

AGENDA ITEM # 11 - 13

CITY COUNCIL COMMUNICATION FORM

FROM: Seth Lorson, City Planner (Ext. 280), Jonathan Spence, Interim Director (Ext. 224), Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: June 15, 2010

ITEM: 2nd Reading - Changes to Community Commercial (CC) and Commercial Services (CS) zone districts, changes to definition of *open space*, and changes to the format of dimensional standards, #TXT-09-10

NEXT STEP: If approved on Second Reading, the ordinance will take effect 5 days following publication.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

PROJECT NAME: CC and CS Zone District Changes – #TXT-09-10

PETITION: Text Amendment to change dimensional and parking standards in CC and CS zone districts, changes to definition of *open space*, revisions to the use criteria for multifamily and changes to the format of dimensional standards.

LOCATION: CC and CS zone districts (primarily entry corridors)

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development C/O Seth Lorson, City Planner, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

PC ACTION: Planning Commission approved unanimously on May 13, 2010: 7 – 0.

CC 1ST READING: City Council approved the ordinances as follows:
Dimensional standards: 4 – 2
Definitions: 5 – 1
Urban Design Standards: 6 - 0

EXECUTIVE SUMMARY:

1. Background Information:

In September of 2008, Planning and Community Development Director, Tom Leeson introduced a discussion on density to Planning Commission. A year later (October 2009) Planning Commission narrowed down the discussion to focus on the Community Commercial (CC) and Commercial Services (CS) zone districts. Due to the suburban-nature along US Highway 40 outside of downtown, Planning Commission focused on creating standards for a more dense form of development in the CC and CS Zone Districts. The following is a list of public hearings regarding the proposed regulatory changes:

- October 12, 2009 – Planning Commission work session
- November 16, 2009 – Planning Commission work session
- January 14, 2010 – Planning Commission public open house
- March 11, 2010 – Planning Commission work session
- March 30, 2010 – Technical Advisory Committee meeting

2. Summary of proposed changes

Proposed changes are in **bold**.

- **CDC Sec. 26-132 – dimensional standards for Community Commercial (CC) and Commercial Services (CS) zone districts.**
 - **The following changes are to allow greater development and infill potential in the entry corridors. The height regulations are to prescribe a desired form and encourage full utilization of property.**

Standards		CC	CS
Lot Area	Max	No max.	No max.
	Min	No min.	No min.
Lot Width	Max	No max.	No max.
	Min	40 ft.-25 ft.	40 ft.-25 ft.
Lot Coverage	Max	No max 0.50	No max 0.50
Units Per Lot	Max	Determined by FAR	Determined by FAR
Floor Area Ratio	Max	1. No max 1.50 (50% of emp. unit sf exempt) 2. F.A. per res. unit - 1,400 sf	1. No max 1.50 2. F.A. per res. unit - 1,400 sf
Building Height	Max	APH 35 ft. OH 57 ft. (With underground parking under structure APH 41 ft. OH 63 ft.) OH 63 ft.	APH 35 ft. OH 57 ft. (With underground parking under structure APH 41 ft. OH 63 ft.) OH 63 ft.

	Min	1. Ground Floor – 14’ 2. Frontage area – 26’ 3. 75% of first floor gross square footage – 26’	1. Ground Floor – 14’ 2. Frontage area – 26’ 3. 50% of first floor gross square footage – 26’
Front Setback	Max	P/acc. - No max. 20 ft.	P/acc. - No max. 20 ft.
	Min	P/acc. - 20 ft. P/acc. adj. to Hwy. 40 (N. of Walton Creek) 100 ft. from centerline of Hwy. P/acc. adj. to Hwy. 40 (S. of Walton Creek) 150 ft. from centerline of Hwy. Increases where the right of way is not contained within the prescribed setback additional setback may be required. 5 ft.	P/acc. fronting Hwy. 40 50 ft. from ROW P and acc. for all others 20 ft. 5 ft.
Side Setback	Max	P/acc. - No max.	P/acc. - No max.
	Min	P/acc. - 30 ft. 7.5 ft. 0 ft. – lots ≤ 50’ wide	P/acc. - 20 ft. 7.5 ft. 0 ft. – lots ≤ 50’ wide
Rear Setback	Min	P/acc. - 20 ft. 7.5 ft.	P/acc. - 15 ft. 7.5 ft.

P = Principal structure **P/Sec** = Principal structure w/ or w/out a secondary unit located on the same lot **Acc.** = Accessory structure **Dup.** = Duplex **Sec.** = Secondary unit **Emp.** = Employee unit **Att. garage** = Attached garage **St.** = Story **F.A.** = Floor area **M.H.** = Mobile home **APH** = Ave. plate height **OH** = Overall height **Rec.** = Recreation

- **CDC Sec. 26-139 – parking and loading design standards for Community Commercial (CC) and Commercial Services (CS) zone districts.**
 - **Parking requirements are being reduced because market conditions do a good job of dictating parking needs and unnecessary surface parking has adverse affects on the natural environment (storm water run-off) and community character.**

(e) *Zone district specific standards.*

(10) *CC community commercial zone district.*

- a. Shared parking between sites and within individual developments is encouraged.
- b. No more than thirty (30) percent of required parking shall be located between the front of a building and US Highway 40.
- c. Commercial buildings that access onto US Highway 40 shall share access points to the maximum extent feasible, and existing access points shall be consolidated to the maximum extent practical.
- d. Adjacent commercial developments shall be interconnected with

vehicular driveways and pedestrian facilities to the maximum extent practical.

- e. **Minimum parking requirements for commercial uses as outlined in CDC Sec. 26-139 (g) are to be MAXIMUM standards, or unless a parking study by a qualified professional accepted by the City of Steamboat Springs provides evidence otherwise.**

(11) *CS commercial services zone district.*

- a. **Minimum parking requirements for commercial uses as outlined in CDC Sec. 26-139 (g) are to be MAXIMUM standards, or unless a parking study by a qualified professional accepted by the City of Steamboat Springs provides evidence otherwise.**

- **CDC Sec. 26-402 Definitions and use criteria for *Multi-family* and *open space*.**
 - **The definition of *Multi-family* is being changed because it is the more appropriate place for the square footage per unit limitation than its previous location in the use chart.**
 - **The definition of *Open space* is being changed because useless slivers of land and centers of traffic circles are being counted toward dedicated open space, it is reasonable to have dedicated open space more useable and contiguous.**

Multi-family dwelling/use. A residential building designed for or occupied by three (3) or more families, maintaining independent access to each unit and separate living, kitchen and sanitary facilities. The number of families in residence shall not exceed the number of dwelling units provided.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Multi-family units shall not be located along a pedestrian level street or other public access frontage in the G-2, CO, CY, CN, CC and I zoning districts.
- c. In the CN zone district, there shall be no more than four (4) units per building.
- d. Each single purpose multi-family building shall architecturally

represent a single-family structure in CY and CN.

- e. In the I zone district, multi-family dwelling units are allowed when the primary use of the property is for an industrial use.
- f. **In the CC and CS zone districts, multi-family dwelling units shall be no larger 1,400 square feet.**

Open space. An area within a lot not covered by buildings, streets, parking or driveways. Environmentally sensitive areas and riparian areas may be utilized to satisfy open space requirements. ~~Required minimum setbacks are not considered open space and shall not be included in the required minimum open space calculations, with the exception of thirty five (35) feet of the required setback from US Highway 40.~~ **Open space shall generally be contiguous and shall be for environmental protection and/or passive/active recreation. Isolated areas including parking lot landscape islands, traffic circles and other similar land features that do not serve an environmental and/or recreational function shall not meet this definition of open space. Required minimum setbacks, with the exception of waterbody setbacks as defined in CDC Sec. 26-145, are not considered open space and shall not be included in the required minimum open space calculations.**

- **Urban Design Standards and Entry Corridor Concepts for CC and CS zone districts.**
 - **Requiring greater interconnectedness between sites will allow for more efficient movement between sites for motorists and pedestrians. This addition will also compliment the CDOT highway access plan by creating alternative access to that from Hwy 40.**
 - **The change to the landscape standards are to create consistency with the newly proposed reduced setbacks.**

Proposed Regulation Change: *Amend the Urban Design Standards within Site Layout and Development Pattern (pg. 25) to state:*

INTERCONNECTEDNESS WITHIN AND BETWEEN SITES

** Intent of graphic is show site connectivity. No other standards are portrayed here.*

Figure 1: Example of Required Connectivity

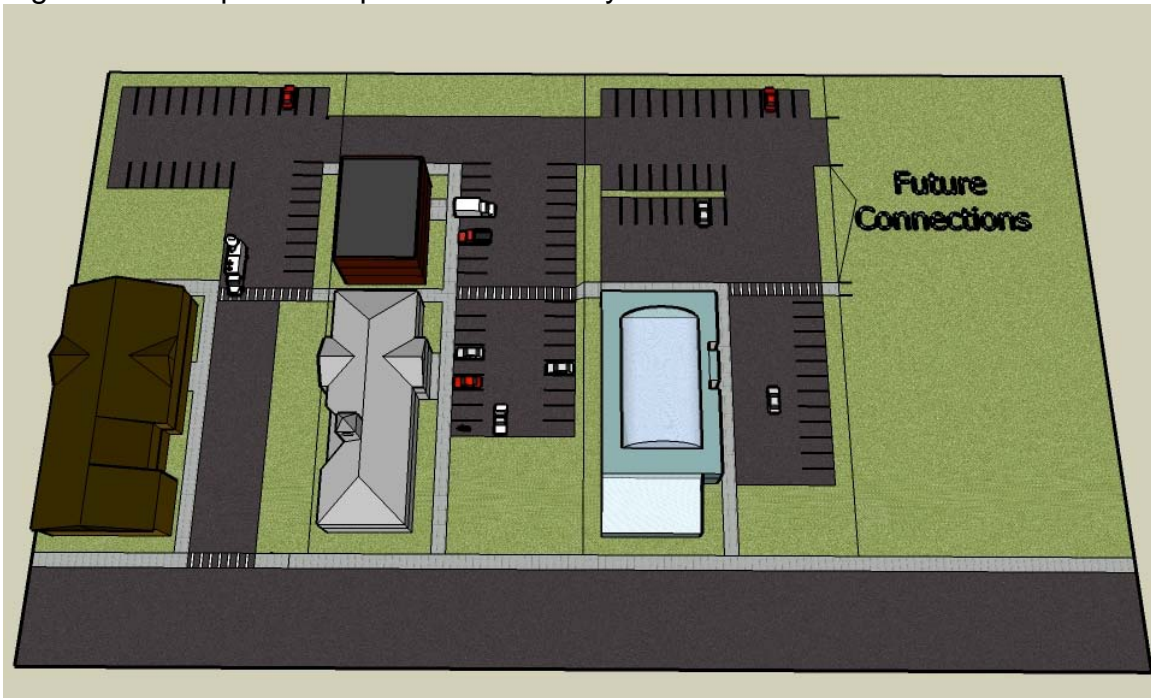


Figure 2: Example of Non-connectivity



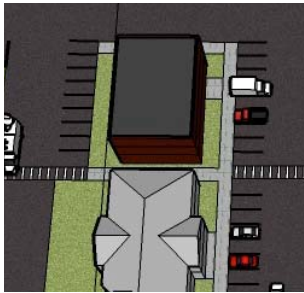
INTENT:

- To provide opportunities for pedestrian and other non-motorized movement between buildings within a site in a safe, direct and enjoyable fashion.
- To provide opportunities for pedestrian and other non-motorized movement between adjacent sites in a safe, direct and enjoyable fashion.
- In recognition of limited access to Highway 40 as illustrated through the Highway 40 Access Plan, provide and/ or enable vehicular access between adjacent sites.

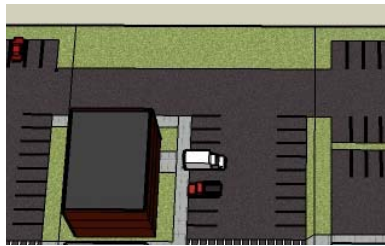
DESIGN STANDARDS

Figure 2

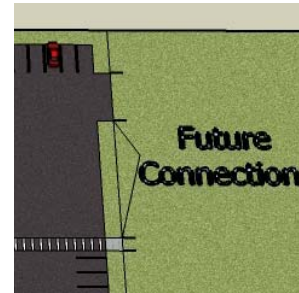
PEDESTRIAN INTERCONNECTIVITY



SITE INTERCONNECTIVITY



FUTURE CONNECTION



Buildings and accompanying sidewalks, plazas and other pedestrian elements shall be arranged to provide safe, direct and pleasurable.

Proposed Regulation Change: Amend the Urban Design Standards within Landscape Category/Setback Requirements (pg. 32) to state:

DESIGN STANDARDS

Landscape Categories

- Landscape categories shall be applied according to Table 2, below.
- With the exception of the entry corridor category defined below, the dense and moderate landscape categories shall be as defined in subsection 26-135(d) & (e) (1) and (2) of the City's Development Code.
- **Entry Corridor** landscaping shall mean:
 - One tree per two hundred (200) square feet of front landscape setback area.
 - Plant materials shall be located in informal groupings to extend the naturalistic character of the landscape through new development.
 - Seventy-five (75) percent of the required landscape area shall be comprised of native perennials and ornamental grasses.

- Distribution of tree types shall be:
 - Large deciduous -- forty (40) percent minimum of the total number of required trees.
 - Ornamental -- twenty (20) percent minimum and thirty-five (35) percent maximum of the total number of required trees.
 - Shrubs -- fifteen (15) percent minimum and thirty-five (35) percent maximum of the required landscape area.
- **Entry Corridor CC/CS (Community Commercial – Community Services) landscaping shall mean:**
 - **Material amount, grouping and distribution shall be the same as “Entry Corridor landscaping” category (above).**
 - **“Setback area” refers to the area between the lot line and any building (5’ – 20’) and the area between the lot line and any parking lot (front: 30’ min).**
- Automatic irrigation is required unless an alternative xeriscape plan is approved.
- All landscape setbacks, as required below, shall accommodate site distance requirements

Table 2: Landscape Categories/Required Landscape Setbacks*

	Community Commercial Zone District	Commercial Services Zone District	Industrial Zone District	Multifamily Residential Zone District
ENTRY CORRIDORS				
Highway 40/Elk River Road	30' setback area (entry corridor CC/CS)	30' setback area (entry corridor CC/CS)	30' setback (entry corridor)	30' setback (entry corridor)
Side streets	15' setback area (entry corridor CC/CS)	15' setback area (entry corridor CC/CS)	15' setback (entry corridor)	15' setback (entry corridor)
Parking lots	30' setback (entry corridor CC/CS)	30' setback (entry corridor CS/CS)	30' setback (entry corridor)	15' setback (entry corridor)
NON-ENTRY CORRIDORS				
Side streets	15' setback area (dense)	15' setback area (dense)	n/a	10' setback (moderate)
Parking lots	30' setback (dense)	30' setback (dense)	n/a	10' setback (moderate)

When a conflict exists, above requirements shall supersede any requirements of Article V of the Community Development Code.

- **Reformatting the dimensional standards chart to a Form-Based Code (FBC) style that is found in the new TND standards.**
 - It is generally found that the FBC-style format is more user friendly.
 - No standards are being changed with the format, with the exception of the CC and CS zone districts, discussed above.

- Please see Ordinance – Dimensional Standards.

3. Recommended Motion:

Planning Commission recommends approval of the proposed changes to the dimensional standards and parking standards for Community Commercial (CC) and Commercial Services (CS) zone districts, changes to the landscaping standards for CC and CS zone districts, addition of interconnectivity regulations to the Urban Design Standards and Entry Corridor Concepts, changes to the definition of *open space* and *multi-family* and changes to the format of dimensional standards – TXT-09-10, with the findings that the proposal is consistent with the CDC Text Amendment criteria for approval in CDC Section 26-61 (d).

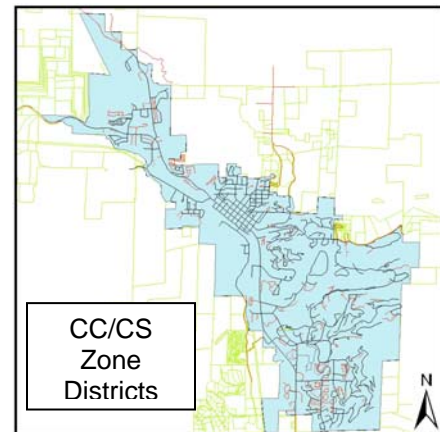
4. List of Attachments:

- Attachment 1: PC Staff Report – #TXT-09-10, May 13, 2010 (less atts 2 – 4)
- Attachment 1A: CC-CS Citywide Map
- Attachment 2: Planning Commission Minutes – May 13, 2010 - Draft



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 4	
Project Name:	CC/CS Zone District Changes - #TXT-09-10
Prepared By:	Seth Lorson, City Planner (Ext. 280); Jason Peasley, AICP, City Planner (Ext. 229)
Through:	Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)
Planning Commission (PC):	May 13, 2010
City Council (CC):	1 st Reading: June 1, 2010 2 nd Reading: June 15, 2010
Zoning:	Community Commercial (CC) and Commercial Services (CS)
Location:	Primarily Hwy 40 entry corridors (see map)
Request:	Proposed changes to dimensional standards to allow for greater density and mitigate suburban form in the CC and CS zone districts by reducing setbacks, creating minimum height requirements, and requiring connectivity. This proposal also includes a reformatting of the dimensional standards chart in Section 26-132 and amendments to the definition of Open Space and Multi-family in section 26-402.



Staff Report - Table of Contents		
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I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

<i>CDC - SECTION 26-61(D): CRITERIA FOR APPROVAL. APPROVAL OF THE AMENDMENT SHALL BE GRANTED ONLY IF IT APPEARS BY CLEAR AND CONVINCING EVIDENCE PRESENTED DURING THE PBULCI HEARING BEFORE PLANNING COMMISSION OR CITY COUNCIL THAT THE FOLLOWING CONDITIONS ESIST:</i>					
Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with the community plan.	<input checked="" type="checkbox"/>			
2)	Error or goal/objective.	<input checked="" type="checkbox"/>			
3)	Public safety	<input checked="" type="checkbox"/>			
<p>Staff Finding: Staff finds that the proposed CDC Text Amendment to the dimensional standards to allow for greater density and mitigate suburban nature form in the CC and CS zone districts by reducing setbacks, creating minimum height, and requiring connectivity, including a reformatting of the dimensional standards chart in Section 26-132 and amendments to the definition of Open Space and Multi-family in section 26-402 are consistent with the criteria for approval. <i>(Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VI)</i></p>					

II. LOCATION

All lands zoned Community Commercial and Commercial Services, primarily adjacent to US Highway 40 (see Attachment 1).

III. BACKGROUND INFORMATION

In September of 2008, Planning and Community Development Director, Tom Leeson introduced a discussion on density to Planning Commission. A year later (October 2009) Planning Commission narrowed down the discussion to focus on the Community Commercial (CC) and Commercial Services (CS) zone districts. Due to the suburban-nature along US Highway 40 outside of downtown, Planning Commission focused on creating standards for a more dense form of development in the CC and CS Zone Districts. The following is a list of public hearings regarding the proposed regulatory changes:

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- March 30, 2010 – Technical Advisory Committee meeting

IV. PROJECT DESCRIPTION

Changes to dimensional standards and the format are as follows:

(Existing standards to be changed in ~~strike through~~, new standards in **bold**.)

Table 26-132

Standards		CC	CS	I
Lot Area	Max	No max.	No max.	No max.
	Min	No min.	No min.	
Lot Width	Max	No max.	No max.	No max.
	Min	40 ft. 25 ft.	40 ft. 25 ft.	30 ft.
Lot Coverage	Max	No max 0.50	No max 0.50	0.60
Units Per Lot	Max	Determined by FAR	Determined by FAR	Determined by FAR
Floor Area Ratio	Max	1. No max-1.50 (50% of emp. unit sf exempt)-2. F.A. per res. unit - 1,400 sf	1. No max-1.50-2. F.A. per res. unit - 1,400 sf	.60 2. F.A. per res. unit - 1,400 sf
Building Height	Max	APH 35 ft. OH 57 ft. (With underground parking under structure APH 41 ft. OH 63 ft.) OH 63 ft.	APH 35 ft. OH 57 ft. (With underground parking under structure APH 41 ft. OH 63 ft.) OH 63 ft.	APH - 28 ft. OH - 32 ft. Spec. work areas: APH - 40 ft. OH - 40 ft.
	Min	1. Ground Floor – 14’ 2. Frontage area – 26’ 3. 75% of first floor gross square footage – 26’	1. Ground Floor – 14’ 2. Frontage area – 26’ 3. 50% of first floor gross square footage – 26’	No min.
Front Setback	Max	P/acc. - No max. 20 ft.	P/acc. - No max. 20 ft.	P/acc. - No max.
	Min	P/acc. - 20 ft. P/acc. adj. to Hwy. 40 (N. of Walton Creek) 100 ft. from centerline of Hwy. P/acc. adj. to Hwy. 40 (S. of Walton Creek) 150 ft. from centerline of Hwy. In cases where the right of-way is not contained within the prescribed setback additional setback may be required. 5 ft.	P/acc. fronting Hwy. 40 - 50 ft. from ROW P and acc. for all others - 20 ft. 5 ft.	P/acc. - 15 ft.
Side Setback	Max	P/acc. - No max.	P/acc. - No max.	P/acc. - No max.
	Min	P/acc. - 30 ft. 7.5 ft. 0 ft. – lots ≤ 50’ wide	P/acc. - 20 ft. 7.5 ft. 0 ft. – lots ≤ 50’ wide	P/acc. - 10 ft.
Rear Setback	Min	P/acc. - 20 ft. 7.5 ft.	P/acc. - 15 ft. 7.5 ft.	P/acc. - 10 ft.

