

AGENDA ITEM # 2

PLANNING COMMISSION COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext. 260)

THROUGH: Tyler Gibbs, AIA, Director of Planning & Community Development (Ext. 244)

DATE: January 24, 2013

ITEM: #TXT-12-04: Planned Unit Development District (PUD) – Amended PUD Process

NEXT STEP: Planning Commission’s recommendation will be forwarded to the City Council for First Reading of this Ordinance on February 5, 2013.

<input checked="" type="checkbox"/>	ORDINANCE
<input type="checkbox"/>	RESOLUTION
<input checked="" type="checkbox"/>	MOTION
<input type="checkbox"/>	DIRECTION
<input type="checkbox"/>	INFORMATION

PROJECT NAME: #TXT-12-04: PUD - Amended PUD Process

PETITION: A text amendment to Sec. 26-81 Planned Unit Development to completely revise the way in which PUDs are processed. The changes to the PUD section necessitate changes in the following sections to eliminate inconsistencies with the new PUD language: Sec. 26-150 Commercial Over 12,000 Square Feet, Sec. 26-65 Development Plan, Sec. 26-42 Development Review, Sec. 26-67 Preliminary Plat, Sec. 26-91 General.

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

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

CDC - Section 26-61(D): Criteria for approval. <i>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:</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 health, safety, & welfare	<input checked="" type="checkbox"/>			
<p>Staff Finding: Staff finds that the proposed Community Development Code Text Amendments, #TXT-12-04, to Section 26-81 Planned Unit Development, Section 26-150 Commercial over 12,000 Square Feet Standards, Section 26-65 Development Plan, Section 26-67 Preliminary Plat, Section 26-91 General, and 26-42 Development Review, <u>are consistent with the criteria for approval per CDC Sec. 26-61(D).</u></p>					

II. BACKGROUND

The current Planned Unit Development (PUD) is a process for reviewing variances that exceed the thresholds as established in Development Plan and Preliminary Plat. Currently, a development proposal that has three or more variances it is required to be processed as a PUD as well as a development plan. When a subdivision proposal has five or more variances it is required to be processed as a PUD as well as a Preliminary Plat. This current PUD process requires an applicant to have invested significant amount of time and resources in the planning of the development before the applicant receives approval of the fundamental aspects of their development.

For the past year, Planning Staff has been working with the Planning Commission and the Community Development Code Users Advisory Group to identify problem areas within the Community Development Code. One problem that has been identified by both groups and Planning Staff is the need to revise the PUD process. The PUD process has been identified as needing change for the following reasons:

- The Purpose and Intent of the existing PUD was not being achieved. Applicants were forced into this process if their number of variances exceeds the thresholds. For this reason we were not seeing development that provided “innovative site planning”.
- The current process is seen as a punitive measure rather than a process to encourage exemplary development.
- No rational nexus seems to exist between a proposed variance and the required benefit ratio.
- The PUD should be a zone change rather than a way to process variances.
- Applicants must invest significant amount of resources and time before the applicant receives approval on the fundamental aspects of their development (height, setbacks, FAR, etc.)

Planning Staff has been working with the Planning Commission via a number of worksessions to develop a new PUD process in response to the concerns and issues mentioned above. The proposed PUD District amendment includes the direction provided at these meetings. A summary of key changes proposed in the attached ordinance are as follows:

- The proposed Planned Unit Development District (PUD District or PUD) will allow for the creation of a custom zone district that is designated on the official zoning map rather than the current process which is just an avenue for processing variances.
- The proposed PUD District will allow for vesting in perpetuity similar to that of standard zoning of a property.
- The proposed PUD District will be a process or tool that developers may elect to do rather than the current process which forces development proposals into a PUD review process if their number of variances exceeds the threshold.
- The proposed PUD District will not require “public benefit” payments from a developer in exchange for variances. The development proposed through the PUD District will have to demonstrate that the project in itself provides “community enhancements” not achievable through a standard zone district.
- Applicants submitting an application through the proposed PUD will be able to receive early feedback on basic aspects of their proposed development before significant investments are made.

These proposed changes are explained in greater detail below. To facilitate these changes we have developed an ordinance to this affect. *Please see attachment 1 for proposed ordinance.*

III. DESCRIPTION

Below is a description of the changes that are being proposed in the attached ordinance. The changes to the PUD process necessitated changes to other section of the code to remove any conflicting language and to reorganize language.

