Commissioner Niemeyer moved, Commissioner Tocke seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 16-3, for a Text Amendment to modify Sections 1, Administration (1.7.K. Density) and 8, Variances (8.1.C. Dimensional Standards Variances Authorized) with 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 reasonable flexibility within the *LDC*.
3. The Planning and Zoning Commission finds that proposed amendments clarifies the administrative direction 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.