P = Principal structure **P/Sec** = Principal structure w/ or w/out a secondary unit located on the same lot **Acc.** = Accessory structure **Dup.** = Duplex **Sec.** = Secondary unit **Emp.** = Employee unit **Att. garage** = Attached garage **St.** = Story **F.A.** = Floor area **M.H.** = Mobile home **APH** = Ave. plate height **OH** = Overall height **Rec.** = Recreation

Note: These changes are also reflected in the reformatting of the Section 26-132: Dimensional

Standards Chart (Attachment 2).

CDC Sec 26-402 Definitions and use criteria.

Multi-family dwelling/use. A residential building designed for or occupied by three (3) or more families, maintaining independent access to each unit and separate living, kitchen and sanitary facilities. The number of families in residence shall not exceed the number of dwelling units provided.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Multi-family units shall not be located along a pedestrian level street or other public access frontage in the G-2, CO, CY, CN, CC and I zoning districts.
- c. In the CN zone district, there shall be no more than four (4) units per building.
- d. Each single purpose multi-family building shall architecturally represent a single-family structure in CY and CN.
- e. In the I zone district, multi-family dwelling units are allowed when the primary use of the property is for an industrial use.
- f. **In the CC and CS zone districts, multi-family dwelling units shall be no larger 1,400 square feet.**

Open space. An area within a lot not covered by buildings, streets, parking or driveways. Environmentally sensitive areas and riparian areas may be utilized to satisfy open space requirements. ~~Required minimum setbacks are not considered open space and shall not be included in the required minimum open space calculations, with the exception of thirty five (35) feet of the required setback from US Highway 40.~~ **Open space shall generally be contiguous and shall be for environmental protection and/or passive/active recreation. Isolated areas including parking lot landscape islands, traffic circles and other similar land features that do not serve an environmental and/or recreational function shall not meet this definition of open space. Required minimum setbacks are not considered open space and shall not be included in the required minimum open space calculations.**

V. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval.

(d) *Criteria for approval.* In considering any application for amendment to the CDC, the following criteria shall govern unless otherwise expressly required by the CDC. Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

- (1) *Conformance with the community plan.* The amendment to the CDC will substantially conform with and further the community plan's preferred direction and policies.

Staff Analysis: Consistent: The proposed CDC Text Amendments are consistent with the following Steamboat Springs Area Community Plan goals and policies:

- *Policy LU-1.2:* Future development will be in compact mixed-use neighborhoods.
- *Policy LU-2.1:* Infill and redevelopment will occur in appropriate locations, as designated by the city.
- *Goal LU-3:* The Steamboat Springs community will continue to support and plan for cohesive and mixed-use neighborhoods that serve resident and visitors.
- *Policy LU-3.2:* New development will be designed to promote distinct new mixed-use neighborhoods.
- *Goal LU-4:* Our community will promote the development of compact Commercial Activity Nodes and a mixed use corridor along US 40 between commercial nodes.
- *Policy LU-4.1:* Existing commercial development along highway corridors shall evolve over time into mixed-use corridors, with compact multi-modal oriented mixed-use Commercial Activity Nodes at key intersections.
- *Policy LU-4.2:* Existing commercial development along highway corridors in between Commercial Activity Nodes should evolve over time to become mixed-use corridors.

- (2) *Error or goal/objective.* The amendment to the CDC will correct an error, or will further a public goal or objective.

Staff Analysis: Consistent: The proposed CDC Text Amendments will further the public goal of creating a mixed-use development pattern along US Highway 40 as described in the goals and policies of the Steamboat Springs Area Community Plan.

- (3) *Public safety.* The amendment to the CDC is necessary to ensure public health, safety and welfare.

Staff Analysis: Consistent: The proposed CDC Text Amendments is necessary to ensure the public health, safety and welfare by furthering the goals and policies of the Steamboat

Springs Area Community Plan.

VI. STAFF FINDING & CONDITIONS

Finding

Staff finds that the proposed CDC Text Amendment to the dimensional standards to allow for greater density and mitigate suburban nature form in the CC and CS zone districts by reducing setbacks, creating minimum height, and requiring connectivity, including a reformatting of the dimensional standards chart in Section 26-132 and amendments to the definition of Open Space and Multi-family in section 26-402 are consistent with the criteria for approval and recommend approval of TXT-09-10.

VII. LIST OF ATTACHMENTS

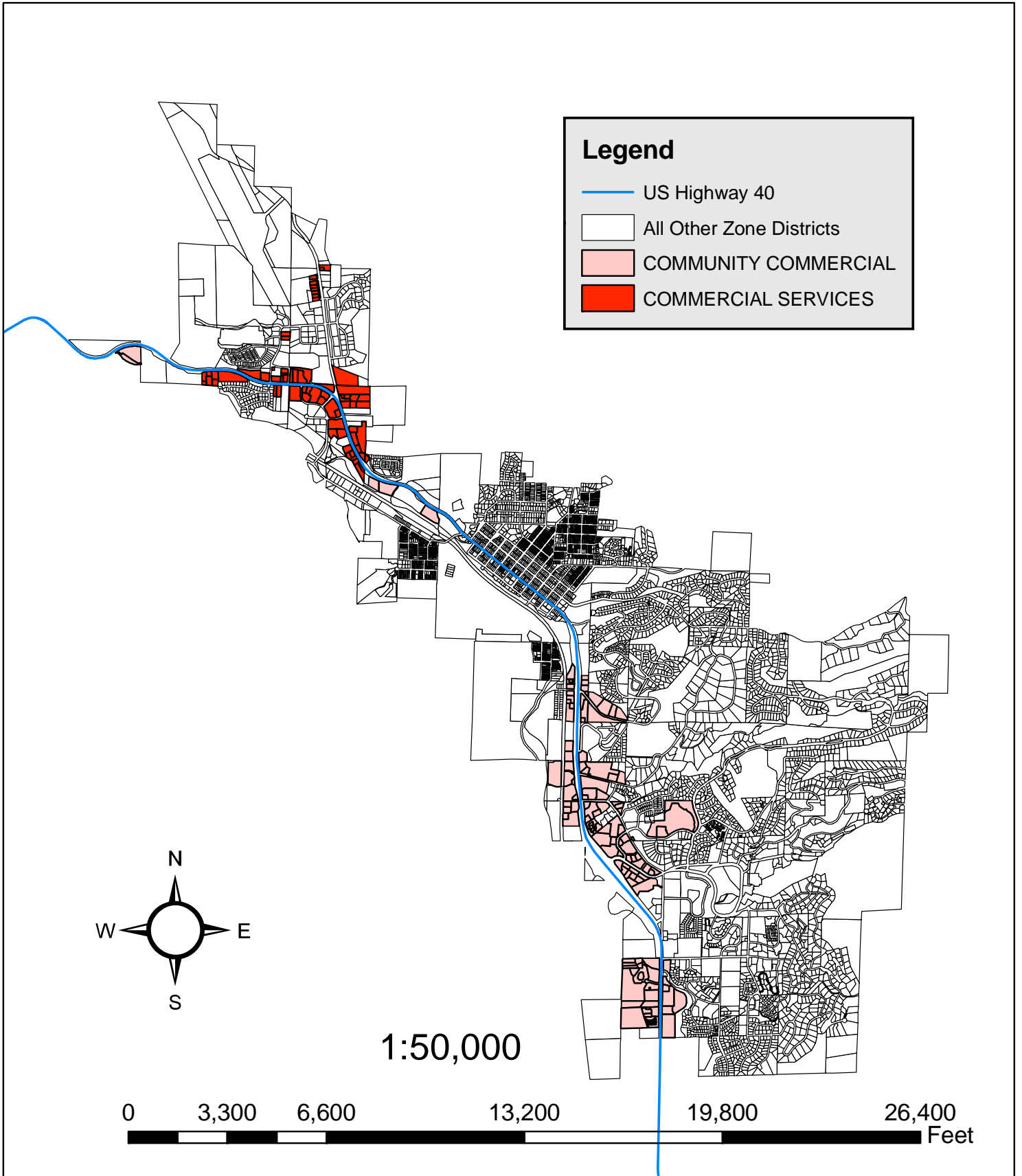
Attachment 1: CC/CS Map

Attachment 2: Dimensional Standards- Format Change

Attachment 3: Planning Commission Minutes from January 14, 2010

Attachment 4: Planning Commission Minutes from March 11, 2010

Community Commercial and Commercial Services Zone Districts



5/13/2010

DRAFT

Text Amendment to the Community Development Code (CC & CS Zone Districts)
#TXT-09-10 Text Amendment to the Community Development Code proposed changes to dimensional standards to allow for greater density and mitigate suburban nature form in the CC and CS zone districts by reducing setbacks, creating minimum height, and requiring connectivity. This amendment also includes a reformatting of the dimensional standards chart, Section 26-132.

Discussion on this agenda item started at approximately 7:19 p.m.

STAFF PRESENTATION

Seth Lorson –

We started the CC and CS district zone changes over one year ago as a density discussion, which we perceived problems with the entry corridor zone districts. We identified seven different problems. These include; the frontage or lack of along Hwy 40, suburban form within the multi-building developments or between adjacent properties leading to building separation, underdevelopment of commercially owned land specifically within commercial activity nodes, required open space lacks clear purpose, excessive hard scape including parking and its related environmental consequences, Hwy 40 access plan will reduce accessibility to new or existing buildings or properties, inability of pedestrians and motorists to move efficiently and effectively between neighboring properties, and the frontage and landscape requirements are inconsistent with the urban form. The proposed changes are a reduction of setbacks on all four sides, a creation of minimum height, maximum size for multifamily dwelling units, an amendment to the definition of open space, reducing commercial parking requirements, changes to the urban design standards and entry corridor concept plan requiring interconnectivity between sites and limiting vehicular access to Hwy 40, and change in landscape standards to coincide with newly proposed setback regulations. Additionally the proposal in front of you will change the format of dimensional standards in the CDC for all zone districts to form-based or TND graphically oriented format. The staff finds that all of the proposed changes to the CDC are consistent with the criteria for approval text amendments.

COMMISSIONER QUESTIONS

Commissioner Hanlen –

I feel that the direction that we're taking with the open space requirement is headed in the right direction. I think that we just need a little bit further refinement. I'd like to propose at the time of subdivision the open space for the development would be created and then there would be no further requirement for individual lots to provide the 15% open space. The setbacks could be counted towards the open space as long as they are contiguous usable space versus the remainders of the site, which is currently used. My biggest concerns are areas adjacent to water body. If we were to discount or not be able to include the water body setback, but we have a square or rectangular usable portion then that portion of the setback should be able to count towards the open space. Otherwise we need to look at potential reducing that 15% number based off of how this really affects the sites.

Seth Lorson –

At subdivision that is when we put aside that 15% open space and then after that the individual lots aren't required to have another 15% on top of that.

5/13/2010

DRAFT

Commissioner Hanlen –
Even with a larger commercial development? Some of those lots can be fairly large.

Seth Lorson –
Yes, but at subdivision you take 15% for the entire parcel.

Commissioner Hanlen –
It wouldn't be part of the FDP with a larger parcel?

Jason Peasley –
There are out-lots that are set aside for open space in Copper Ridge. When a larger building came through they weren't required to have open space.

Commissioner Hanlen –
That's what I was looking for. I assumed that's what it was, but it didn't seem quite clear. It seems like some projects need it and with other projects it doesn't come up. It seems like there's a lot of FDP's that are coming through where the open space is calculated. I was under the impression that with larger projects that you guys were looking for it even if it was an individual property.

Jason Peasley –
It's only those particular parcels that are standalone pieces of property that the open space is dedicated. Some of the bigger projects that are out there either weren't subdivided or they weren't subdivided with open space provided.

Commissioner Dixon –
In that case you would require it.

Jason Peasley –
Yes.

Commissioner Hanlen –
What defines some leftover portion? As land gets further and further subdivided what was once a remainder parcel whether it's a two acre site or a half acre site or a ten acre site, it's all in the eye of the beholders with what's what. Is there some way that we can provide clarity to that? The whole intent that I was looking for with it was to be able to maximize the developable land that we designate as developable. The park space of the open space is functional. If someone provides it or it's adjacent to a functional space that it's not required with the individual lots. It seems like it has gone both ways with different projects and I wanted some clarity to that.

Seth Lorson –
With the older lots that never had open space dedicated that's where we require it, but if it was dedicated already during subdivision then we don't require it.

Commissioner Hanlen –

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We get back to that term subdivision. It could be as simple as chopping a lot in half. You guys waive the requirement with Lowell Whiteman. Where they were removing the lot line you guys had to come out and say that it really wasn't the intent. Is there something that we need to add to the code to give some clarity to that? It seems like it's a little bit too flexible. It's just a concern for future inconsistency.

Jason Peasley –

What we're talking about right now is what we define as open space.

Commissioner Hanlen –

That's my concern. If somebody came in with a development application a year ago we were allowing them to include all of the remainder little vacant strips between buildings, around buildings, setbacks, etc. and add that up to 15%. When we make an aim of having contiguous usable functional open space and they can't count the setbacks and we have this potentially flexible definition of what counts as a subdivision or what counts as a previously subdivided lot. That could drastically affect how developable that particular lot is. I don't want to leave it quite as ambiguous.

Seth Lorson –

I think that the intention behind this is as it reads. We found that people were finding slivers and calling them open space or using the center of traffic circles.

Commissioner Dixon –

I agree with not allowing them to use the sliver for open space. I think that they should be able to use the setback area as long as it's contiguous with the rest of their open space. If that 7 1/2' setback happens to be adjacent to either their courtyard or park space that they're using as their open space then that should count within their percentage, because it's not a sliver at that point.

Seth Lorson –

I suggest that this requires a broader discussion. The majority of the 15% could be in that setback space. Is the setback space contiguous to the open space or is the open space contiguous to the setback space?

Commissioner Dixon –

As long as it's usable I think it should count.

Commissioner Levy –

My concern is that we're getting rid of FAR. If now you're saying that we're going to let the setback be part of the open space then how much coverage are we realistically allowing? We've talked about what level of density do you want to see, but it's not an Old Town density. It's something in between. It's a walk able density. It seems like now we're really filling in these lots. We're allowing the setbacks to be counted towards the 15%.

Commissioner Dixon –

Only if they're contiguous with the rest of their open space. What we were getting at in the discussions was usable open space and not residual no man's land. That's what we were hoping to accomplish.

Commissioner Lacy –

If you crafted it like that then there could be a scenario where just a very small sliver of the open space is outside of the setback and the rest is in the setback. Is that what we want?

Commissioner Beauregard –

What is it setback from then? Is it really a setback if it's not setback from anything?

Commissioner Hanlen –

If you have a lot and you have setbacks on it then the idea is that the space around the building, the little vacant strip that we all had issues with doesn't count towards the open space, but as long as it's a usable contiguous parcel I think that these setbacks should count towards that open space.

Commissioners were looking at a diagram that Commissioner Hanlen drew and were trying to understand what Commissioner Hanlen was trying to get at with the setback being part of the open space.

Commissioner Hanlen –

If you have a piece of land with a water body setback and that setback is 75' then that isn't part of the open space. Are we just defeating the purpose of the direction that we were heading?

Commissioner Church –

Are we trying to create parks or open space? Usable and functional creates parks. That's not open space. That's very different.

Commissioner Hanlen –

You need to be able to create both. It's dependent upon what kind of development that it is. It's up to the applicant on whether they are creating a park or open space.

Commissioner Church –

Recreational and functional in the definition here and to me that's starting to go into a park designation as opposed to open space.

Commissioner Hanlen –

The term that I've been using is purposeful. If want untouched natural land, but it's a function of what the development is. I was using the term purposeful as opposed to remainder or residual.

Commissioner Church –

That's why I'm asking that fundamental question is that based off of your conversation and from what I've read it's starting to sound to me like you're trying to create parks.

Commissioner Dixon –

What is the purpose for open space?

Commissioner Levy –

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Environmental protection and/or passive, active recreation. That's an option. It's not saying that it has to be. Like what Commissioner Hanlen was saying it has to be purposeful such as environmental protection, water retention, open space, aerable lands. There's nothing wrong with park space in these areas.

Jonathan Spence –

He explained the parks and open space definitions.

Commissioner Dixon –

If the environmental concern such as runoff, sewage, etc. is a concern, then why wouldn't we allow the vacant strips on the sides of the buildings?

Commissioner Levy –

If they're raised above the surface of the parking lot island then that's not really capturing. It's capturing the footprint, but that's about it.

Commissioner Meyer –

I'm looking at the definition of open space on pg 4-4. When you read it, it's pretty straightforward. Maybe if we add 'if open space has been designated at the subdivision level that no further subdivision of a parcel would trigger an additional open space requirement. I don't know if you just add a sentence at the end?

Jason Peasley –

There's a section in the CDC 26-136 that says 'all developments subject shall comply with those requirements for designation of onsite open space and trail lands describing the subsection unless the subject property is part of an approved subdivision in which adequate open space has already been designated or dedicated for the benefit of the subject property or unless the property is located within the CN, CO, or CY zone district.'

Commissioner Levy –

Is that good enough for you?

Commissioner Hanlen –

For tonight, yes.

Commissioner Levy –

The other question that you have there I think is getting beyond the specifics of the setbacks as if there is a large setback or extraordinary setback. That I think is a different realm of discussion than the standard 5' setback, whether that should be included in open space. I'd be willing to hear some more discussion if there's somehow a way that we can create a threshold that if there is that extraordinary setback could be considered. I don't know how we would go about that.

Jason Peasley –

You could say 'required minimum setbacks excluding water body setbacks are not considered open space.'

Commissioner Beauregard –

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Wouldn't you have the open space drawn out as a separate lot and then there are setbacks from that? That's what they made me do in the county.

Jonathan Spence –

It really depends on the type of subdivision.

Commissioner Beauregard –

I thought that open space was a designated lot and then there are setbacks from the open space. What he's saying is that it's more integrated.

Commissioner Levy –

We didn't see that with Rolling Stone. They had a water body setback to deal with.

Commissioner Dixon –

What you have to say is required minimum setback as defined by the dimensional standards are not considered. That would exclude water body setbacks.

Commissioner Beauregard –

I'm just wondering, what if we required that open space as its own separate land body? It could then incorporate the water body setback and it eliminates all of those weird definitions.

Jason Peasley –

It's probably what you would do in a subdivision case, but this definition of open space transcends from subdivision to individual lot development. In the case of a subdivision that's probably the best way to go about it, but when you're dealing with an individual parcel they have to provide that 15%. What's an appropriate area for that?

Commissioner Meyer –

This is not different than snow storage. When we see a development they have to designate where the snow storage is and they don't create this separate parcel. They can designate the open space on their parcel as well. Commissioner Dixon's suggestion of leaving that one sentence in 'required minimum setbacks as defined by the dimensional standards'.

Commissioner Dixon –

I don't really agree with that. I agree with Commissioner Hanlen in that I think that they should be included as long as they're contiguous. That might not be the right word. It's just a way to address everybody else.

Commissioner Church –

Can you include something that says to include the building envelope of some sort?

Commissioner Meyer –

Open space is an area not covered by a building, garage, or driveway.

Seth Lorson –

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I would suggest that if we're going to be making changes like this that would reduce the percentage set aside for open space that we table this section and open it back up in another session for the public.

Commissioner Hanlen –

The way that it is currently calculated versus the way that you have it proposed you're potentially increasing the required open space double or triple. I don't feel like what we're discussing right now is a reduction. It's probably still going to end up with a net increase, because of the way that in the past that we've allowed people to calculate it. I don't feel like this needs to be tabled just based off of the way that it's being calculated. I think that the way that it's currently written, could end up doubling or tripling the amount of open space. It just seems to go against how you want to calculate this and the ability to provide all of this infill that we've achieved.

Commissioner Levy –

Is there a consensus with what Commissioner Hanlen and Commissioner Dixon are saying that all contiguous setbacks or some similar wording should be included in the open space calculation? Is there support for that proposed change?

Commissioner Church –

I would support that.

Commissioner Lacy –

In general I would.

Commissioner Hanlen –

He showed his diagram that he drew to explain what he's talking about as far as open space.

Commissioner Levy –

The current rule says 'required minimum setbacks are not considered open space'.

Commissioner Dixon –

That's the proposed change.

Commissioner Levy –

The old rule is underneath the under score. It says 'required minimum setbacks are not considered open space'.

Commissioner Dixon –

How do we let them use it all the time?

Commissioner Beauregard –

They didn't they just used the islands.

Commissioner Dixon –

Ski Time Square used all of those little areas.