Sec. 26-81: PUD District- In addition to the description of the PUD changes mentioned above, staff has revamped the entire PUD section to include a detailed Purpose and Intent statement which informs potential PUD District applicants when application for a PUD District would be appropriate. This section dictates that a proposed PUD District for a lot or group of lots must have unique and extraordinary circumstances, must be compatible with surrounding character and adopted plans, and provide community enhancement for a project to be considered for a PUD District.

Staff has also significantly revamped the section regarding the criteria for review and approval of a PUD District. This section goes on to describe specifically what type of unique and extraordinary circumstances that would allow for the approval of a PUD District. Other approval criteria in addition to the unique and extraordinary circumstances are compatibility with surrounding character and adopted plans, effects on natural environment, and community enhancement.

Sec. 26-150: Commercial over 12,000 Square Feet Standards – This section was updated to remove the public benefit section that is specific to commercial buildings over 12,000 square-feet from the

PUD section and added to the section already dealing with design standards for these types of buildings.

Sec. 26-65: Development Plan- This section was amended to remove conflicting language regarding when a Development Plan has more than two variances a PUD is required.

Sec. 26-67: Preliminary Plat- Similar to the Development Plan above, this section was amended to remove conflicting language regarding when a Preliminary Plat has more than four variances a PUD is required.

Sec. 26-91: General- This is to remove the requirement that developments within the G-1 and G-2 zones shall be processed as a PUD. This change is a change that should have been made back in 2009 when the code was amended to remove this requirement from base area developments.

Sec. 26-42: Development Review - Amendments to this section are necessary to remove reference to PUD for Development Plan and Preliminary Plat.

Please see the attached ordinance for the proposed text amendments. For more information regarding the current ordinance language please see the appropriate section of the Community Development Code.

IV. CRITERIA FOR REVIEW AND APPROVAL

CDC Sec. 26-61. CDC text amendments.

(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 Amendment is consistent with the following Steamboat Springs Area Community Plan goals and staff finds no goals or policies that conflict with the proposed amendments:

- Goal LU-1: Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential uses.
- Policy LU-3.1: New development will maintain and enhance the character and identity of existing residential neighborhoods.
- Policy LU-3.2: New development will be designed to promote distinct new mixed-use neighborhoods.

- Policy CD-1.4: Encourage high quality site planning and building design.
- Policy CD-1.5: Infill and redevelopment project shall be compatible with the context of existing neighborhoods and development.

- (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 Amendment will further the Community's goals and objectives as outlined above. While the intent of the text amendment is to amend the PUD section, there is an error in the code that will be fixed through this amendment regarding the requirement of a PUD for G-1 and G-2 developments. No other changes are being made to address and error.

- (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 and providing clear direction to developers on how the citizens would like to see their community developed.

V. STAFF FINDING & RECOMMENDATION

Staff finds that the proposed Community Development Code Text Amendments, #TXT-12-04, to Section 26-81 Planned Unit Development, Section 26-150 Commercial over 12,000 Square Feet Standards, Section 26-65 Development Plan, Section 26-67 Preliminary Plat, Section 26-91 General, and 26-42 Development Review, are consistent with the criteria for approval per CDC Sec. 26-61(D).

VI. ATTACHEMENTS

1. Proposed Ordinance

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 26-81 PLANNED UNIT DEVELOPMENT; AMEND SECTION 26-150 COMMERCIAL OVER 12,000 SQUARE FEET STANDARDS; AMEND SECTION 26-65 DEVELOPMENT PLAN; AMEND SECTION 26-67 PRELIMINARY PLAT; AMEND SECTION 26-91 GENERAL; AND AMEND SECTION 26-42 DEVELOPMENT REVIEW.