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Jonathan Spence –
They weren't setbacks.

Commissioner Hanlen –
The difference with what we're talking about tonight though is that the idea would be that you want to be able to take a large parcel of land and be able to chop it into smaller parcels and not be penalized for it by having all of these huge setbacks. Whether somebody came in with a massive FDP or whether somebody chopped it into 5 lots.

Commissioner Beauregard –
If that were the case then they would just separate it out into different lots. That separate lot wouldn't have any setbacks.

Commissioner Hanlen –
As long as it's handled at the subdivision level and we have clarity of what that means maybe this isn't an issue.

Commissioner Dixon –
To me it's still an issue on the lots that aren't being subdivided.

Commissioner Beauregard –
The individual lot might consider getting rid of FAR like what Commissioner Levy is saying. We got rid of FAR, because we had this open space requirement that basically policed it on the other side. Should we eliminate both?

Commissioner Dixon –
We're not talking about eliminating both. We're talking about making the open space count towards real usable open space. Philosophically we talk about increasing density and infill, but we do things like this that are countered to that idea. That's where I have trouble reconciling.

Commissioner Hanlen –
If we're going to bother calculating open space it might as well serve a purpose rather than being these residual strips that are leftover. It seems like a lot of developments were seemingly meeting this without substantially changing their developments. It just happened to be the leftovers that they were left with. If we're going to bother to calculate it at all then lets at least have a function.

Commissioner Dixon –
We should calculate it. I think that it is important to have green space in a dense environment. It needs to not be wasted space.

Commissioner Lacy –
When we say open space shall generally be contiguous to what extent are we going to look at that in our interview process and say these couple of strips over here are ok and these aren't? Are we really saying all open space has to be contiguous? If that's what we're saying then we need to take out the word 'generally'.

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Jason Peasley –

I think that the word 'generally' is meant to give a little bit of room to say this situation is ok, because we can see how it is programmed, functions, and works. It's generally left vague.

Commissioner Lacy –

That's the part that I don't like. Every time I see 'generally' what that means is that we're going to have a lot of inconsistent decisions.

Jonathan Spence –

If you have open space on one side of your property and a playground on the other side then they can both count.

Commissioner Hanlen –

Unfortunately they have to leave the ambiguity in there just because staff is going to have to see if it passes the smell test. What's the program like? Each different project is going to have a different need for this site based off of how much residential and/or office is in it. Do you need a playground on every single property? That's going to be determined on every individual project on a case-by-case basis. We're also not dealing with perfectly square lots either.

Commissioner Dixon –

Could we phrase it in such a way that the intent actually is, that the long strip on the side of your building doesn't count towards your open space? Required minimum setbacks are not considered open space and not necessarily adjacent to your building. That's the drawing that Commissioner Hanlen did. It may be all open, but it doesn't count. The ones adjacent to your building are the ones that we don't want to count as open space.

Commissioner Levy –

Really, why's that? Isn't it possible to have a green lawn? I don't understand that comment. Like you said we have proposals where the green area inside the traffic circle was listed as open space. It does not mitigate the effect of the rest of the building.

Commissioner Church –

It serves no functional purpose.

Commissioner Hanlen –

I didn't say functional, I said purposeful.

Commissioner Church –

Sorry, purposeful.

Commissioner Beauregard –

I thought that he was talking about right next to the building.

Commissioner Church –

In that example the building gets to be larger, does it not? You have setbacks surrounding the space, because it's contiguous you're adding more building since they're going to get to their 15%. You give more flexibility to build a bigger building if you add in the setbacks into

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the calculation. If they're adjacent and contiguous then they're open space, which is why you said you got rid of the FAR where you thought that it was going to prevent it on the back side as well. Is that the intent?

Commissioner Dixon –
That's what I want.

Commissioner Church –
I'm for infill. I'm ok with that. I'm just pointing it out, because I haven't heard it said. We're only talking about the open space.

Commissioner Beauregard –
I remember the discussion with Commissioner Slavik, who's not here tonight, is very concerned about getting rid of the FAR. We convinced her that we don't need it.

Commissioner Church –
I can agree with you.

Commissioner Hanlen –
She was worried about getting rid of lot coverage. My point was that once we increase lot coverage to 0.85 then what's the point in even having it. You meet that automatically with your automatic setback in place. We're going to have developers that are going to be crying that we can't afford to put in underground parking and so they put in surface parking. That would further reduce the size of the structures. I don't feel like we're going to have buildings that are going from setback to setback.

Commissioner Dixon –
I don't think that we are either.

Commissioner Lacy –
What is the exact language that you're proposing to change?

Commissioner Hanlen –
I don't know.

Jonathan Spence –
Let's try not to fix a problem that we don't have yet. This is a pretty big step that we took in going in your direction.

Commissioner Hanlen –
Do we just exclude the water body setbacks and leave that well enough alone?

Jonathan Spence –
Yes.

Commissioner Hanlen –
I'm fine with that for now.

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Commissioner Levy –
Allowing the water body setback in the calculation?

Commissioner Hanlen –
Correct.

Commissioners agree to go with what's written and exclude water body setbacks.

Commissioner Beauregard –
The TDR discussion and why don't we table this until we have that TDR discussion in the sense that this could be a receiving area for developmental rights?

Jonathan Spence –
I don't know what value we're taking away with these regulations.

Commissioner Beauregard –
I agree with that. If we're going to be the receiving end of development then I think that it's going to be less painful if we distribute it over the vast portion of the city. The more we distribute it the less painful it's going to be as far as how many units or development rights they're going to have to buy to up zone or to create density within the core.

Jonathan Spence –
We're going to be having this discussion on Monday. If you want to table this section then that would be the changes to the CC and CS zone districts.

Commissioner Beauregard –
I'm just thinking that if we're going to be the receiving area then we need to distribute it so they're not forking out tons of money for one development and stick it in one spot and they've got to buy one unit.

Seth Lorson –
Are you talking about as an incentive to bring a development right to the table and that we're going to reduce your setback in CC and CS zone districts?

Commissioner Beauregard –
What we're about to do right here is say that we're going to go to higher density, which you're saying isn't a higher density?

Jonathan Spence –
We can't get them to do it anyways. Now we're going to charge them to do it?

Commissioner Beauregard –
That's the whole problem with the TDR thing. The county wants us to do it and we have to take it in order for them not to do it.

Commissioner Dixon –
We don't have to take it. There could be other receiving areas. It's a development right to or to not take the density. It doesn't have to. They don't necessarily want it.

Jonathan Spence –
We'll have this discussion on Monday.

Commissioner Beauregard –
It might not be a chip, but it might take a chip off the table that we could negotiate with.

Jonathan Spence –
We need to encourage people to do things. We need to make this as easy as possible.

Commissioner Beauregard –
I agree, but then we have this opposite force out there to create this hideous sprawl. How do we deal with that?

Commissioner Hanlen –
On pg 4-11 and 4-12 I was trying to piece some stuff together that match the current table. If you removed them for a reason I was just trying to catch inconsistencies. In RE-1 and RE-2 you had a setback for an attached garage. I think that it was the same as the principle structure, but you just had a separate notation for it.

Commissioner Dixon –
In the current CDC?

Commissioner Hanlen –
Yes.

Commissioner Dixon –
It's not here in this change, is that what you're saying?

Commissioner Hanlen –
Yes. It's the same as the principle structure. If you removed it, because you didn't think that it needed to be there. It was written in the main table so I thought that it was worth mentioning. It's for the principle structure and then below it, it should say attached garage with 25' setbacks.

Jason Peasley –
We need to remove the attached garage requirement that's littered throughout.

Commissioner Hanlen –
In MF-1 on pg 4-20 there was a 41' and a 63' height for underground parking that wasn't in there. That's the same for MF-2 and MF-3. On pg 4-21 for MF-2 under the front and side street setback down where it says 3rd story and above. In the regular CDC it says 20' instead of 25'.

Jason Peasley –
Is that the same for MF-3 and MF-1 as well?

Commissioner Hanlen –

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It didn't jump out at me, but it would be worth looking at. On pg 4-23 for the rear setback for the principle structure it says 25'. On pg 4-24 even though I know that you put the disclaimer about how the above diagram is not intended to illustrate how high it is measured currently you don't measure the parapet. If we can change the height measurement to the top of the roof.

Jason Peasley –
I can do that.

Commissioner Dixon –
'I' is the plate height, which is typically the underside of the roof and it should be the top of the roof.

Jason Peasley –
'I' is in the correct place. There should be a 1-2' gap graphically.

Commissioner Dixon –
Unless you're a gymnasium and then you would have a flat roof.

Commissioner Hanlen –
On pg 4-29 the 'F' got cut off for FAR. On pg 4-29 and pg 4-30 there are a bunch of additional setback information in the table that wasn't in these tables. You might have omitted it on purpose. I don't know if it was necessary to include it in both locations. I caught that we had 2 CY's. Just take another look at it.

Seth Lorson –
We will be going over this again before we go to City Council with it.

Commissioner Hanlen –
I think that there were 6 different items. I think that you were just missing one even though you broke it.

Jason Peasley –
I'll go through and double check that.

Commissioner Hanlen –
I'm excited to have these diagrams. Are these going to fully replace?

Jason Peasley –
Yes. I think that this is going to be a real positive for the CDC. Being able to give somebody something like this when they come in and want to know what their setbacks are as opposed to a chart.

Commissioner Church –
On MF-2 and MF-3 with the 3rd story and above at 25' from the setback your diagram doesn't necessarily show that as 'C' it shows from the second story wall.

Jason Peasley –

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I can change that. The reason why we made it a step back requirement is that it's a change in regulation. That's a good policy discussion.

Commissioner Church –

If we're really trying density then I'm not sure that I want 5-10' back on the 3rd story. It reduces a lot of building use.

Jonathan Spence –

That's a policy discussion that we should and will have.

Commissioner Church –

That occurred to me, because I looked at your diagram of the 3rd story. It says setback, but has the building envelope as the diagram. It's confusing to me.

Jason Peasley –

We'll show it as a step back as opposed to a setback.

Commissioner Dixon –

Are we going to come back to that policy discussion?

Jonathan Spence –

Yes, we'll put it on the list.

Commissioner Beauregard –

I thought that we had talked about a block length like a maximum building façade and correlating it to a block length throughout 300'. I didn't see that in here. I don't know if it's important, because I don't think that any of these lots are that big. Is there any reason why we maybe should put that in there?

Commissioner Dixon –

The lot south of the Hampton Inn is that big.

Jonathan Spence –

It could be a side note where your allowed to go to 0' if you were 50' or less. You're going to have to lay that out when you subdivide.

Commissioner Beauregard –

The only time that would come up is if somebody decided our new 50' was for the entire thing over 300'. I doubt that it will come up.

Commissioner Hanlen –

You could allow a pasao to interrupt that.

Commissioner Beauregard –

We talked about either vehicle or road pasao. I think that if you did see a building at 300' with 0 setbacks.

Commissioner Dixon –

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It wouldn't have 0 setbacks. It would have 7 1/2' setbacks. Still a building over 300' is big.

Jonathan Spence –
What's the maximum lot length?

Jason Peasley –
600'. It's not a dimensional standard. I think that the best way to address this is probably through an amendment to our subdivision standards that are probably in need of amending. We might want to have a discussion on those subdivision regulations. Do we want to incorporate some of the TND concepts in there or just require residential subdivisions to go through the TND?

Commissioner Dixon –
I agree with you, but what if they don't subdivide? Just take the lot south of the Hampton Inn in front of the ball fields there, that's over 300' I think. What if they don't subdivide that and they want to put a 500' long building facing the highway?

Jonathan Spence –
I don't think that they'll do that, because it's not really practical. If you're a vehicle and you park behind there then how are you going to get there?

Jason Peasley –
We do have citywide regulations and urban design standards that talk about massive large buildings. In the even that we do have that type of development I think that we do have the regulatory authority to require them to break it out or to provide some type of separation.

Commissioner Dixon –
Assume some micro systems wanted to put a giant office building right there.

Jason Peasley –
To address that to some degree have a maximum lot width in the CC and CS zone districts.

Commissioner Hanlen –
Do we need to add anything? It seems like it's going to be primarily in the form of pedestrian connectivity, because we're not going to be allowed additional connection points for vehicles because of the hwy 40 access plan so it will be just interruptions for pedestrian. Do we feel that we need to add additional verbiage for that?

Jason Peasley –
I think that we have the authority within the urban design standards to require that.

Commissioner Hanlen –
Beyond the authority is the intent expressed well enough in various documents where somebody could assume that.

Jonathan Spence –
There's a whole section of that.

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Commissioner Dixon –

Are the urban design standards guidelines or are they codes?

Jonathan Spence –

They're the law.

Commissioner Hanlen –

Can we touch on the amendment that Seth Lorson just sent out? When you first introduced this you added the little astrix saying 'don't look at any parts to the picture', the connectivity part of this. I feel like if we're going to provide a diagram it needs to at least represent the other intents of what we're doing. I think that if we're going to put a diagram in we can't have disclaimers. It has to graphically represent what we're looking for.

Jonathan Spence –

What do we need to do? Pull the buildings towards the street?

Commissioner Hanlen –

Pull the buildings towards the street.

Commissioner Beauregard –

The example that I'm thinking of is the T4 with a great looking little building. It's a stepping-stone for what we're looking for.

Seth Lorson –

I can certainly spunk it up a little bit. This was the raw one that was showing the intention of connectivity as opposed to building form.

Commissioner Hanlen –

Flat roofs aren't allowed outside of Old Town Steamboat Springs. If we're going to represent this intent of street trees and urban type landscaping and buildings pulled to the front setback then I think that we need to graphically represent it.

Seth Lorson –

I can spunk them up.

Commissioner Meyer –

What we were just faxed today I really liked using all of the arrows 'A', 'B', 'C', and 'D' and the descriptions of what it meant to the extent on 4A-3, etc. A similar concept of this is what it means and more bullet points that define what you're trying to show.

Commissioner Hanlen –

When we were talking about if we should do TND or if we should just change the standards it's trying to get people out of the mindset of single story buildings surrounded by a sea of parking. If we can graphically kick start that process I think that it's going to go a long way towards people coming in with really crappy unimaginative buildings.

Commissioner Levy –

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For CC and CS zone districts you talk about the 2nd story intensity. It doesn't seem to give any 3rd story flexibility. Where we say we want 75% of the 1st floor duplicated. It seems to say duplicated on a 2nd story, but they should have the option to take that 75% and mold it into three stories and not necessarily just a two-story. I don't know why we didn't want to include a 3rd story, but I don't see that flexibility in these guidelines.

Jonathan Spence –

I'm not sure that one size fits all. If you want to go there then that's fine.

Commissioner Levy –

We already had that discussion before. Originally we started with the activity node centers and then it grew to the CN and CS. I looked through the minutes. I thought that we had agreed that we were going to take the whole zone district.

Jonathan Spence –

He explained that there could be some conflicts with this 2nd story requirement.

Commissioner Hanlen –

I thought that we were in agreement about this to do a blanket requirement over the whole zone district for the minimum upper story was inappropriate. The only math that we have that even attempts it at identifying those nodes is the future land use map. Hopefully it goes away. Do we have to create a separate map that identifies the activity nodes? Once you give a certain depth off of those corners it doesn't make sense to have a requirement. To have it be a blanket statement for the whole zone district is probably inappropriate. It seems like the only way to properly do it is to graphically.

Jonathan Spence –

On a parcel system.

Commissioner Hanlen –

Parcel by parcel?

Jonathan Spence –

You're saying not fuzzy. We have fuzzy right now.

Commissioner Hanlen –

It needs to be fuzzy. If we reference the future land use map and if we define it by a zone district.

Jonathan Spence –

I'm not comfortable defining it by a zone district.

Commissioner Hanlen –

Staff would just identify it based off of.

Jonathan Spence –

No, it would say it in here that requirement is for the activity node.

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Commissioner Hanlen –

As far as the hard line of where that circle landed as far as where that edge of the activity node lands? Before we put a reference to the future land use map we should probably look at how tightly.

Jonathan Spence –

I'm worried about us creating conflict where it's not necessary.

Commissioner Levy –

The discussion at hand is whether or not we want to require the 2nd stories in all CS and CC or just in the activity node centers?

Commissioner Dixon –

I think that the activity node centers are the best that we can do. We can incentivize, but I don't know where we go with the TDR discussion. Hopefully one day there will be a demand for density. I don't think that we will be in this recession forever. At some point they're going to want density again.

Commissioner Beauregard –

I thought that by creating the 50' lot and 0 lot lines we incentivize them by saying you can build this portion of your lot and you're going to have to leave the rest vacant for some future date. I thought that was the incentive. Requiring it I don't think is that far fetched. We're just squishing it up into one spot and preserving a blank slate for future development.

Jonathan Spence –

None of the developers that I've talked to have been interested in doing that.

Commissioner Beauregard –

They're not seeing it as an incentive for us to turn around and place a cost on it.

Commissioner Hanlen –

What if we required them to build the infrastructure to be able to put a 2nd floor so that we don't have a situation with the hospital where when we ask why you can't build the old folks home on top they can't say that we didn't build the infrastructure for that.

Commissioner Levy –

The proposal currently is to require a 2nd story in all CC and CS zone districts.

Commissioner Dixon –

I thought that the current thing was to allow for 26'. It doesn't necessarily mean a second story.

Jonathan Spence –

If we're going to be doing 26' then we have to do a 2nd story.

Commissioner Dixon –

That's what it says is 26'. It doesn't say 2nd story.

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Commissioner Levy –

It says 2nd story intensity on pg 4-26 and 4-27 under building intensity under other standards.

Commissioner Lacy –

If we're going to require that height we almost have to require the 2 story.

Commissioner Levy –

Did I hear you guys prefer activity nodes only?

Commissioners don't know.

Jason Peasley –

The way the requirement is written is 'all properties within the CC and CS zone district are required to have a 2nd story'.

Commissioner Beauregard –

I was confused. I thought that you had the opposite conflict here. I'm in favor of how it's proposed 'all of CC and CS'.

Commissioner Church –

Me too.

Commissioner Beauregard –

I would like them to squish their buildings up and to leave some vacant land.

Jonathan Spence –

What if Napa wants to do an addition? Does the addition have to meet this requirement and if so is there a cut off? Right now we have 1,500', is that appropriate or do you want to fudge with that?

Commissioner Hanlen –

They can always apply for a variance. At some point we have to start somewhere in pushing people towards this. The problem to this point is gross under utilization of the land. How do you incentivize?

Jonathan Spence –

That isn't incentivizing.

Commissioner Beauregard –

What if the addition is over the 1,400 square foot requirement? At that point would you require a 2nd floor, which would be big enough for a dwelling unit?

Seth Lorson –

It would have to.

Commissioner Beauregard –

5/13/2010

DRAFT

I don't think that we're going to regulate the use, but at least that's the size of our minimum dwelling unit.

Commissioner Levy –

I could see as a certain percentage of the square footage. I don't know what our smallest buildings that exist in there, but you could potentially double 1,000 square foot building. I don't know if that exists in the zone district without exceeding your 1,400 square foot. I think that a percentage of whatever they have you could say if you want to double your square footage then come in here and study the current guidelines regardless on how big it is. I'm not sure what that number is 25% or 50%. Then it's relational for what they already have versus some fixed number. It seems like we have all different sizes in these 2 zone districts. I agree that it may not be fair to impose it on every single addition or change.

Commissioner Hanlen –

Do we change the requirement for additions? The majority of the stuff out west should be torn down. The setbacks are wrong and the buildings are bad. Everything is bad about them.

Jonathan Spence –

A lot of them have 20-30 years on them.

Commissioner Hanlen –

Do we need to require it on the additions? Should the addition trigger be removed? Maybe you bump the addition size or it's just new construction.

Jonathan Spence –

You mean new construction as in new freestanding construction?

Commissioner Dixon –

Yes, then you'll get these people who will say I'm keeping this front façade and this little turn on the corner and so I'm just doing an addition. I like Commissioner Levy's idea of taking a percentage.

Commissioner Meyer –

I was going to go with 1,500 square feet or a percentage, whichever one is greater.

Commissioners like Commissioner Meyer's idea.

Commissioner Meyer –

I don't know what the number is, but it's something as Commissioner Levy has said is roughly proportional.

Jonathan Spence –

If you have a 1,000 square foot building and you want to double it then you're kicked in even if you're not up to 1,500 square foot?

Commissioner Hanlen –

5/13/2010

DRAFT

The hope was when we talked about the utilization of the sites. When you've got the sea of parking and then the building. You can actually see their site and say I can fit a whole building in front of my parking lot. That should be where people's mindset is going. Wow, I can fit so much more on my site now. Where it was originally an unusable setback.

Commissioner Dixon –

I can sell this now, because I can't afford to build on it.

Jonathan Spence –

I'm a little bit uncomfortable with the additions.

Seth Lorson –

The requirement for a 2nd height, maybe we shouldn't be doing that if they're going to that length to get out of it.

Commissioner Hanlen –

People would be pretty dumb to add that kind of money with an existing bad building to be able to skirt around these regulations. Once the economy does come back you would think that they would be tripping over themselves to utilize this site.

Jonathan Spence –

The auto parts store in that strip where West End Liquors is you can put another addition towards County Shop Rd. and get another tenant space.

Commissioner Hanlen –

You've got a metal pole building whose lifespan is probably 30 years. The kind of person that would go in and dump \$1 million into a space I would think that they would be beyond foolish to put that amount of money into a building that's near the end of its life.

Jonathan Spence –

Where are we heading with that?

Commissioner Hanlen –

I think all new structures and independent structures. Is the 1,400 square foot addition too small? Get rid of the addition requirement all together? I realize that somebody is going to try to do it.

Jonathan Spence –

I feel comfortable getting rid of the addition requirement.

Commissioner Levy –

For clarity do you just want to allow additions to be exempt from these new regulations?

Jonathan Spence –

This would be applicable to all current standing structures with the exception of accessory structures under 500 square feet.

Commissioner Lacy –

5/13/2010

DRAFT

Essentially what we're doing is allowing current structures to be grand fathered in.

Commissioner Hanlen –

How do they comply with the build to line for the front and side setbacks if the structure is set well back from the road. They could say that they want to add 15' onto their building. They're also filing for a variance for the front setback. It seems like trying to force them into compliance is just going to be a waste of time. I think that the majority of those buildings are getting close to their lifespan.

Jason Peasley –

Do we want to say 'the requirement is not applicable to additions'?

Commissioner Beauregard –

My concern is that you separate these additions and the new requirements that you're incentivizing to somebody. I hope that you wouldn't be incentivizing it to maintain these buildings.

Commissioner Lacy –

I would worry a little bit about when we get 20-30 years down the road that it still looks the same out there.

Commissioner Dixon –

They'll maintain them until the property value gets to the point where the best and highest use isn't being utilized.

Commissioner Beauregard –

Is it incentivizing them to keep Car Quest the way it is so they don't have to build the 2nd floor on their 1,600 square foot addition?

Commissioner Dixon –

They're not going to do anything anyways until their property value tells them that they should.

Commissioner Church –

Their current use is at its best until the property value goes up. You can't get them to change until they can make more money per square foot to add the addition.

Commissioner Hanlen –

If Car Quest wanted to add on an addition to the right side then how do they meet all of the other setback requirements and all of the other things that we're asking for?

Jonathan Spence –

They wouldn't have to. We've reduced the setbacks.

Commissioner Hanlen –

We want this two-story façade at the street level. A two-story façade setback 2-3' from the property line is not achieving our intended goal.

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DRAFT

Commissioner Dixon –

The property value is going to such that they're going to take advantage of what they can build. It might not be ten or twenty years, but you have to start down that path now. I'm ok with leaving additions alone.

Commissioner Levy –

Especially since we're being aggressive on the zone district then I'm ok with exempting additions.

Jonathan Spence –

Have we gotten anywhere?

Commissioner Dixon –

Yes, we're exempting additions.

Jonathan Spence –

Accessory structures?

Commissioner Dixon –

Define an accessory structure for me.

Jason Peasley –

There's a definition in the accessory structure section.

Commissioner Hanlen –

In the commercial districts?

Commissioner Levy –

CC and CS.

Commissioner Hanlen –

The only one that I can think of is the coffee shed next to Grease Monkey as far as an accessory structure in the commercial.

Commissioner Dixon –

You're asking if they want to build a new accessory structure, is that what you're asking? Should it comply?

Commissioners say no.

Commissioner Levy –

For accessory structures does it have to be subordinate?

Jonathan Spence –

We would have to put a number on this.

Commissioner Hanlen –

5/13/2010

DRAFT

It seems like you can have multiple buildings on a commercial lot.

Commissioner Dixon –

If it's a warehouse and they're calling it an accessory structure is a problem.

Commissioner Hanlen –

We need a size maximum on it in order for it to be exempt.

Commissioner Levy –

The intent is that we're not going to require an accessory structure to have a 2nd story.

Jonathan Spence –

For commercial it's less than 25% of the gross FAR of the principle structure.

Commissioner Hanlen –

Has that ever been a problem?

Jonathan Spence –

No.

Commissioner Levy –

We'll worry about it when it comes up as a problem.

Commissioner Beauregard –

What kind of outreach did you do for this? It's discouraging that nobody is here.

Jonathan Spence –

Each time we've had this discussion we've gotten fewer people. I think that at first they were scared since change is scary and then they realized that it wasn't all that scary.

Commissioner Dixon –

They saw that we weren't taking away their rights.

Commissioner Beauregard –

Have you had much backlash of the 2nd floor?

Jonathan Spence –

No we haven't.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

5/13/2010

DRAFT

RECOMMENDED MOTION

Finding

Staff finds that the proposed CDC Text Amendment to the dimensional standards to allow for greater density and mitigate suburban nature form in the CC and CS zone districts by reducing setbacks, creating minimum height, and requiring connectivity, including a reformatting of the dimensional standards chart in Section 26-132 and amendments to the definition of Open Space and Multi-family in section 26-402 are consistent with the criteria for approval and recommend approval of TXT-09-10.

MOTION

Commissioner Hanlen moved to approve #TXT-09-10 as amended. Commissioner Dixon seconded the motion.

DISCUSSION ON MOTION

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Levy, Beauregard, Church, Dixon, Hanlen, Levy and Meyer

Absent: Slavik

Discussion on this agenda item ended at approximately 8:41 p.m.

AGENDA ITEM # 11

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, ARTICLE V, SECTION 26-132, DIMENSIONAL STANDARDS FORMAT, THE COMMUNITY COMMERCIAL (CC) AND COMMERCIAL SERVICES (CS) ZONE DISTRICT DIMENSIONAL STANDARDS AND PARKING STANDARDS.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City Council has determined that it is in the best interest of our community to represent the dimensional standards in a form based format this will provide more clarity and will be more user friendly; and

WHEREAS, the Steamboat Springs Area Community Plan Goal LU-2 states "our community supports infill and redevelopment of core areas"; and

WHEREAS, the Steamboat Springs Area Community Plan Policy LU-2.1 states "infill and redevelopment will occur in appropriate locations as designated by the city;" and

WHEREAS, the Steamboat Springs Area Community Plan Goal LU-4 states "our community will promote the development of compact Commercial Activity Nodes and a mixed use corridor along US 40 between commercial nodes"; and

WHEREAS, the City Council has determined that it is appropriate to revise the dimensional standards in the Community Commercial and Community Services Zone Districts to allow for greater development potential by reducing the side and rear setbacks; and

WHEREAS, the City Council has determined that it is appropriate to revise the dimensional standards in the Community Commercial and Community Services Zone Districts to create a more urban form of development by establishing a maximum front setback and requiring a two story facade on all new buildings; and

WHEREAS, the City Council has determined that it is appropriate to revise the parking standards in the Community Commercial and Community Services Zone Districts to reduce storm water run-off and excessive non-

permeable surface by creating maximum parking requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. ARTICLE V, Section 26-132, Dimensional Standards of the Community Development Code shall be replaced in its entirety by the following:

Sec. 26-132. Dimensional standards.

(a) *Exemptions*

(1) *Height Limitations*

a. The following building appurtenances of a greater height than otherwise permitted in a zone district are permitted upon proof that the appurtenances do not, in aggregate, cover more than ten (10) percent of the total roof area of a building and the height of appurtenance does not exceed fifty (50) percent of the maximum height of a building. Appurtenances may include, but are not limited to:

1. Architectural features including but not limited to: domes, cupolas, and spires;
2. Monuments;
3. Mechanical appurtenances provided they are screened from view; and
4. Parapet walls provided they do not exceed four (4) feet.

(2) *Encroachments into setback areas.* The following improvements and features are permitted in setbacks:

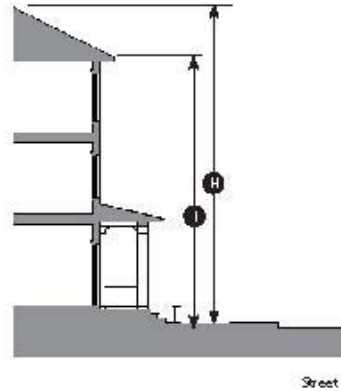
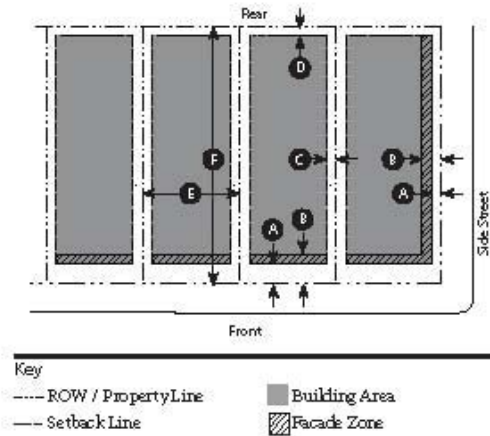
a. *Building features.* Eaves and gutters provided that such projections do not project more than three (3) feet, measured horizontally into a required setback area. Decks of thirty (30) inches or less in height may encroach into any setback area without obtaining a variance. In no case shall a deck encroach onto an adjacent property.

b. *Site improvements.* Public improvements such as utilities, sidewalks, trails and public streets shall be allowed to encroach into

setbacks. Private improvements such as utilities, driveways, landscaping, and parking lots, shall be allowed to encroach into setbacks provided they meet all other CDC standards.

(b) *Zone District Specific Standards.*

CN: Commercial Neighborhood



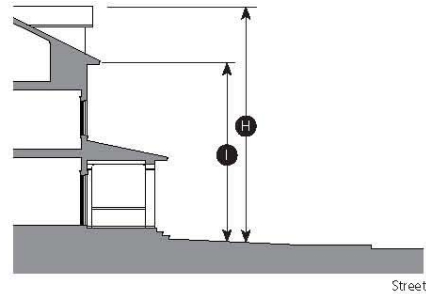
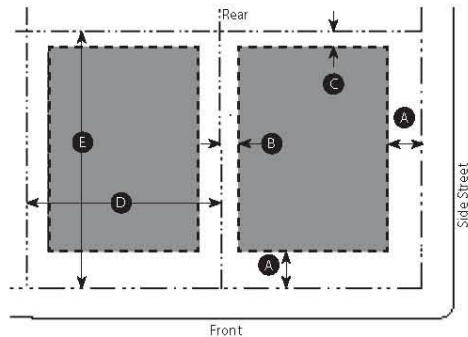
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure	10' min.	A
Principal Structure	30' max.	B
Accessory Structure	15' min.	
Adjacent to Highway 40	30' min.	
Side		
Principal Structure	10' min.	C
Accessory Structure	5' min.	
Rear		
Principal Structure	10' min.	D
Accessory Structure	5' min.	
Lot Size		
Width		
	25' min.	E
	100' max.	
Depth		
	no min.	F
Lot Area		
On Oak Street	3,000 sq. ft. min.	
	14,000 sq. ft. max.	
Not on Oak Street	3,000 sq. ft. min.	
	no max.	

Building Form		
Height**		
Building Height		
On Oak Street		
Average Plate Height	20' max.	I
Overall Height	32' max.	H
Not on Oak Street		
Average Plate Height	28' max.	I
Overall Height	40' max.	H
Other Standards***		
Building Intensity		
Lot Coverage	90% max.	
Floor Area Ratio		
Adjacent to Lincoln Ave Alley	1.0 max.	
Adjacent to Pine Street Alley	0.5 max.	
All other properties	0.6 max.	
Density		
Units per lot	no max.	

** The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

*** See Section 26-135 for additional design standards.

RN-1: Residential Neighborhood One, Low Density



Key

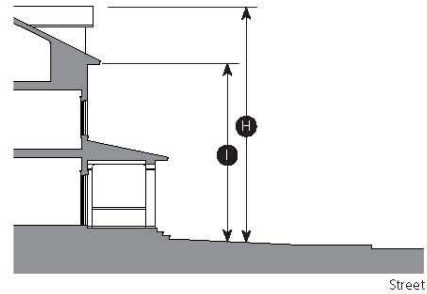
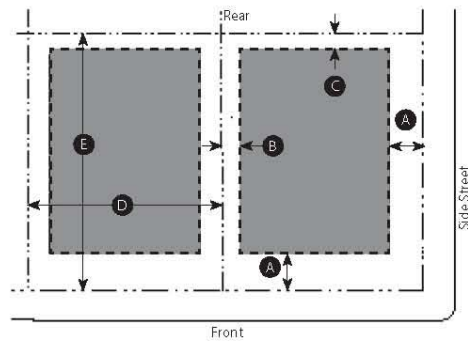
- ROW / Property Line
- Setback Line
- Building Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street A	
Principal Structure	20' min.
Accessory Structure	25' min.
Attached Garage	25' min.
Side B	
Principal Structure	15' min.
Accessory Structure	10' min.
Attached Garage	15' min.
Rear C	
Principal Structure	15' min.
Accessory Structure	10' min.
Attached Garage	15' min.
Lot Size	
Width	30' min. D
Depth	no min. E
Minimum Lot Area	
Single Family with Secondary Unit	10,000 sq. ft.
Duplex	20,000 sq. ft.

Building Form	
Height	
Building Height*	
Overall Height	40' max. H
Average Plate Height	28' max. I
Other Standards	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	None
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-2: Residential Neighborhood Two, Medium Density



Key

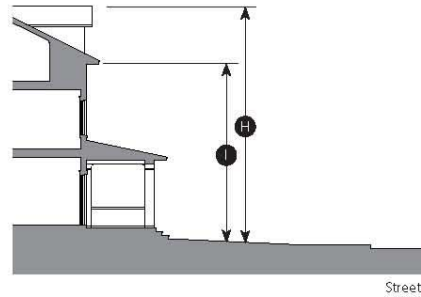
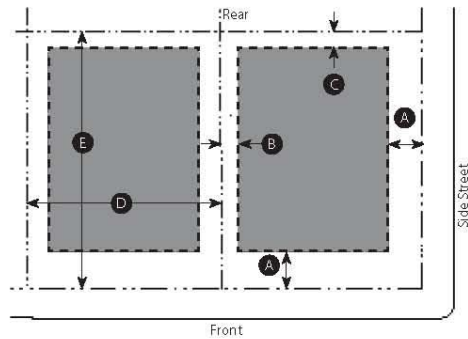
- ROW / Property Line
- Setback Line
- Building Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street (A)	
Principal Structure	20' min.
Accessory Structure	25' min.
Attached Garage	25' min.
Side (B)	
Principal Structure	10' min.
Accessory Structure	10' min.
Attached Garage	10' min.
Rear (C)	
Principal Structure	10' min.
Accessory Structure	10' min.
Attached Garage	10' min.
Lot Size	
Width (D)	30' min.
Depth (E)	no min.
Minimum Lot Area	
Single Family with Secondary Unit	8,000 sq. ft.
Duplex	16,000 sq. ft.

Building Form	
Height	
Building Height*	
Overall Height	40' max. (H)
Average Plate Height	28' max. (I)
Other Standards	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	None
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-3: Residential Neighborhood Three, High Density



Key

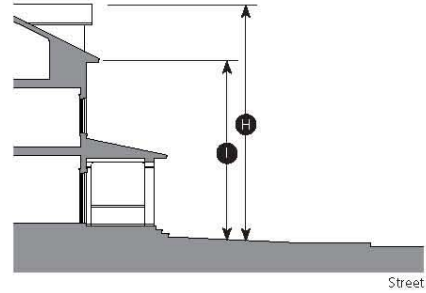
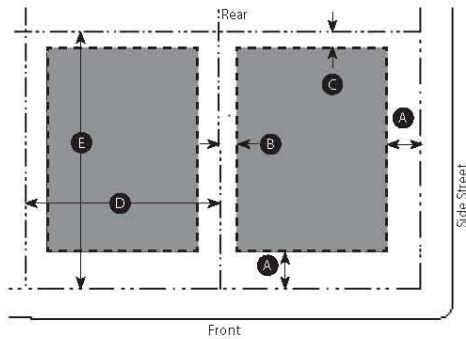
- ROW / Property Line
- Setback Line
- Building Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street A	
Principal Structure	15' min.
Accessory Structure	20' min.
Attached Garage	20' min.
Side B	
Principal Structure	10' min.
Accessory Structure	5' min.
Attached Garage	10' min.
Rear C	
Principal Structure	10' min.
Accessory Structure	5' min.
Attached Garage	10' min.
Lot Size	
Width	30' min. D
Depth	no min. E
Minimum Lot Area	
Single Family with Secondary Unit	6,000 sq. ft.
Duplex	12,000 sq. ft.

Building Form	
Height	
Building Height* H	
Overall Height	40' max. H
Average Plate Height	28' max. I
Other Standards	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	None
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RE-1: Residential Estate One, Low Density



Key

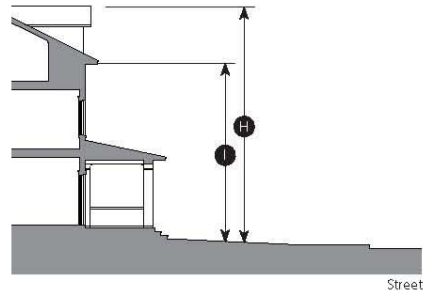
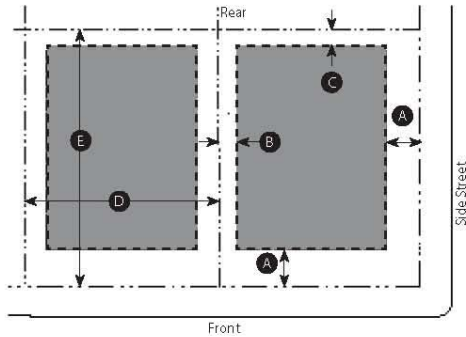
- ROW / Property Line
- Setback Line
- Building Area

Building Placement		
Setback (Distance from ROW / Property Line)		
Front / Side Street (A)		
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side (B)		
Principal Structure	25' min.	
Accessory Structure	15' min.	
Rear (C)		
Principal Structure	25' min.	
Accessory Structure	15' min.	
Lot Size		
Width	30' min.	(D)
Depth	no min.	(E)
Minimum Lot Area	1 acre	

Building Form		
Height		
Building Height*		
Overall Height	40' max.	(H)
Average Plate Height	28' max.	(I)
Other Standards		
Building Intensity		
Lot Coverage	25% max.	
Floor Area Ratio	None	
Density		
Units per lot	1	

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RE-2: Residential Estate Two, Medium Density



Key

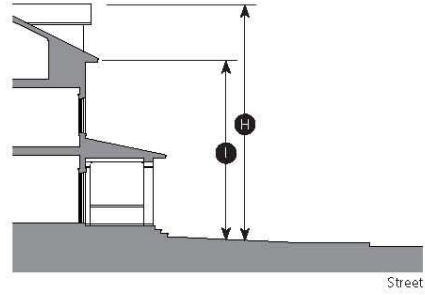
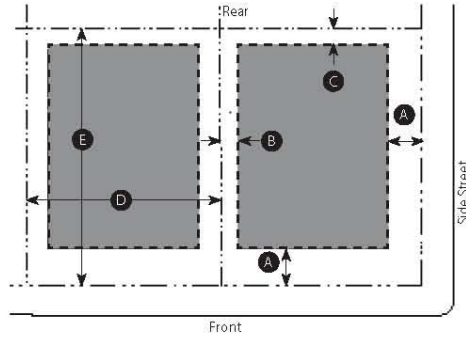
- ROW / Property Line
- Setback Line
- Building Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street	A
Principal Structure	25' min.
Accessory Structure	25' min.
Side	B
Principal Structure	15' min.
Accessory Structure	10' min.
Rear	C
Principal Structure	15' min.
Accessory Structure	15' min.
Lot Size	
Width	30' min. D
Depth	no min. E
Minimum Lot Area	13,500 sq. ft.