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

WHEREAS, the City of Steamboat Springs is 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 has determined that it is proper and necessary to amend the Planned Unit Development and create a new section titled Planned Unit Development District to redefine the purpose and intent of a Planned Unit Development and remove the required public benefit in exchange for requiring the development itself to be the benefit to the community; and

WHEREAS, the City Council has found it appropriate to modify the Planned Unit Development to allow the creation of a custom zone district and redefine the applicability and criteria for approval; and

WHEREAS, the City Council has found it appropriate to amend Section 26-65, Development Plan and Section 26-67, Preliminary Plat to remove the mandatory Planned Unit Development review for projects requesting three or more variances through a Development Plan and five or more variances through a Preliminary Plat; and

WHEREAS, the City Council finds it appropriate to remove sections of the code that relates to large format retail from the Planned Unit Section and move it to Section 26-150, Commercial Over 12,000 Square Feet Standards; and

WHEREAS, the City Council finds it appropriate to amend Section 26-91, General and Section 26-42, Development Review, to remove conflicting language created with the adoption of the proposed PUD District; and

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

Replace entire Section 26-81, Planned unit development with the following:

Sec. 26-81. Planned unit development district

a. General Purpose and Intent.

The general purpose of the Planned Unit Development Zone District (PUD District or PUD) is to encourage flexibility and innovation in the development of land to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and significant and multiple variances and conditions can be avoided. A PUD District shall not be used solely as a vehicle to enhance a proposed development's economic feasibility.

(1) Unique and extraordinary circumstances. Unique and extraordinary circumstances that justify use of a PUD District include the following:

- a. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development construction practices;
- b. Where improved siting of the development will preserve valued environmental, cultural, historic, or scenic resource lands or view corridors, minimize the disturbance of natural hazard areas, increase the amount of functional open space within the development, or create functional public spaces;
- c. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful phased development.
- d. The PUD District shall allow creativity in the development process, use of land, and use of related physical facilities to produce a superior outcome in terms of building siting and design, accommodation of desired uses, amenities and/or housing options consistent or complementing the goals of the community plan. Use of a PUD District may permit the integration, rather than the separation, of land uses, to provide opportunities for commercial, recreational, and educational facilities to be conveniently located near a mix of housing types. The District may establish land use patterns that promote and expand opportunities for public transportation and provide street and utility networks that are safe, compact, and efficient.
- e. Where a proposed development has unique and specific design considerations that are necessary to the function of the proposed use which requires a more customized approach to zoning.

(2) Compatibility with surrounding character and adopted plans.

- a. A PUD District is not intended as a vehicle to develop a site inconsistent with the applicable neighborhood context and character.

b. The PUD will substantially further the community plan's preferred direction and policies, or specific area plans, and the rezoning will substantially conform to and/or compliment the community plan land use map designation for the property, or is accompanied by an application for an amendment to the community plan land use map and the amendment is approved prior to approval of the proposed PUD.

(3) *Community Enhancement.* In return for flexibility in zoning; development under a PUD should provide a demonstrable community enhancement not achievable through application of a standard zone district. A Community enhancement may include, but is not limited to, diversification in use of land, innovation in development, more efficient use of land and energy, exemplary pedestrian connections and amenities, or any other feature that meets or exceeds the goals and objectives of the community plan.

(b) *Applicability.*

(1) An applicant may apply for a PUD on any land within the city with the exception of those parcels located within the gondola one (G-1), gondola two (G-2), resort residential one (RR-1), and resort residential two (RR-2) zone districts.

(2) Simultaneous processing of applications may be permitted as set forth in 26-42, Development Review.

(3) *Commercial over twelve thousand (12,000) square feet.* A PUD application is required for any single tenant commercial tenant over twelve thousand (12,000) square feet and any multiple commercial tenants in a single building twenty thousand (20,000) square feet or greater.

(4) *Building supplies and lumberyard, over twelve thousand (12,000) square feet.* A PUD application is required for any tenant business space in this land use classification, larger than twelve thousand (12,000) square feet, net floor area.

(c) *Submittal requirements.* Submittal requirements are set forth in forms maintained by the director.

(d) *General requirements.*

(1) *Adopted standards shall be a guide.* The use chart, dimensional standards, development standards, and architectural design standards as contained in and referenced by this CDC shall be used as a guide when determining the appropriate type of standards to be applied to the PUD.

(2) *PUD District shall define standards and variations.* The PUD District shall clearly define each allowed use, dimensional standard, development standard, architectural design standard, and subdivision standard that has been established for the property.