Building Form	
Height	
Building Height*	
Overall Height	40' max. H
Average Plate Height	28' max. I
Other Standards	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	None
Density	
Units per lot	1

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RE-1/S: Residential Estate One, Low Density, Secondary Units



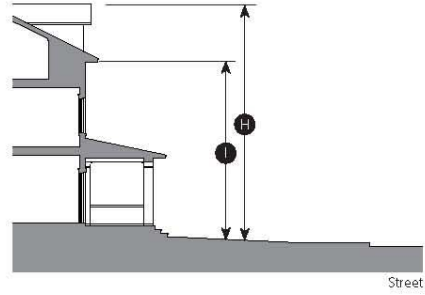
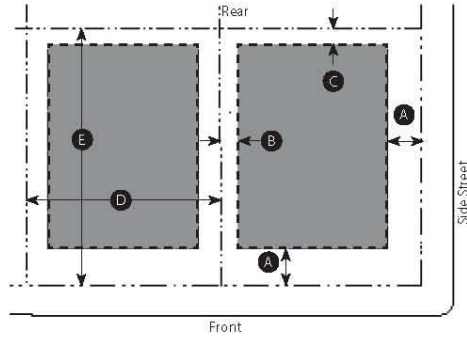
Key
 - - - - ROW / Property Line ■ Building Area
 — — — — Setback Line

Building Placement	
Setback (Distance from ROW / Property Line)	
Front / Side Street (A)	
Principal Structure	25' min.
Accessory Structure	25' min.
Side (B)	
Principal Structure	25' min.
Accessory Structure	15' min.
Rear (C)	
Principal Structure	25' min.
Accessory Structure	15' min.
Lot Size	
Width	30' min. (D)
Depth	no min. (E)
Minimum Lot Area	
Single Family with Secondary Unit	1 acre

Building Form	
Height	
Building Height*	
Overall Height	40' max. (H)
Average Plate Height	28' max. (I)
Other Standards	
Building Intensity	
Lot Coverage	25% max.
Floor Area Ratio	None
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RE-2/S: Residential Estate Two, Medium Density, Secondary Units



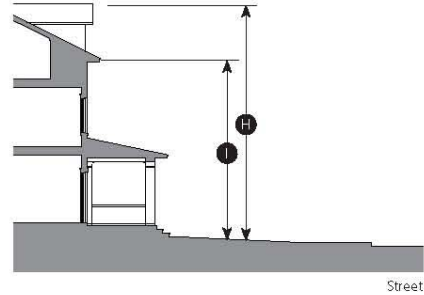
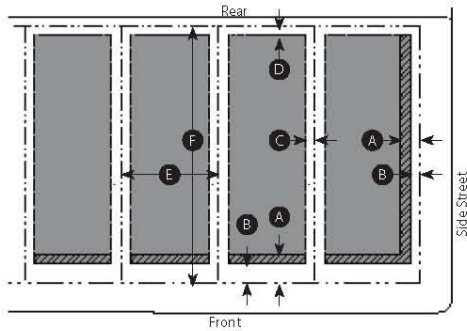
Key
 --- ROW / Property Line ■ Building Area
 ——— Setback Line

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street (A)	
Principal Structure	25' min.
Accessory Structure	25' min.
Side (B)	
Principal Structure	15' min.
Accessory Structure	10' min.
Rear (C)	
Principal Structure	15' min.
Accessory Structure	15' min.
Lot Size	
Width	30' min. (D)
Depth	no min. (E)
Minimum Lot Area	
Single Family with Secondary Unit	13,500 sq. ft.

Building Form	
Height	
Building Height* (H)	
Overall Height	40' max. (H)
Average Plate Height	28' max. (I)
Other Standards	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	None
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RO: Residential Old Town



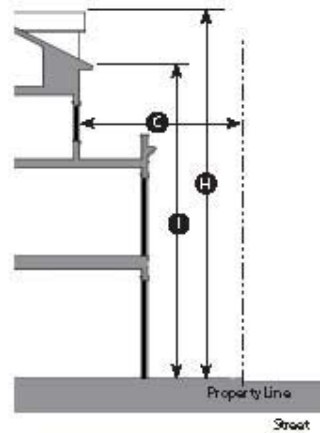
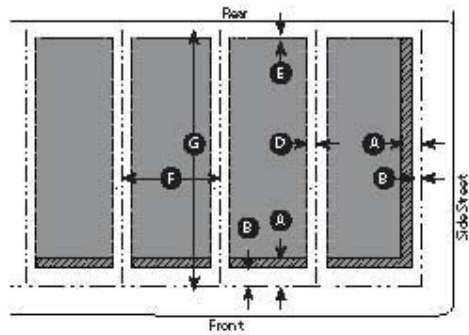
Key

--- ROW / Property Line	■ Building Area
— Setback Line	▨ Porch Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street A	
Principal Structure	15' min.
Accessory Structure	20' min.
Attached Garage	20' min.
Porch	9' min.
Side C	
Principal Structure	10' min.
Accessory Structure	5' min.
Attached Garage	10' min.
Rear D	
Principal Structure	10' min.
Accessory Structure	5' min.
Attached Garage	10' min.
Lot Size	
Width	25' min. E
	100' max.
Depth	no min. F
Minimum Lot Area	
Single Family with Secondary Unit	6,000 sq. ft.
Duplex	12,000 sq. ft.

Building Form	
Height	
Principal Structure	
Overall Height	34' max. H
Average Plate Height	22' max. I
Accessory Structure	
Overall Height	24' max.
Average Plate Height	18' max.
Acc. Structure w/ Secondary Unit	
Overall Height	28' max.
Average Plate Height	16' max.
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	
Principal Structure	45% max.
Accessory Structure	20% max.
Total of all Structures	45% max.
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

RR-1: Resort Residential One, Low Density



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Porch Area

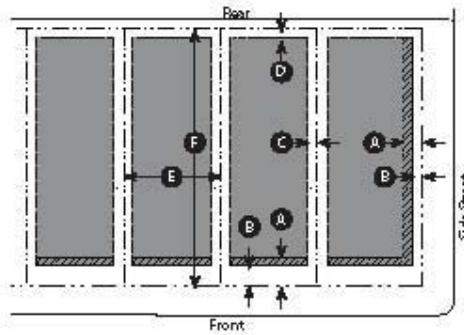
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street (A)		
Principal Structure	20' min.	
Accessory Structure	25' min.	
Porch	15' min.	
2nd Story and above	25' min.	
Side (B)		
Principal Structure	15' min.	
Accessory Structure	15' min.	
Rear (E)		
Principal Structure	15' min.	
Accessory Structure	15' min.	
Lot Size		
Width	25' min.	(F)
	no max.	
Depth	no min.	(G)
Minimum Lot Area	6,000 sq. ft.	

Building Form		
Height*		
Principal Structure w/out underground parking		
Overall Height	57' max.	(H)
Average Plate Height	35' max.	(I)
Principal Structure w/ underground parking		
Overall Height	63' max.	(H)
Average Plate Height	41' max.	(I)
Other Standards		
Building Intensity		
Lot Coverage	50% max.	
Floor Area Ratio	no max.	
Density		
Units per lot	no max.	

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

** See Base Area Design Standards for additional requirements.

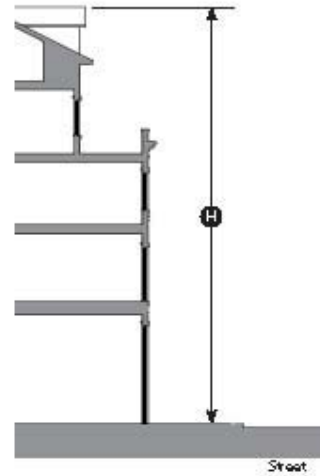
RR-2: Resort Residential Two, High Density



Key

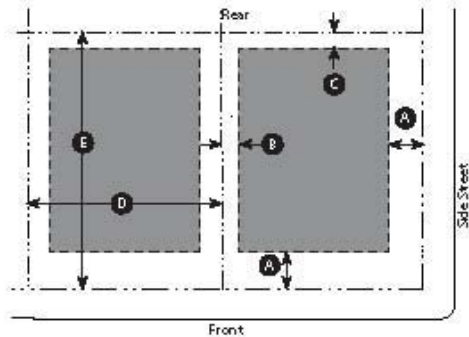
----- ROW / Property Line	■ Building Area
— Setback Line	▨ Porch Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street (A)	
Principal Structure	20' min.
Accessory Structure	25' min.
Adjacent to ski slope edge	0' min.
Porch	15' min.
Side (C)	
Principal Structure	15' min.
Accessory Structure	10' min.
Adjacent to ski slope edge	0' min.
Rear (D)	
Principal Structure	15' min.
Accessory Structure	10' min.
Adjacent to ski slope edge	0' min.
Lot Size	
Width (E)	25' min. no max.
Depth (F)	no min.
Minimum Lot Area	no min.

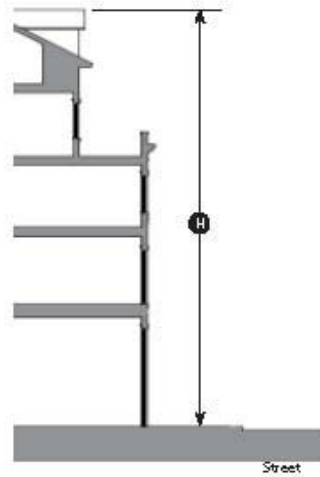


Building Form	
Height [†]	
Principal Structure	
Overall Height	75' max. ^{**} (H)
^{**} Significant variation in building height, including differences of multiple stories, is required in an effort to break up the mass of structures.	
Building Form ^{***}	
Building Intensity	
Lot Coverage	68% max.
Floor Area Ratio	no max.
Density	
Units per lot	no max.
[†] The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.	
^{***} See Base Area Design Standards for additional requirements.	

G-1: Gondola One



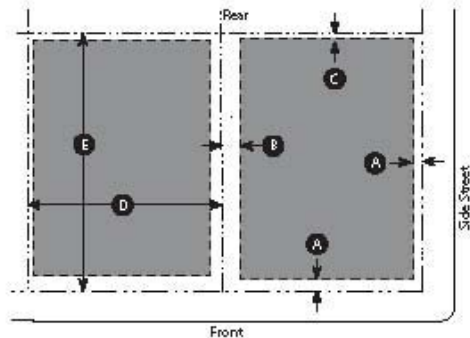
Key
 ---- ROW / Property Line ■ Building Area
 ——— Setback Line



Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street	A
Per the Mountain Town Sub-Area Plan requirements to provide public gathering spaces and pedestrian corridors.	
Side	B
Per the Mountain Town Sub-Area Plan requirements to provide public gathering spaces and pedestrian corridors.	
Rear	C
Per the Mountain Town Sub-Area Plan requirements to provide public gathering spaces and pedestrian corridors.	
Lot Size	
Width	25' min. D
	no max.
Depth	no min. E
Minimum Lot Area	
Residential	6,000 sq. ft.
Commercial and Mixed Use	3,000 sq. ft.

Building Form	
Height*	
Principal Structure	
Overall Height	25' max. ** H
** Significant variation in building height, including differences of multiple stories, is required in an effort to break up the mass of structures.	
Building Form***	
Building Intensity	
Lot Coverage	60% max.
Floor Area Ratio	no max.
Density	
Units per lot	no max.
*The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.	
*** See Base Area Design Standards for additional requirements.	

G-2: Gondola Two



Key
 ---- ROW / Property Line ■ Building Area
 --- Setback Line

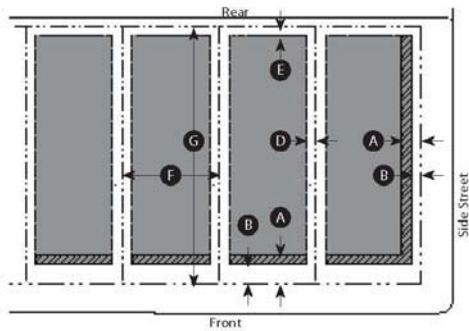
Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street	A
Per the Mountain Town Sub-Area Plan requirements to provide public gathering spaces and pedestrian corridors.	
Side	B
Per the Mountain Town Sub-Area Plan requirements to provide public gathering spaces and pedestrian corridors.	
Rear	C
Per the Mountain Town Sub-Area Plan requirements to provide public gathering spaces and pedestrian corridors.	
Lot Size	
Width	25' min. no max. D
Depth	no min. E
Minimum Lot Area	no min.



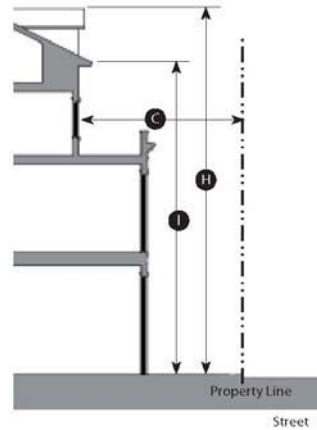
Building Form	
Height*	
Principal Structure	Overall Height 105' max. ** H
** Significant variation in building height, including differences of multiple stories, is required in an effort to break up the mass of structures.	
Building Form***	
Building Intensity	
Lot Coverage	65% max.
Floor Area Ratio	no max.
Density	
Units per lot	no max.

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.
 *** See Base Area Design Standards for additional requirements.

MF-1: Multi-Family One, Low Density



Key
 - - - - ROW / Property Line ■ Building Area
 ——— Setback Line ▨ Porch Area



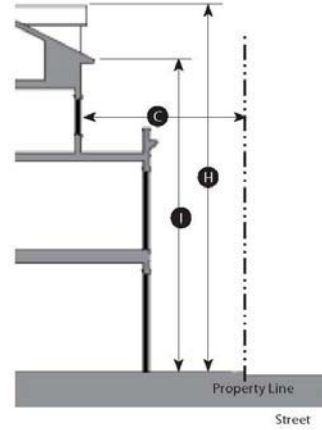
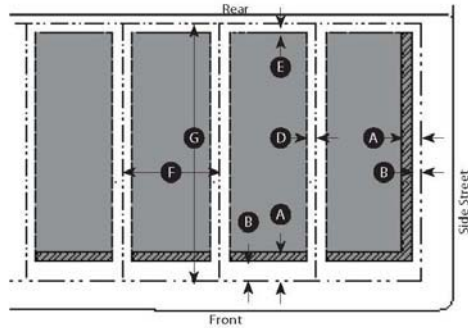
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street Ⓐ		
Principal Structure	20' min.	
Accessory Structure	25' min.	
Porch	15' min.	Ⓑ
3rd story and above	25' min.	Ⓒ
Side Ⓓ		
Principal Structure	15' min.	
Accessory Structure	5' min.	
Rear Ⓔ		
Principal Structure	15' min.	
Accessory Structure	5' min.	
Lot Size		
Width	40' min.	Ⓕ
	no max.	
Depth	no min.	Ⓖ
Minimum Lot Area	12,000 sq. ft.	

Building Form		
Height*		
Single-Family		
Overall Height	40' max.	Ⓗ
Average Plate Height	28' max.	Ⓘ
Multi-Family		
Overall Height	57' max.	Ⓗ
Average Plate Height	35' max.	Ⓘ
Structure with underground parking		
Overall Height	63' max.	Ⓗ
Average Plate Height	41' max.	Ⓘ
Other Standards**		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio	40% max.	
Density		
Units per lot	no max.	

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

** See Urban Design Standards for additional requirements.

MF-2: Multi-Family Two, Medium Density



Key

--- ROW / Property Line	■ Building Area
--- Setback Line	▨ Porch Area

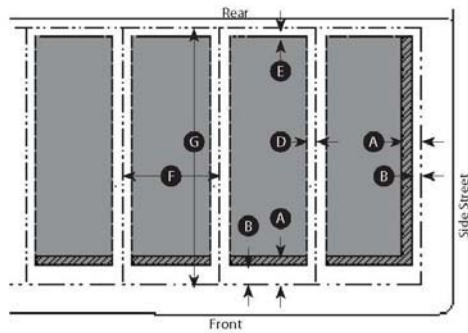
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	15' min.	
Accessory Structure	20' min.	
Porch	10' min.	B
3rd story and above	20' min.	C
Side		D
Principal Structure	15' min.	
Accessory Structure	5' min.	
Rear		E
Principal Structure	15' min.	
Accessory Structure	5' min.	
Lot Size		
Width	40' min.	F
	no max.	
Depth	no min.	G
Minimum Lot Area	12,000 sq. ft.	

Building Form		
Height*		
Single-Family		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Multi-Family		
Overall Height	57' max.	H
Average Plate Height	35' max.	I
Structure with underground parking		
Overall Height	63' max.	H
Average Plate Height	41' max.	I
Other Standards**		
Building Intensity		
Lot Coverage	40% max.	
Floor Area Ratio	45% max.	
Density		
Units per lot	no max.	

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

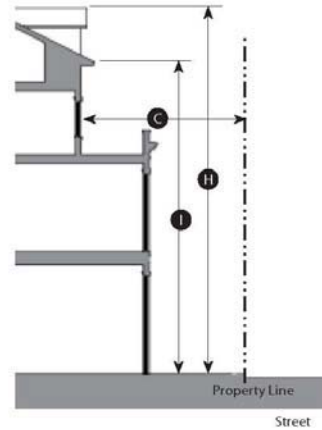
** See Urban Design Standards for additional requirements.

MF-3: Multi-Family Three, High Density



Key

--- ROW / Property Line	■ Building Area
--- Setback Line	▨ Porch Area



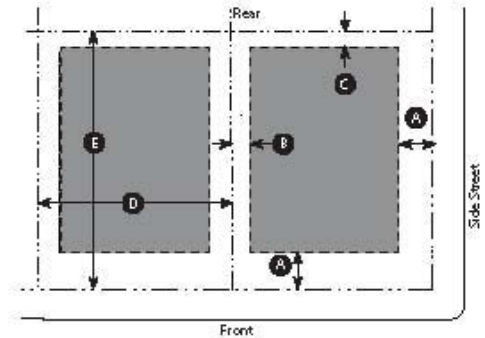
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street A		
Principal Structure	15' min.	
Accessory Structure	20' min.	
Porch	10' min.	B
3rd story and above	20' min.	C
Side D		
Principal Structure	10' min.	
Accessory Structure	5' min.	
Rear E		
Principal Structure	10' min.	
Accessory Structure	5' min.	
Lot Size		
Width F		
	40' min.	
	no max.	
Depth G		
	no min.	
Minimum Lot Area	12,000 sq. ft.	

Building Form		
Height*		
Single-Family		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Multi-Family		
Overall Height	57' max.	H
Average Plate Height	35' max.	I
Structure with underground parking		
Overall Height	63' max.	H
Average Plate Height	41' max.	I
Other Standards**		
Building Intensity		
Lot Coverage	45% max.	
Floor Area Ratio	50% max.	
Density		
Units per lot	no max.	

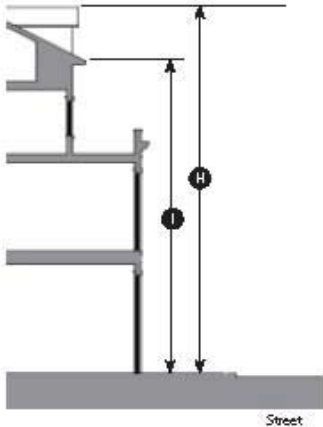
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

** See Urban Design Standards for additional requirements.

OR: Open Space and Recreation



Key
 ---- ROW / Property Line ■ Building Area
 ——— Setback Line

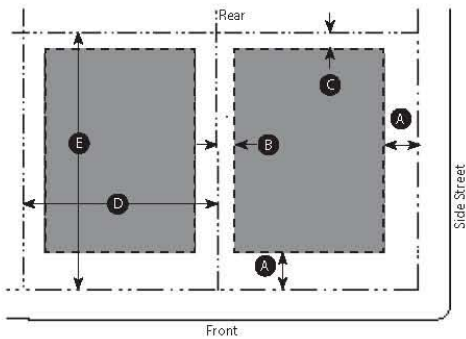


Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street (A)		
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side (B)		
Principal Structure	25' min.	
Accessory Structure	15' min.	
Rear (C)		
Principal Structure	20' min.	
Accessory Structure	15' min.	
Lot Size		
Width	25' min. (D)	no max.
Depth	no min. (E)	
Minimum Lot Area	2,500 sq. ft.	

Building Form		
Height*		
Institutional Uses		
Overall Height	44' max.	(H)
Average Plate Height	32' max.	(I)
Outdoor Recreational Uses		
Overall Height	34' max.	(H)
Average Plate Height	22' max.	(I)
Low Impact Recreational Uses		
Overall Height	20' max.	(H)
Average Plate Height	10' max.	(I)
Other Standards		
Building Intensity		
Lot Coverage	no max.	
Floor Area Ratio	no max.	
Density		
Units per lot	no max.	

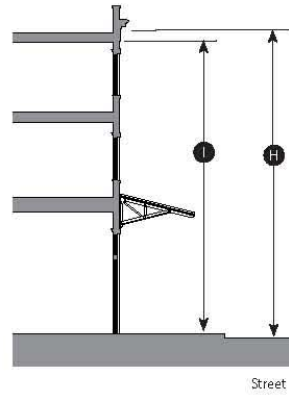
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

I: Industrial



Key

- ROW / Property Line
- Setback Line
- Building Area



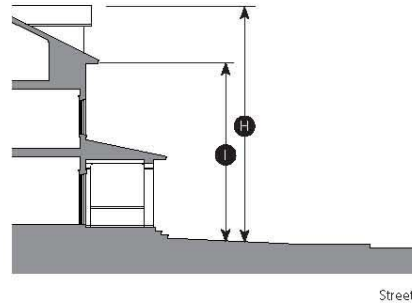
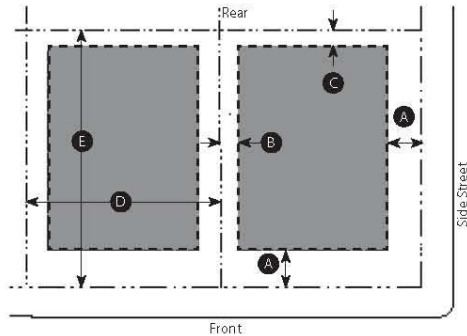
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street A		
Principal Structure	15' min.	
Accessory Structure	15' min.	
Side B		
Principal Structure	10' min.	
Accessory Structure	10' min.	
Rear C		
Principal Structure	10' min.	
Accessory Structure	10' min.	
Lot Size		
Width D		
	30' min.	
	no max.	
Depth E		
	no min.	
Minimum Lot Area		
	no min.	

Building Form		
Height*		
Building Height		
Overall Height	32' max.	H
Average Plate Height	28' max.	I
Special work areas		
Overall Height	40' max.	H
Average Plate Height	40' max.	I
Other Standards		
Building Intensity		
Lot Coverage	60% max.	
Floor Area Ratio	60% max.	
Density		
Units per lot	no max.	
Dwelling Unit Size	1,400 sq. ft. max.	

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

** See Urban Design Standards for additional requirements.

MH: Mobile Home



Key

- ROW / Property Line
- Setback Line
- Building Area

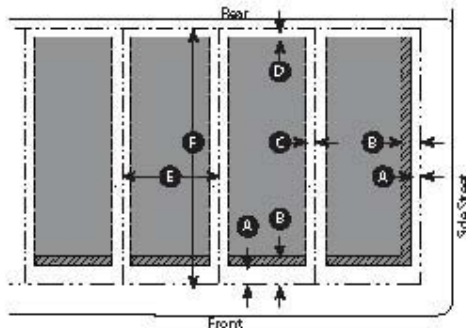
Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street	A
Principal Structure (Subdivision)	20' min.
Principal Structure (Park)	20' min.
Accessory Structure	20' min.
Side	B
Principal Structure (Subdivision)	10' min.
Principal Structure (Park)	no min.
Side Separation (Park)	15' min.
Accessory Structure	10' min.
Rear	C
Principal Structure (Subdivision)	10' min.
Principal Structure (Park)	10' min.
Accessory Structure	10' min.
Lot Size	
Width	25' min. D
Depth	no min. E
Minimum Lot Area	4,000 sq. ft.

Building Form	
Height	
Building Height*	
Overall Height	28' max. H
Average Plate Height	28' max. I

Other Standards	
Building Intensity	
Lot Coverage	no max.
Floor Area Ratio	None
Mobile Home Unit Size	2,500 sq. ft. max.
Density	
Units per lot	1 per 4,000 sq. ft.

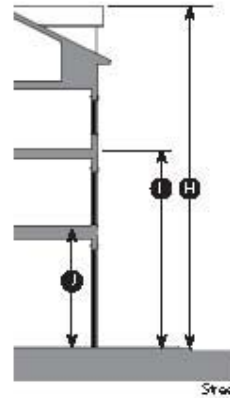
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

CC: Community Commercial



Key

---- ROW / Property Line	■ Building Area
— Setback Line	▨ Frontage Area



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure	5' min.	A
Principal Structure	20' max.†	B
Accessory Structure	20' min.	
Side C		
Principal Structure		
Lot width < 50'	0' min.	
Lot width > 50'	7.5' min.	
Accessory Structure	7.5' min.	
Rear D		
Principal Structure	7.5' min.	
Accessory Structure	7.5' min.	
Lot Size		
Width	25' min.	E
	no max.	
Depth	no min.	F
Minimum Lot Area	no min.	

† Setbacks in excess of 20' may be permitted by the Director where utility easements, environmentally sensitive areas or other physical constraints prohibit the placement of the building in the frontage area.

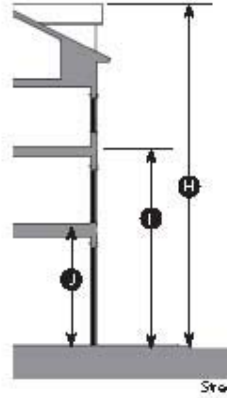
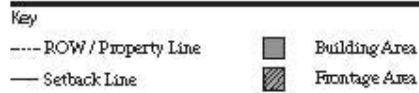
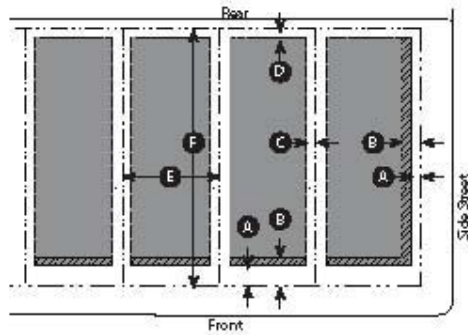
Building Form		
Height**		
Building Height		
Overall Height	63' max.	H
Frontage Area Height	26' min. (2 story)***	I
Ground Floor Ceiling Height	14' min.	J
Other Standards****		
Building Intensity		
Lot Coverage	no max.	
Floor Area Ratio	no max.	
2nd story intensity	75% of 1st floor gross square footage	
Density		
Units per lot	no max.	
Dwelling Unit Size	1,400 sq. ft. max.	

** The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

*** The frontage area height requirement does not apply to additional and accessory structure.

**** See Urban Design Standards for additional requirements.

CS: Commercial Services



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure	5' min.	A
Principal Structure	20' max.†	B
Accessory Structure	20' min.	
Side C		
Principal Structure		
Lot width < 50'	0' min.	
Lot width > 50'	7.5' min.	
Accessory Structure	7.5' min.	
Rear D		
Principal Structure	7.5' min.	
Accessory Structure	7.5' min.	
Lot Size		
Width E		
	25' min.	
	no max.	
Depth F		
	no min.	
Minimum Lot Area		
	no min.	

† Setbacks in excess of 20' may be permitted by the Director where utility easements, environmentally sensitive areas or other physical constraints prohibit the placement of the building in the frontage area.

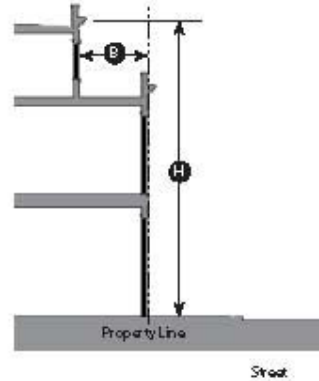
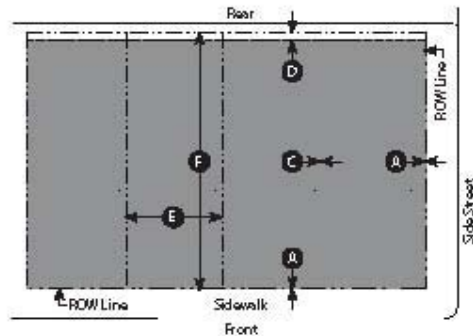
Building Form		
Height**		
Building Height		
Overall Height	63' max.	H
Frontage Area Height	26' min. (2 story)***	I
Ground Floor Ceiling Height	14' min.	J
Other Standards****		
Building Intensity		
Lot Coverage	no max.	
Floor Area Ratio	no max.	
2nd story intensity	50% of 1st floor gross square footage	
Density		
Units per lot	no max.	
Dwelling Unit Size	1,400 sq. ft. max.	

** The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

*** The frontage area height requirement does not apply to addition and accessory structures.

**** See Urban Design Standards for additional requirements.

CO: Commercial Old Town



Key
 ---- ROW / Property Line ■ Building Area
 ——— Setback Line

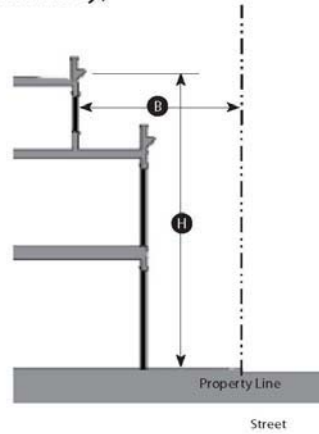
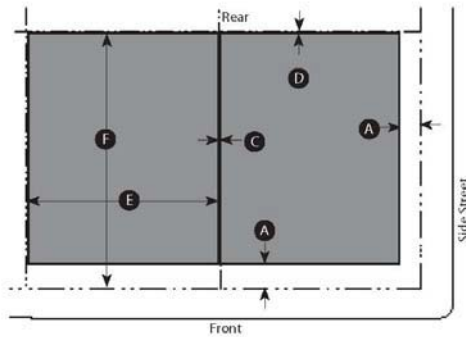
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure up to 28'	0' min. †	A
Principal Structure up to 28'	0' max. †	A
Principal Structure above 28'	15' min.	B
Side		
Principal Structure	0' max. †	C
Accessory Structure	0' max. †	C
Rear		
Principal Structure	10' min.	D
Accessory Structure	10' min.	D
Lot Size		
Width	25' min.	E
	150' max.	E
Depth	no min.	F
Lot Area	3,000 sq. ft. min.	F
	22,000 sq. ft. max.	F

† Or as required to provide public gathering space (recessed entries excepted)

Building Form		
Height ^{***}		
Building Height (Overall Height and Average Plate Height)		
Without residential units on the uppermost floor	28' max.	H
With residential units on the uppermost floor	38' max.	H
Public Facilities	42' max.	H
Other Standards ^{***}		
Building Intensity		
Lot Coverage	no max.	
Floor Area Ratio	2.0 max.	
Density		
Units per lot	no max.	

^{**} The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.
^{***} See Section 26-134 for additional design standards.

CY: Yampa Street Commercial (Adjacent to Lincoln Alley)



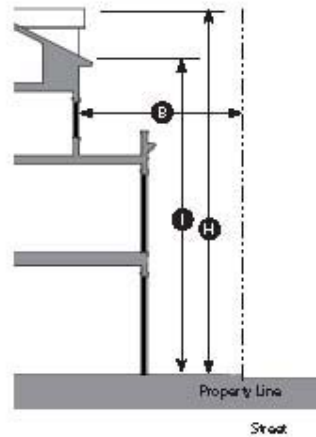
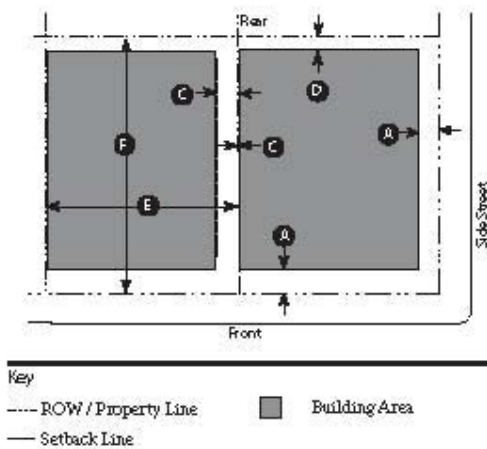
Key
 - - - - ROW / Property Line ■ Building Area
 ——— Setback Line

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure up to 28'	10' min.	A
Principal Structure above 28'	25' min.	B
Accessory Structure	15' min.	
Decks and porches	5' min.	
Side		
Principal Structure	0' min.	C
Accessory Structure	5' min.	
Decks and porches	5' min.	
Rear		
Principal Structure	0' min.	D
Accessory Structure	10' min.	
Decks and porches	20' min.	
Lot Size		
Width	25' min. 100' max.	E
Depth	no min.	F
Lot Area	3,000 sq. ft. min. 22,000 sq. ft. max.	

Building Form		
Height**		
Building Height		
Public Facilities	42' max.	H
With uppermost floor residential	38' max.	H
Without uppermost floor residential	28' max.	H
Other Standards		
Building Intensity		
Lot Coverage	85% max.	
Floor Area Ratio		
Without 3rd floor Residential	1.5 max.	
With 3rd floor residential	2.0 max.	
Density		
Units per lot	no max.	

** The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

CY: Yampa Street Commercial (Adjacent to the Yampa River)



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure up to 28'	10' min.	A
Principal Structure above 28'	25' min.	B
Accessory Structure	15' min.	
Decks and porches	5' min.	
Side		
Principal Structure (one side)	0' min.	C
Principal Structure (other side)	7.5' min.	
Accessory Structure	0' min.	
Decks and porches	0' min.	
Rear		
Principal Structure	30' min.*	D
Accessory Structure	15' min.*	
Decks and porches	10' min.*	
Lot Size		
Width		
	25' min.	E
	100' max.	
Depth		
	no min.	F
Lot Area		
	3,000 sq. ft. min.	
	14,000 sq. ft. max.	

* Measured from ordinary high water mark of Yampa River.

Building Form		
Height**		
Building Height		
Overall Height	36' max.	H
Average Plate Height	24' max.	I
Other Standards		
Building Intensity		
Lot Coverage	65% max.	
Floor Area Ratio	1.0 max.	
Density		
Units per lot	no max.	

** The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

CDC Sec. 26-139. Parking and loading design standards

(e) *Zone district specific standards.*

(10) *CC community commercial zone district.*

- a. Shared parking between sites and within individual developments is encouraged.
- b. No more than thirty (30) percent of required parking shall be located between the front of a building and US Highway 40.
- c. Commercial buildings that access onto US Highway 40 shall share access points to the maximum extent feasible, and existing access points shall be consolidated to the maximum extent practical.
- d. Adjacent commercial developments shall be interconnected with vehicular driveways and pedestrian facilities to the maximum extent practical.
- e. **Minimum parking requirements for commercial uses as outlined in CDC Sec. 26-139 (g) are to be MAXIMUM standards, or unless a parking study by a qualified professional accepted by the City of Steamboat Springs provides evidence otherwise.**

(11) *CS commercial services zone district.*

- a. **Minimum parking requirements for commercial uses as outlined in CDC Sec. 26-139 (g) are to be MAXIMUM standards, or unless a parking study by a qualified professional accepted by the City of Steamboat Springs provides evidence otherwise.**

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 12

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, ARTICLE XX, SECTION 26-402, DEFINITIONS AND USE CRITERIA TO CHANGE THE DEFINITION OF OPEN SPACE AND THE USE CRITERIA FOR MULTI-FAMILY.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the Steamboat Springs Area Community Plan Goal CD-2 states “new neighborhoods will help project a positive image of our community, and will incorporate mixed-use development principles and open space”; and

WHEREAS, the Steamboat Springs Area Community Plan Policy CD-2.3 states “incorporate natural features in new development areas and orient structures to maximize energy efficiency and water conservation”; and

WHEREAS, the City Council has determined that it is in the best interest of our community to change the definition of open space to better reflect the goals and policies of the Steamboat Springs Area Community Plan to provide usable open space; and

WHEREAS, the City Council has determined that it is in the best interest of our community to change the definition of multi-family to organize standards in their appropriate places in the Community Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. ARTICLE XX, Section 26-402, Definitions and Use Criteria of the Community Development Code shall be amended to revise the definition and use criteria:

Multi-family dwelling/use. A residential building designed for or occupied by three (3) or more families, maintaining independent access to each unit and separate living, kitchen and sanitary facilities. The number of families in residence shall not exceed the number of dwelling units provided.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Multi-family units shall not be located along a pedestrian level street or other public access frontage in the G-2, CO, CY, CN, CC and I zoning districts.
- c. In the CN zone district, there shall be no more than four (4) units per building.
- d. Each single purpose multi-family building shall architecturally represent a single-family structure in CY and CN.
- e. In the I zone district, multi-family dwelling units are allowed when the primary use of the property is for an industrial use.
- f. **In the CC and CS zone districts, multi-family dwelling units shall be no larger 1,400 square feet.**

Open space. An area within a lot not covered by buildings, streets, parking or driveways. Environmentally sensitive areas and riparian areas may be utilized to satisfy open space requirements. ~~Required minimum setbacks are not considered open space and shall not be included in the required minimum open space calculations, with the exception of thirty five (35) feet of the required setback from US Highway 40.~~ **Open space shall generally be contiguous and shall be for environmental protection and/or passive/active recreation. Isolated areas including parking lot landscape islands, traffic circles and other similar land features that do not serve an environmental and/or recreational function shall not meet this definition of open space. Required minimum setbacks, with the exception of waterbody setbacks as defined in CDC Sec. 26-145, are not considered open space and shall not be included in the required minimum open space calculations.**

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 13

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE URBAN DESIGN STANDARDS AND ENTRY CORRIDOR CONCEPTS, TO INCLUDE CONNECTIVITY REQUIREMENTS AND TO CHANGE THE LANDSCAPING REQUIREMENTS.

WHEREAS, The City Council adopted the Urban Design Standards and Entry Corridor Concepts as part of the Community Development Code as Ordinance #2154 on February 19, 2008; and

WHEREAS, the Steamboat Springs Area Community Plan Policy T-1.5 states "implement access control improvements as development occurs"; and

WHEREAS, the Steamboat Springs Area Community Plan Policy T-2.9 states "promote and integrated roadway network"; and

WHEREAS, the Steamboat Springs Area Community Plan Policy CD-2.3 states "incorporate natural features in new development areas and orient structures to maximize energy efficiency and water conservation"; and

WHEREAS, the City Council has determined that it is in the best interest of our community to require connectivity between sites to complement existing access control requirements; and

WHEREAS, the City Council has determined that it is necessary to amend the landscaping setback requirements to complement a more urban form of development in the Community Commercial and Commercial Services Zone Districts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Urban Design Standards and Entry Corridor Concepts shall be amended as follows:

INTERCONNECTEDNESS WITHIN AND BETWEEN SITES

** Intent of graphic is show site connectivity. No other standards are portrayed here.*

Figure 1: Example of Required Connectivity

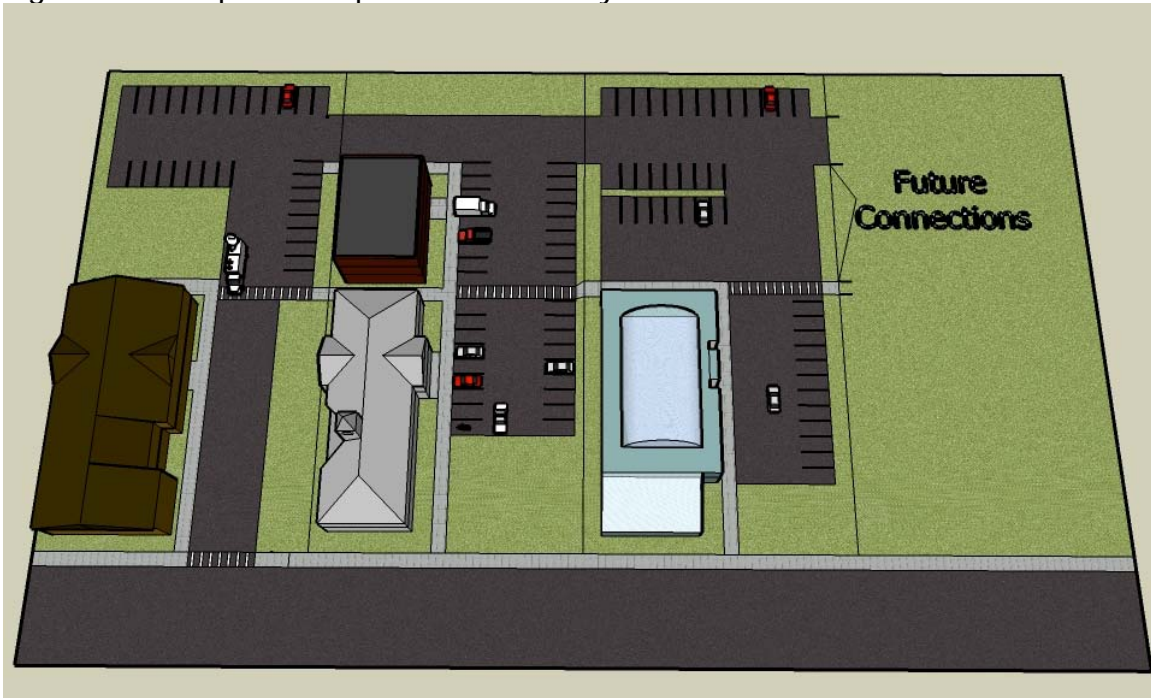


Figure 2: Example of Non-connectivity



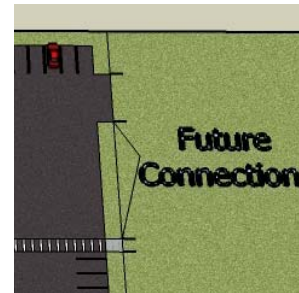
INTENT:

- To provide opportunities for pedestrian and other non-motorized movement between buildings within a site in a safe, direct and enjoyable fashion.
- To provide opportunities for pedestrian and other non-motorized movement between adjacent sites in a safe, direct and enjoyable fashion.
- In recognition of limited access to Highway 40 as illustrated through the Highway 40 Access Plan, provide and/ or enable vehicular access between adjacent sites.

DESIGN STANDARDS

Figure 2

PEDESTRIAN INTERCONNECTIVITY
FUTURE CONNECTION



Buildings and accompanying sidewalks, plazas and other pedestrian elements shall be arranged to provide safe, direct and pleasurable.

Section 2. Urban Design Standards and Entry Corridor Concepts shall be amended as follows:

Proposed Regulation Change: Amend the Urban Design Standards within Landscape Category/Setback Requirements (pg. 32) to state:

DESIGN STANDARDS

Landscape Categories

- Landscape categories shall be applied according to Table 2, below.

- With the exception of the entry corridor category defined below, the dense and moderate landscape categories shall be as defined in subsection 26-135(d) & (e) (1) and (2) of the City's Development Code.
- **Entry Corridor** landscaping shall mean:
 - One tree per two hundred (200) square feet of front landscape setback area.
 - Plant materials shall be located in informal groupings to extend the naturalistic character of the landscape through new development.
 - Seventy-five (75) percent of the required landscape area shall be comprised of native perennials and ornamental grasses.
 - Distribution of tree types shall be:
 - Large deciduous -- forty (40) percent minimum of the total number of required trees.
 - Ornamental -- twenty (20) percent minimum and thirty-five (35) percent maximum of the total number of required trees.
 - Shrubs -- fifteen (15) percent minimum and thirty-five (35) percent maximum of the required landscape area.
- **Entry Corridor CC/CS (Community Commercial – Community Services))** landscaping shall mean:
 - **Material amount, grouping and distribution shall be the same as "Entry Corridor landscaping" category (above).**
 - **"Setback area" refers to the area between the lot line and any building (5' – 20') and the area between the lot line and any parking lot (front: 30' min).**
- Automatic irrigation is required unless an alternative xeriscape plan is approved.
- All landscape setbacks, as required below, shall accommodate site distance requirements

Table 2: Landscape Categories/Required Landscape Setbacks*

	Community Commercial Zone District	Commercial Services Zone District	Industrial Zone District	Multifamily Residential Zone District
ENTRY CORRIDORS				
Highway 40/Elk River Road	30' setback area (entry corridor CC/CS)	30' setback area (entry corridor CC/CS)	30' setback (entry corridor)	30' setback (entry corridor)
Side streets	15' setback area (entry corridor CC/CS)	15' setback area (entry corridor CC/CS)	15' setback (entry corridor)	15' setback (entry corridor)
Parking lots	30' setback (entry corridor CC/CS)	30' setback (entry corridor CS/CS)	30' setback (entry corridor)	15' setback (entry corridor)
NON-ENTRY CORRIDORS				
Side streets	15' setback area (dense)	15' setback area (dense)	n/a	10' setback (moderate)
Parking lots	30' setback (dense)	30' setback (dense)	n/a	10' setback (moderate)

When a conflict exists, above requirements shall supersede any requirements of Article V of the Community Development Code.

Section 3. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 5. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 6. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 14

CITY COUNCIL COMMUNICATION FORM

FROM: Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: June 15, 2010

ITEM: Revisions to Article XX, Definitions and Use Criteria, Home Occupations, Text Amendment to the Community Development Code, #TXT-10-04

NEXT STEP: If approved on Second Reading, the ordinance will take effect 5 days following publication.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Revisions to Article XX, Definitions and Use Criteria, Home Occupations, Text Amendment to the Community Development Code, #TXT-10-04

PETITION: Revisions to allow greater flexibility for Home Occupations

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Jonathan Spence, Interim Director, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

PC ACTION: On May 13, 2010 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-10-04 by a vote of 7-0.

CITY COUNCIL COMMUNICATION FORM

Revisions to Article X, Definitions and Use Criteria, Home Occupations, Text Amendment to the Community Development Code, #TXT-10-04
June 15, 2010

I. RECOMMENDED MOTION

The Planning Commission recommends approval of the draft text amendment ordinance that revises Article XX, Definitions and Use Criteria, Home Occupations.

II. PLANNING COMMISSION DISCUSSION

The Planning Commission discusses the Use Criteria for Home Occupations and recommended changes to allow greater flexibility while maintaining neighborhood character.

III. BACKGROUND INFORMATION

The Department of Planning and Community Development initiated the proposed changes in response to an action item, in the Steamboat Springs Area Community Plan; specifically to promote and better support home occupations.

IV. PUBLIC COMMENT

None.

V. NEW INFORMATION

No new information at this time.

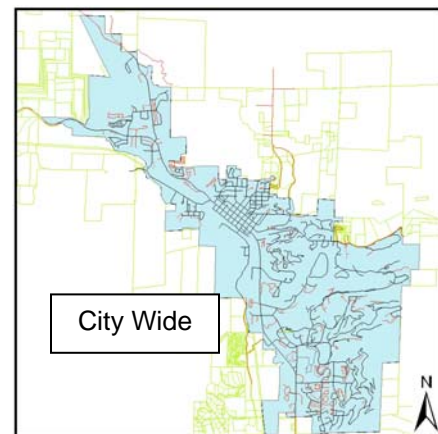
VI. LIST OF ATTACHMENTS

Attachment 1 - Planning Commission Report dated May 13, 2010
Attachment 2 - Planning Commission Draft Minutes from May 13, 2010



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #: 5	
Project Name:	Revisions to Home Occupation Use Criteria - #TXT-10-04
Prepared By:	Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)
Through:	Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)
Planning Commission (PC):	May 13, 2010
City Council (CC):	June 1, 2010 June 15, 2010
Zoning:	N/A
Location:	Citywide
Request:	Proposed revisions to Home Occupation use criteria to allow limited employees (1) and increase the allowable number of vehicular trips.



Staff Report - Table of Contents		
Section		Pg
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V.	Staff/Agency Analysis	5-4
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VII.	Attachments	5-5

I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-61(D): CRITERIA FOR APPROVAL. APPROVAL OF THE AMENDMENT SHALL BE GRANTED ONLY IF IT APPEARS BY CLEAR AND CONVINCING EVIDENCE PRESENTED DURING THE PUBLIC HEARING BEFORE PLANNING COMMISSION OR CITY COUNCIL THAT THE FOLLOWING CONDITIONS ESIST:					
Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with the community plan.	<input checked="" type="checkbox"/>			
2)	Error or goal/objective.	<input checked="" type="checkbox"/>			
3)	Public safety	<input checked="" type="checkbox"/>			
<p>Staff Finding: Staff finds the CDC Text Amendment to revise the Home Occupation use criteria to allow limited employees (1) and to increase the allowable number of vehicular trips to be in conformance with the criteria for approval. <i>(Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VI)</i></p>					

II. PROJECT LOCATION

Citywide

III. BACKGROUND INFORMATION

The Steamboat Springs Area Community Plan (SSACP) contains the following policy directive:

Policy ED-1.4: Opportunities for home occupations will be expanded.

Continue to promote home occupations and cottage industries to provide expanded employment opportunities. More people are working from their homes, a trend that results from shifts in the economy toward services, corporate down-sizing and improved telecommunications. Teleworking and appropriate home businesses can produce many community benefits including new business opportunities, such as information technology development, reduced traffic congestion, and reduced air pollution.

With the accompanying strategy:

Strategy ED-1.4(a): Ensure that the Development Code Supports Home Occupations -

Continue to allow home occupations and cottage industries under certain conditions. The City and County’s Development Regulations should be reviewed to ensure that the appropriate standards are in place, including size restrictions, number of employees, signage restrictions, and environmental impacts.

The Steamboat Springs Planning Commission held a worksession on March 15, 2010 to discuss the existing use criteria and possible revisions to better comply with the policy and strategy.

IV. PROJECT DESCRIPTION

Changes to the Use Criteria for Home Occupations are as follows:

Home occupation. A commercial use conducted entirely within a residential dwelling unit, ~~and solely~~ by the residents of the dwelling unit **and one (1) allowable nonresident employee, and** that is clearly incidental and secondary to the residential use of the dwelling.

- (1) *Use criteria.*
 - a. Review shall be prior to development or building permit, as applicable.
 - b. The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke, or vibrations detectable outside the dwelling unit.
 - c. The dwelling unit shall continue to be used primarily for residential purposes and the occupational activities shall be harmonious with the residential use.
 - d. There shall be no sale and/or display of merchandise which requires customers to go to the property.
 - e. No more than one customer or client vehicle associated with the home occupation shall be at the home at one time and no more than two (2) of the ~~weekly~~ **daily** trips to the home shall be related to the delivery of products and/or materials, with the exception of day care homes.
 - f. No more than twenty (20) percent of the gross living area shall be used for the home occupation and any related storage of supplies and materials.
 - g. The use of utilities shall be limited to that normally associated with the use of the property for residential purposes.
 - h. There shall be no on-premises signs advertising the home occupation.
 - i. Only one vehicle no larger than one ton may be related to and used in conjunction with the home occupation and shall be parked on-site.
 - j. Only one home occupation shall be permitted per residence unless more

than one home occupation can be operated where the combination of the home occupations utilize no more than twenty (20) percent of the living space within the residence.

- k. These criteria may be altered upon reasonable cause and with written approval by the director.

V. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval.

(d) *Criteria for approval.* In considering any application for amendment to the CDC, the following criteria shall govern unless otherwise expressly required by the CDC. Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

- (1) *Conformance with the community plan.* The amendment to the CDC will substantially conform with and further the community plan's preferred direction and policies.

Staff Analysis: **Consistent.** The proposed revisions, although relatively modest in nature, will further the community plans preferred direction and policy. (See Section III.)

- (2) *Error or goal/objective.* The amendment to the CDC will correct an error, or will further a public goal or objective.

Staff Analysis: **Consistent** The amendment will further the public goal of expanding opportunities for Home Occupations.

- (3) *Public safety.* The amendment to the CDC is necessary to ensure public health, safety and welfare.

Staff Analysis: **Consistent.** The proposed CDC Text Amendments is necessary to ensure the public health, safety and welfare by furthering the goals and policies of the Steamboat Springs Area Community Plan.

VI. STAFF FINDING & CONDITIONS

Finding

Staff finds the CDC Text Amendment to revise the Home Occupation use criteria to allow limited employees (1) and to increase the allowable number of vehicular trips to be in conformance with the criteria for approval.

Motion

The Planning Commission recommends to the City Council that the attached ordinance to revise the use criteria for Home Occupations is in conformance with the criteria for approval.

VII. LIST OF ATTACHMENTS

1. Ordinance (available by request)

Text Amendment to the Community Development Code (Home Occupations) #TXT-10-04 Text Amendments to the Community Development Code to revise the Use Criteria for Home Occupations to allow limited employees (1) and increase the allowable number of vehicular trips.

Discussion on this agenda item started at approximately 8:41 p.m.

STAFF PRESENTATION

Jonathan Spence –

The two items that I changed were 1) to allow 1 nonresident employee; 2) change the weekly to daily trips to the home related to delivery and product pick-up. I heard at the work session that the one employee should have been two. Maybe we should reopen the discussion regarding 'f'. I thought that when we had our discussion that we had looked to 'k' to address 'f' if it ever became a problem.

COMMISSIONER QUESTIONS

Commissioner Dixon –

I thought that we said two.

Commissioner Lacy –

That's what I thought as well.

Commissioner Dixon –

I actually thought that we had said that we wouldn't regulate it, but we would talk about regulating parking. That's where I thought that we went with it.

Commissioner Lacy –

I think that we discussed both. I think that we ended up on the two. I'm not sure that we got any consensus on the parking. That may be worth looking at.

Jonathan Spence –

With this whole thing we don't have any problems now.

There was a consensus between Commissions for two.

Commissioner Lacy –

For me you mentioned 'f'. Personally I don't really care what's going on the inside of a house. I don't know why we would have any percentage use for the gross living area regulated in any way. I'm not sure how you would regulate it anyway if you had this in here.

Jonathan Spence –

The way we would regulate it is through a complaint or a modification of use by criteria.

Commissioner Lacy –

Why do we care?

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Jonathan Spence –

We care because the intended primary use of the structure is supposed to be a home as opposed to a business.

Commissioner Levy –

You're trying to quantify that and that is clearly incidental.

Jonathan Spence –

You can't trigger four bedrooms into four offices for four accountants.

Commissioner Hanlen –

That's addressed with the number of employees unless you have all four of your children working for you.

Commissioner Meyer –

So far there hasn't been a problem, so let's not start a problem.

Commissioner Hanlen –

The reason why I was bringing it up was the way we've seen the demographic change just in the last two years for people who can run a real business out of their house. What I didn't like was the potential frailty of this law where you have a neighbor that says 'I don't like how there's so many trips for UPS trucks' or 'they have an employee there'. All of a sudden that person is forced to shut down their office. It all detests to the fact of what that did to my overhead when I got an office. I don't like the idea that somebody can simply complain. If we have some type of regulation here that could potentially kick somebody out of their house.

Commissioner Meyer –

I disagree with your overall goal.

Jonathan Spence –

I know that 'k' doesn't get you to where you're comfortable. Could we do something like 50%?

Commissioner Hanlen –

I'm fine with 50%. The fact that it says gross living area. If somebody counted your garage for storing tools in then half of the contractors in town would fall into that category. If a 600 square foot garage is counting towards their total square footage. If we either raise the percentage higher than that then I would feel more comfortable about it.

Commissioner Lacy –

I would too. If we do that then we'll have to make the same change to 'j'. It's very possible that both the husband and wife could work from home.

Commissioner Hanlen –

I've been to homes where there were no less than four people where they've ran two different businesses. The biggest thing is under 'b' where it says 'you're not going to do construction, there's no dust, fumes, noises, etc'. It seems like if they're doing something

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DRAFT

so obnoxious and it's driving their neighbor crazy it's addressed under 'b' without the percentage being needed.

Jonathan Spence –

They still need to maintain that this is still a place where they live.

Commissioner Lacy –

Ultimately the only thing that matters from that perspective is what people see from the outside.

Commissioner Dixon –

20%, versus 50%, versus 100% depending on the type of business being operated isn't necessarily an impact on the neighbor. You could have 5 accountants in a house and they're quiet and they work on their computer and they don't impact the neighbor.

Jonathan Spence –

It says in the definition that 'it's clearly incidental and secondary'.

Commissioner Hanlen –

Do we need the percentage at all?

Jonathan Spence –

I think that's helping you with defining what clearly incidental and secondary means.

Commissioner Hanlen –

Could we bump it to 30%?

Commissioner Dixon –

I'm with 50%.

There was a consensus by Commissioners to go with the 50% for gross living area.

Commissioner Beauregard –

My concern is that if you create a market for residential houses that people run businesses out of. If you relax these too much then people will buy houses to run their businesses out of. That's not where we want to go.

Commissioner Dixon –

No, that's what the clearly incidental and secondary means.

Jonathan Spence –

People do buy houses to run a call center out of, because it's cheaper than office space. I share Commissioner Beauregard's concern.

Commissioner Church –

I'm not concerned about phones ringing in somebody's house if it's a call center since I'll be at work anyways.

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Commissioner Lacy –

We've limited it to two employees so why would we care if it's a call center.

Commissioner Church –

You put a limit on the number of people that can work inside that house with the resident plus 2 others. I don't know how much further you can get. I think that you've placed some restrictions that are going to be tough to get over based on the number of employees and the percentage. I'm pretty comfortable with that. If it becomes a huge problem then we'll revisit.

Jonathan Spence –

The whole purpose of these regulations is so that if something does happen it's problematic and we have some place to turn. Nobody gets home office permits.

Commissioner Hanlen –

Most people in town probably don't know that this exists.

Commissioner Beauregard –

I think that it's scary to even be here talking about this.

Commissioner Dixon –

When someone does call and say they've got three employees in there and they're operating 60% of their house when that's not really the truth. What sort of proof has to accompany the complaint?

Jonathan Spence –

Someone from law enforcement would talk to them and ask if they have a home office permit and if not then they would go to court and fill it out and be told to comply.

Commissioner Dixon –

If they do have one and they are in compliance and you verify compliance.

Jonathan Spence –

They verify compliance.

Commissioner Dixon –

No, the officer verifies compliance.

Jonathan Spence –

No, the homeowner verifies compliance through the application process.

Commissioner Dixon –

What if they already have a permit and the neighbor complains falsely.

Commissioner Church –

Are you saying that nobody today has a permit?

Jonathan Spence –

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There might be two or three who actually have home office permits.

Commissioner Dixon –

Can my next-door neighbor who hates my guts shut me down for no cause?

Jonathan Spence –

No, we have to have a due process. We work closely with law enforcement and if we're really going to go after somebody that there's a reason for it.

Commissioner Hanlen –

I want to revisit the ability to have a small shingle hung. Is it acceptable to have a small sign out front? If somebody is hunting for your business it seems appropriate to have a small sign.

Jonathan Spence –

Isn't that more of a T3 or a T4 type application?

Commissioner Hanlen –

We don't have any TND zoning in the city. What I'm talking about is a T3 or a T4.

Commissioner Dixon –

In a home occupation if you want your client to come and find you then I would think that it would be appropriate to have something attached to your house. Limit the square footage.

Jonathan Spence –

We allow you to have a 1 square foot sign attached to your house.

Commissioner Church –

So it's already there.

Jonathan Spence –

Correct.

Commissioner Lacy –

We should just strike it then.

Commissioner Hanlen –

Up to 1 square foot?

Jonathan Spence –

Yes. It's 6"x2'. It's actually pretty big.

Commissioner Dixon –

I'm good with that. Instead of scratching it, it should just say 'on premise signs shall comply with article 9'. That way we know that there's a regulation.

Commissioner Lacy –

That's good. It would make it easier for people if they ever look at this.

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Jonathan Spence –

What's interesting is that most new subdivisions you can't put a sign in.

Commissioner Hanlen –

Because of covenants and not because of the City code.

Commissioner Lacy –

A lot of times it is a covenant issue.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMENDED MOTION

Finding

Staff finds the CDC Text Amendment to revise the Home Occupation use criteria to allow limited employees (1) and to increase the allowable number of vehicular trips to be in conformance with the criteria for approval.

Rec.Motion

The Planning Commission recommends to the City Council that the attached ordinance to revise the use criteria for Home Occupations is in conformance with the criteria for approval.

MOTION

Commissioner Hanlen moved to approve #TXT-10-04. Commissioner Lacy seconded the motion.

DISCUSSION ON MOTION

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Levy, Beauregard, Church, Dixon, Hanlen, Levy and Meyer

Absent: Slavik

Discussion on this agenda item ended at approximately 8:56 p.m.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO AMEND THE CRITERIA FOR HOME OCCUPATIONS.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City Council recognizes the strategy ED-1.4(a) Ensure that the Development Code supports Home Occupations, of the Steamboat Springs Area Community Plan to support home occupations; and

WHEREAS, the City Council has determined that it is necessary and proper to amend the use criteria pertaining to home occupations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Sec. 26-402 Definitions and use criteria shall be amended as follows:

Home occupation. A commercial use conducted entirely within a residential dwelling unit, ~~and solely~~ by the residents of the dwelling unit **and two (2) allowable nonresident employee**, ~~and~~ that is clearly incidental and secondary to the residential use of the dwelling.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in manner which would cause the premises to differ from its residential character by the use of colors,

materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke, or vibrations detectable outside the dwelling unit.

- c. The dwelling unit shall continue to be used primarily for residential purposes and the occupational activities shall be harmonious with the residential use.
- d. There shall be no sale and/or display of merchandise which requires customers to go to the property.
- e. No more than one customer or client vehicle associated with the home occupation shall be at the home at one time and no more than two (2) of the ~~weekly~~ **daily** trips to the home shall be related to the delivery of products and/or materials, with the exception of day care homes.
- f. No more than ~~twenty~~ **twenty five** (20 50) percent of the gross living area shall be used for the home occupation and any related storage of supplies and materials.
- g. The use of utilities shall be limited to that normally associated with the use of the property for residential purposes.
- h. ~~There shall be no on-premises signs advertising the home occupation.~~ **On premise signs shall comply with Article IX, SIGNS**
- i. Only one vehicle no larger than one ton may be related to and used in conjunction with the home occupation and shall be parked on-site.
- j. Only one home occupation shall be permitted per residence unless more than one home occupation can be operated where the combination of the home occupations utilize no more than ~~twenty~~ **twenty five** (20 50) percent of the living space within the residence.
- k. These criteria may be altered upon reasonable cause and with written approval by the director.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this ____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 15

CITY COUNCIL COMMUNICATION FORM

FROM: Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: June 15, 2010

ITEM: Revisions to Usable Lot Area - #TXT-10-05

NEXT STEP: If approved on Second Reading, the ordinance will take effect 5 days following publication.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Revisions to Usable Lot Area - #TXT-10-05

PETITION: Text Amendment to the CDC to revise the definition and related subdivision standard for Usable Lot Area to add greater clarification of intent.

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Jonathan Spence, Interim Director, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

PC ACTION: On May 13, 2010 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-10-05 by a vote of 4-3.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the CDC to revise the definition and related subdivision standard for Usable Lot Area to add greater clarification of intent.

June 15, 2010

I. RECOMMENDED MOTION

The Planning Commission recommends approval of the draft text amendment ordinance to revise the definition and related subdivision standard for Usable Lot Area to add greater clarification of intent.

II. PLANNING COMMISSION DISCUSSION

The Planning Commission discussed the proposed changes to the Usable Lot Area definition and the related subdivision standard. Some members of the Commission felt that the proposed changes resulted in a policy change as opposed to a clarification of existing policy, as intended. Please see the Commissioner minutes included as Attachment 2.

III. BACKGROUND INFORMATION

The Department of Planning and Community Development initiated the proposed changes at the request of the City legal staff to add greater clarification to the definition and related subdivision standard.

IV. PUBLIC COMMENT

None.

V. NEW INFORMATION

No new information at this time.

VI. LIST OF ATTACHMENTS

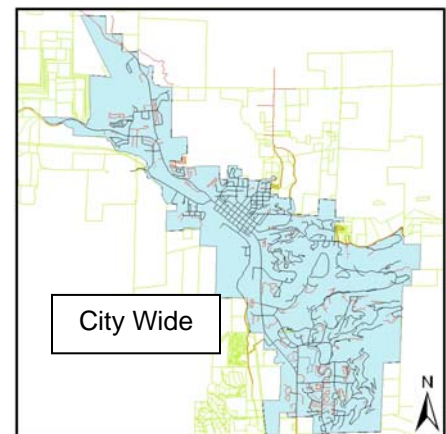
Attachment 1 - Planning Commission Report dated May 13, 2010

Attachment 2 - Planning Commission Draft Minutes from May 13, 2010



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #: 6	
Project Name:	Revisions to Usable Lot Area - #TXT-10-05
Prepared By:	Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)
Through:	Jonathan Spence, Interim Director of Planning and Community Development (Ext. 224)
Planning Commission (PC):	May 13, 2010
City Council (CC):	June 1, 2010 June 15, 2010
Zoning:	N/A
Location:	City Wide
Request:	Text Amendment to the CDC to revise the definition and related subdivision standard for Usable Lot Area to add greater clarification of intent.



Staff Report - Table of Contents		
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I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-61(D): CRITERIA FOR APPROVAL. APPROVAL OF THE AMENDMENT SHALL BE GRANTED ONLY IF IT APPEARS BY CLEAR AND CONVINCING EVIDENCE PRESENTED DURING THE PUBLIC HEARING BEFORE PLANNING COMMISSION OR CITY COUNCIL THAT THE FOLLOWING CONDITIONS ESIST:					
Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with the community plan.	<input checked="" type="checkbox"/>			
2)	Error or goal/objective.	<input checked="" type="checkbox"/>			
3)	Public safety	<input checked="" type="checkbox"/>			
Staff Finding: Staff finds the Text Amendment to the CDC to revise the definition and related subdivision standard for Usable Lot Area to be in conformance with the criteria for approval. <i>(Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VI)</i>					

II. PROJECT LOCATION

N/A

III. BACKGROUND INFORMATION

Through the course of development review, it has come to the attention of Planning Staff and the City’s legal staff that the definition of usable lot area and the related subdivision standard needed greater clarification in order to more clearly meet the intent of the regulation. The following changes have been requested by the City Attorney.

IV. PROJECT DESCRIPTION

The definition of Usable Lot Area shall be modified as follows:

Usable lot area. The lot area, excluding required setback areas and any of the following:

- (1) Any area covered by a natural body of water and/or delineated wetlands;
- (2) Land where the natural slope exceeds thirty (30) percent;
- (3) Land with unstable slopes;
- (4) Land within twenty (20) feet of the normal high water mark, or floodway or a natural body of water or watercourse, or other natural obstruction or road.
- (5) **Land encumbered by an easement or other building restriction that imposes restrictions on the land's use or development, unless the landowner demonstrates to the director's satisfaction that the easement or restriction does not materially affect the utility of the land for the proposed use or development.**

Sec. 26-183(a)(8)a shall be modified as follows:

The useable land area on the lot is not appropriate for development due to geologic/soils instability, impacts to environmentally sensitive areas, inability to provide basic utilities to that portion of the site, **inability to provide reasonable vehicular access**, or visual site sensitivity and overall disturbance of the site from excessive cut or fill. **This exception shall only apply if the relocated building envelope will result in significant reductions in the undesirable impacts of development listed in the preceding sentence and cited by the applicant as justification for the building envelope relocation.** This determination shall be made by the director and the director of public works based upon documentation provided by the applicant.

V. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval.

(d) *Criteria for approval.* In considering any application for amendment to the CDC, the following criteria shall govern unless otherwise expressly required by the CDC. Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

- (1) *Conformance with the community plan.* The amendment to the CDC will substantially conform with and further the community plan's preferred direction and policies.

Staff Analysis: Consistent. By clarifying the definition of usable lot area and the corresponding subdivision standard, the amendment furthers the community plan's policy of encouraging development in appropriate and safe locations.

- (2) *Error or goal/objective.* The amendment to the CDC will correct an error, or will further a public goal or objective.

Staff Analysis: Consistent. The proposed amendment will reduce the possibility that the criteria be applied incorrectly.

- (3) *Public safety.* The amendment to the CDC is necessary to ensure public health, safety and welfare.

Staff Analysis: Consistent. The proposed CDC Text Amendments is necessary to ensure the public health, safety and welfare by furthering the goals and policies of the Steamboat Springs Area Community Plan.

VI. STAFF FINDING & CONDITIONS

Finding

Staff finds the Text Amendment to the CDC to revise the definition and related subdivision standard for Usable Lot Area to be in conformance with the criteria for approval.

Motion

The Planning Commission recommends to the City Council that the attached ordinance to revise the definition and related subdivision standard for Usable Lot Area to be in conformance with the criteria for approval

VII. LIST OF ATTACHMENTS

1. Ordinance (available by request)

Text Amendment to the Community Development Code (Usable Lot Area) #TXT-10-05
Text Amendments to the Community Development Code to revise the definition and
related subdivision standard for Usable Lot Area to add greater clarification of intent.

Discussion on this agenda item started at approximately 8:59 p.m.

STAFF PRESENTATION

Jonathan Spence –

This was requested and written by the City Attorney feeling that the existing definition and standard has some legality issues as far as intent. If you do change this language that's fine, but when I bring it before City Council I will bring both.

COMMISSIONER QUESTIONS

Commissioner Lacy –

What are we really trying to get at here? I'm not really sure the way this is worded. It's pretty confusing to me.

Jonathan Spence –

The first one is saying that when you define your usable lot area in addition to your usable lot area not one that's under water or on steep slopes, but within 20' of the high water mark or can't be built on for another reason such as an easement that prevents you from building there. If there is such an easement that it not be used for usable lot area.

Commissioner Lacy –

What's the distinction between usable lot area and buildable lot?

Jonathan Spence –

When it's used in this discussion the usable lot area are those areas that can be built upon. You need to prove that you can meet the usable lot area definition, which is 'on your property there is the maximum lot coverage times the minimum lot size for the zone district that is usable according to what the attorney has written.

Commissioner Lacy –

This just seems redundant to me. If there's already an easement or other building restriction that imposes restrictions on the lands that are used for development then how could we ever include it in the first place?

Jonathan Spence –

We went to court on that already.

Commissioner Lacy –

I'm not familiar with that one.

Commissioner Levy –

Didn't we see that? There was a power line easement and the ground itself was buildable technically. You can't use that as part of the calculation even though we all thought that he was going to be included from building at that spot. Didn't they use that for their calculation

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even though they built elsewhere? They used that for the building size even though that technically wasn't a buildable spot.

Commissioner Hanlen –

The way that was written and the way the code actually reads is that you have to define a usable lot area. At that point it requires the director to designate a building envelope, but it doesn't have to coincide with the usable lot area. That's where this whole confusion kicks in. That's why I want to propose before we get bogged down on this of correcting the language in the definition we need to step back and take a look at the policy itself. I would like to throw this out.

Jonathan Spence –

If that's what you want to do then we need to get the attorney here.

Commissioner Hanlen –

I'll spit it out and you tell us what we need to do. I think that the intent of this got a little bit confused when this got thrown into the code. I would like to say that in an ideal site planning the flatter areas would be used for the yard, driveway, and garage. The house is being placed on the upslope or the down slope. By doing this you preserve the best parts of the lot and you accommodate either a daylight or a walkout lower level. What the current code does is it dictates the creation of a building envelope on the flattest section, which forces the house to the flattest part of the site and then it forces the yard, driveway and the parking area outside of the building envelope. By doing so it's almost like the equivalent of taking the landing strip and putting it on a hillside. There's nothing that dictates that you can't build retaining walls and you can't do this. It seems like if the intent was to preserve steep slopes then all of a sudden we're into this impact of the site that if the whole idea was that we want to preserve and avoid these steep slopes then you didn't do that. We can still create a driveway to get up that steep slope. We can still create a large yard outside of the building envelope. It restricts the location of the house. If a house is placed on a steeper slope then a lot of times you're able to work with that slope better than if it's just a driveway or a yard. I would like to see this take one step further and remove the usable lot area definition all together from the CDC. It seems like it's not resulting in what the intent was. If we want to take it one step back then it's back to the way the current code reads, which simply says that you have to simply prove that have a usable lot area on your lot, but we don't have to force them to build a house there. You just have to prove that there's a usable lot area there.

Jonathan Spence –

The third option is what's in front of you here. First you have to prove that you meet the usable lot area. He showed a diagram showing an example of usable lot area. In order to get to this lot the impacts of the driveway would be such that it's undesirable. You could have slopes that are in excess of 30 degrees, but in order to get here the impacts would be less if you were to build on the 30-degree slopes.

Commissioner Hanlen –

That's the way the current code is written. It's not what the attorney wrote. This is incredibly confusing and I think that it creates more problems than the current one did.

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Jonathan Spence –
What do you find confusing?

Commissioner Hanlen –
The way that it's currently written and the way that I took it was that Staff intended and took the intent away from it that it should say easements as part of one of the exclusions. It did not include easements as excluded lands. That's how staff has always interpreted it. I felt like when he brought this forward it was trying to include that and then he added this additional language, which made it more confusing.

Jonathan Spence –
We do feel strongly that it should have included easement all along.

Commissioner Hanlen –
You felt that way, but it didn't state that.

Commissioner Dixon –
So you think that it was an error that's number 2 in our criteria for approval.

Jonathan Spence –
Yes. You don't feel that was the intent?

Commissioner Hanlen –
You were saying that was the intent the way the code read before.

Jonathan Spence –
We thought that it was self-explanatory. You can't build on it so it can't be used as usable lot area.

Commissioner Hanlen –
All of this boils down to is do we want to be able to do infill?

Jonathan Spence –
This doesn't have to do with infill.

Commissioner Hanlen –
Yes it does.

Jonathan Spence –
That's a subdivision regulation.

Commissioner Hanlen –
When you have a 10' setback.

Jonathan Spence –
This isn't infill.

Commissioner Dixon –

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Sure this is infill.

Jonathan Spence –

When you want to split a lot then yes it is infill. The CDC says that we will not build on steep slopes.

Commissioner Hanlen –

Currently the way that it's set up where the minimum lot size times maximum lot coverage defines the usable lot area. If you're to go out today and find an example of where that would fit by excluding easements even on a fairly simple lot it's a difference between a 10' setback and a 15' easement. Most of the older subdivisions had blanket utility easements along lot perimeters. You just reduced the potential usable lot area and you kicked it into this next realm of you need now bigger lots to be able to chop it in half.

Jonathan Spence –

I don't believe that's the case.

Commissioner Hanlen –

What examples has this been a problem with?

Jonathan Spence –

It hasn't been.

Commissioner Hanlen –

So there's only been one and now we're changing the whole code based off of one example?

Jonathan Spence –

Nobody else has said that their usable lot area is not usable.

Commissioner Beauregard –

Clearly as this is written if you had a flat spot somewhere that you could build on it. Your drawing showed that it was more desirable to build on the steep slope that you could do that.

Commissioner Dixon –

Yes, that's what I'm reading now. I didn't understand that until you just drew that. You first need to prove your usable lot area then if your land is going to be chopped up in a way that it has to switch back and it's going to create a bigger impact than if you built your house on the steeper part of the slope then the director has a discretion to allow that.

Jonathan Spence –

Yes.

Commissioner Dixon –

You first have to prove the usable lot area. What this is saying is that usable lot area has to be defined excluding these five things. What Dan Foote added here is Number 5.

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Commissioner Meyer –
What if it's a private easement between two parties?

Jonathan Spence –
We're talking about any easement.

Commissioner Hanlen –
That could be a driveway access easement. You're taking that minimum lot size that you need to be able to create a subdividable property and you just upped that considerably once you included easements. Easements go way beyond utility easements.

Commissioner Beauregard –
I think that you're jumping into a whole different discussion. That is do we require usable lot area at all?

Commissioner Hanlen –
It didn't include easements for that reason I believe. Easements a lot of times greatly exceed the square footage on a given lot.

Commissioner Dixon –
You opened up the policy discussion whether or not we should consider usable lot area at all in subdivisions. I think that's a bad policy. I don't support any policy that goes against density and infill and I think this does. Not just the changes, but the existing policy.

Jonathan Spence –
You're in direct conflict with the CP. It's your job to support it.

Commissioner Dixon –
I think that we're getting ready to go through the process of changing our CP drastically. I don't think that this is the appropriate time to change this.

Jonathan Spence –
We have specifically said that we will not build on steep slopes. If you get rid of this whole thing then you can take the steepest lot you can find and subdivide it.

Commissioner Dixon –
I think that there's a little bit of confusion in terms of how large of a scale a project is versus how much impact it actually does have. On the Blue Sage property that we're talking about it has absolutely minimal impact on anything, because you can build on it now. He can build on it now whether it's the right thing to do. What he was asking to do would have had less impact on the neighborhood than what he can currently do. I think that there needs to be a distinction between the large-scale development and a huge visual impact versus neighborhood infill. We don't have that distinction right now. That's one of the reasons why we need to revise our subdivision regulations. I'm not in favor of supporting any changes to a regulation that goes against what I think is good density and infill opportunity.

Commissioner Beauregard –
Why is your land within 20' of the normal high water mark and not 50'?

Jonathan Spence –
I have no idea.

Commissioner Beauregard –
It's a setback and not an easement. What the regulation is saying is that you need at least a flat spot on your property.

Jonathan Spence –
It doesn't have to be flat; it just has to be less than 30 degrees.

Commissioner Beauregard –
Not flat, but usable.

Commissioner Lacy –
The way you drafted this under Subsection 5 anybody that disagrees can still challenge it in court. They could say that the director's decision was unreasonable.

Jonathan Spence –
They would be challenging the director's decision as opposed to the code.

Commissioner Hanlen –
I thought that we had talked about this with Tom Leeson to take out the ambiguity that the director had to make and try to create nice clear definitions?

Jonathan Spence –
There is no way that you can do that in this case.

Commissioner Hanlen –
It seems like Dan Foote made it worse than what it was before. This seems more ambiguous than what it was before.

Commissioner Levy –
It seemed to me to be a clarification. When I first read it, #5 seemed to make sense to me that we're adding an additional definition of what the usable lot area is. We're adding this exception that you can build elsewhere and I don't see it to be a serious policy change. It seems to be a clarification to me. Adding a little bit more flexibility, even if it's not worded in the best manner. I think that staff's intent is met. I don't see where we're going with this discussion about whether the usable lot area is appropriate or not. I don't think that's what's before us now.

Commissioner Lacy –
Is there a difference between usable and buildable?

Jonathan Spence –
The idea isn't that you need to build everywhere on your usable lot area. What it's saying is that there's options on your site where you can put a building.

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Commissioner Dixon –

Number 3 is public safety. Can you go into how this is an impact on public safety, health, and welfare on the criteria for approval?

Jonathan Spence –

It's a reference to the furthering of the goals and policies for the SSACP.

Commissioner Church –

Could you be more specific?

Jonathan Spence –

We're preserving the public safety, health, and welfare and making sure that our codes are consistent with what's intended.

Commissioner Lacy –

Is the City at all worried about passing this ordinance that basically is proving the adverse party's case?

Jonathan Spence –

No, this was the direction of the City attorney. The briefing has been submitted.

Commissioner Beauregard –

This only applies when you're subdividing a lot. As far as infill is concerned if there's an existing lot drawn out and it doesn't meet this they can still build on it?

Jonathan Spence –

It happens every day.

Commissioner Dixon –

They can't make a smaller lot out of their existing lot.

Commissioner Beauregard –

Can we make it easier in the future? I fully agree with Commissioner Hanlen's first statement about building on the steep section of the lot. Can we make it so that a certain subdivision size triggers this?

Jonathan Spence –

No, I don't think that we want to see twice as many driveways in one area.

Commissioner Beauregard –

Maybe with the Blue Sage area we can do that.

Jonathan Spence –

Where do you draw the line?

Commissioner Beauregard –

At some point we need to make it easier to densify somehow. If this becomes a huge hurdle then it seems like we need to address it somehow.

Jonathan Spence –
I don't think that it's going to be a hurdle.

Commissioner Beauregard –
I can't say that I fully understand it, but if the attorney feels that it's necessary then I'm fine with it.

Commissioner Church –
Is there any desire to have Dan Foote come and explain from his perspective?

Jonathan Spence –
He prefers to not come.

Commissioner Beauregard –
He'll be at City Council, right?

Jonathan Spence –
Right.

Commissioner Beauregard –
I say that we should just kick this back to them and let them ask for it since they wrote it and let them deal with it.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMENDED MOTION

Finding

Staff finds the Text Amendment to the CDC to revise the definition and related subdivision standard for Usable Lot Area to be in conformance with the criteria for approval.

Rec.Motion

The Planning Commission recommends to the City Council that the attached ordinance to revise the definition and related subdivision standard for Usable Lot Area to be in conformance with the criteria for approval.

MOTION

Commissioner Beauregard moved to approve #TXT-10-05. Commissioner Lacy seconded the motion.

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DISCUSSION ON MOTION

Commissioner Dixon –

I won't be supporting it, because I don't think that the code is in error for criteria 2. I think that the usable lot area and buildable lot area are intended to be 2 different things.

Commissioner Hanlen –

I agree with Commissioner Dixon.

Commissioner Meyer –

I don't think that I will be supporting it tonight. It's the bold portions that are being suggested to be changed. At this point I'm not comfortable with the language as far as clarity. I think that it complicates some things. I don't think that we had that discussion. We got caught up in the big policy discussion. I won't be supporting it tonight and that's not to say that I won't support it in the future.

Commissioner Lacy –

I would normally agree with you, but we're obviously not going to get the City attorney to come here to talk about it.

Commissioner Meyer –

That's unfortunate and I'm sorry that Dan Foote feels that way.

Jonathan Spence –

He's not our attorney; he works for the City Council.

Commissioner Meyer –

It puts you in a very difficult position and I'm sorry.

VOTE

Vote: 4-3

Voting for approval of motion: Levy, Beauregard, Church, and Lacy

Voting against the motion to approve: Meyer, Hanlen, and Dixon

Absent: Slavik

Discussion on this agenda item ended at approximately 9:27 p.m.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO REVISE THE DEFINITION AND RELATED SUBDIVISION STANDARD FOR USABLE LOT AREA TO ADD GREATER CLARIFICATION OF INTENT.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City Council recognizes the need for standards and definitions to be clear and unambiguous; and

WHEREAS, the City Council has determined that it is necessary to revise the definition and related subdivision standard for Usable Lot Area to add greater clarification of intent.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Sec. 26-402 Definitions and use criteria shall be amended as follows:

Usable lot area. The lot area, excluding required setback areas and any of the following:

- (1) Any area covered by a natural body of water and/or delineated wetlands;
- (2) Land where the natural slope exceeds thirty (30) percent;
- (3) Land with unstable slopes;
- (4) Land within twenty (20) feet of the normal high water mark, or floodway or a natural body of water or watercourse, or other

natural obstruction or road.

- (5) **Land encumbered by an easement or other building restriction that imposes restrictions on the land's use or development, unless the landowner demonstrates to the director's satisfaction that the easement or restriction does not materially affect the utility of the land for the proposed use or development.**

Section 2. Sec. 26-183. Standards for all subdivisions

(a) *Lots*. No subdivision shall be approved that does not create a legal building site meeting all applicable requirements of the CDC and the applicable zone district unless modified by a development plan variance, preliminary plat variance or PUD.

- (1) For the purpose of calculating individual lot size, public rights-of-way, and private street easements shall not be included.
- (2) A street shall not divide a subdivided lot.
- (3) All lots shall meet or exceed the minimum lot size required by the zone district in which they are located.
- (4) The overall length of a lot shall not exceed five (5) times the width of the lot.
- (5) Lots with two (2) or more sides surrounded by a public or private street are required to have a minimum lot size and useable lot area at least fifteen (15) percent larger than the minimums established for the zone district.
- (6) Remnant parcels with less than the required minimum lot size shall be prohibited unless dedicated to, and accepted by the city as an easement, tract, open space, or other similar public purpose consistent with the requirements of subsection 26-183(e) regarding dedications.
- (7) Lot lines shall be within fifteen (15) degrees of perpendicular to the street or within fifteen degrees (15) degrees of radial to the street on lots with average slopes less than fifteen (15) percent.

- (8) Each lot shall have a contiguous useable lot area equal to or greater than the maximum lot coverage, as multiplied by the minimum lot area for the zone district in which it is located. (For example, if the maximum lot coverage for the zone district is thirty-five (35) percent and the minimum lot area for the zone district is one acre, then the lot shall have at least a minimum contiguous useable lot area of thirty-five (35) percent of one acre.) When a lot has areas of land that do not meet the definition of useable lot area, building envelopes shall be established on that lot that include only those areas of land that do meet the useable lot area definition. Exceptions to the building envelope portion of this provision shall be allowed only in the following circumstance:
- a. The useable land area on the lot is not appropriate for development due to geologic/soils instability, impacts to environmentally sensitive areas, inability to provide basic utilities to that portion of the site, **inability to provide reasonable** vehicular access, or visual site sensitivity and overall disturbance of the site from excessive cut or fill. **This exception shall only apply if the relocated building envelope will result in significant reductions in the undesirable impacts of development listed in the preceding sentence and cited by the applicant as justification for the building envelope relocation.** This determination shall be made by the director and the director of public works based upon documentation provided by the applicant.

Section 3. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 5. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 6. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**