(e) *Review Criteria for all PUD.* In considering any petition for a PUD, the following criteria shall govern unless otherwise expressly required by the CDC. The

ordinance approving the PUD shall be approved and adopted only if it appears by clear and convincing evidence presented during a public hearing before city council that the following conditions exist (criteria #5 shall not apply unless an applicant is proposing single tenant commercial over 12,000 Square Feet.):

- (1) *Unique and extraordinary circumstances.* All PUD Districts must meet at least one of the following:
 - a. The proposed PUD District addresses a community need as described in the community plan and the applicant has successfully demonstrated that the proposed PUD cannot be accommodated with the current zoning of the property, or any other city zone district; or
 - b. Where a development site has special physical characteristics, including but not limited to an irregular or oddly-shaped lot, or a lot with significant topographical barriers to standard development construction practices; or
 - c. Where improved siting of the development will preserve valued environmental, cultural, scenic resource lands or view corridors, minimize the disturbance of natural hazard areas, increase the amount of functional open space within the development, or create functional public spaces; or
 - d. Where a customized zoning approach is necessary to protect and preserve the character of a historic structure or historic district; or
 - e. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful phased development; or
 - f. The PUD District allows for creativity in the development process, use of land, and/or use of related physical facilities to produce a superior outcome. Use of a PUD District may permit the integration, rather than the separation, of land uses, to provide opportunities for commercial, recreational, and educational facilities to be conveniently located near a mix of housing types. The PUD may establish land use patterns that promote and expand opportunities for public transportation and provide street and utility networks that are safe, compact, and efficient; or
 - g. The PUD is necessary to respond to a changed condition where the current zoning map or standard zone district do not meet the needs of the lot owner or community for this particular site.
- (2) *Compatibility with surrounding character and adopted plans.*
 - a. The type, height, massing, appearance and intensity of a development that would be permitted by the PUD will be compatible with surrounding zone districts, land uses, and neighborhood context and character, and will result in a logical and orderly development pattern within the community; and

b. The PUD will substantially further the preferred direction and policies of the community plan or specific area plans, and the rezoning will substantially conform to and/or compliment the community plan land use map designation for the property, or is accompanied by an application for an amendment to the Community Area Plan's Future Land Use Plan and the amendment is approved prior to approval of the proposed PUD.

(3) *Effects on natural environment.* The proposed PUD will not result in significant adverse effects on the natural environment, including water quality, floodways, floodplains, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

(4) *Community Enhancement.* In return for flexibility in zoning; development under a PUD District should provide significant community enhancement not achievable through application of a standard zone district. A community enhancement may include, but is not limited to, diversification in use of land, innovation in development, more efficient use of land and energy, exemplary pedestrian connections and amenities, or any other feature or features that furthers the direction of the community plan as a whole and not just a specific individual goal or policy.

(f) *Term and effect of approval.*

(1) Approval of a PUD District shall be considered a zoning change and City Council shall not have the authority to amend the PUD without the consent of the owner for a minimum of three (3) years from the date of approval. The approval shall be considered final at such time as public notice requirements have been satisfied and when the effective date of the change of zone ordinance has occurred. When approved, the PUD designation shall be placed on the official zone district map.

(2) In the case that a property adjacent to an approved PUD is rezoned it should cause the appropriateness of said PUD to be reviewed.

(2) Approval of a PUD does not relieve the project from meeting the requirements of the CDC where inconsistencies between the development plan and the requirements of the CDC may exist; and

(3) Approval of a PUD does not relieve the project from meeting all other applicable local, state, and federal regulations.

(g) *Modifications.* An amendment to an approved PUD District may take one of the following forms:

(1) *Minor amendment.* A minor amendment to an approved PUD is any revision that is in substantial conformance with the approved PUD and does not change the character of the PUD. The determination of substantial conformance and lack of change in character of the PUD shall be at the director's discretion and may be approved administratively by the director, pursuant to section 26-42.

- (2) *Major amendment.* Any change to an approved PUD that the director determines: (a) is not in substantial conformance with the approved PUD or (b) changes the character of the PUD shall be considered to be a major amendment. A major amendment shall require submittal of a new PUD application and shall be processed in accordance with section 26-42.

SECTION 2

Section 26-150, Commercial over 12,000 Square Feet

New language in **bold** and language to be deleted is in strikethrough font.

Section 26-150(c)

(c) *Impact assessment analysis and mitigation plan.* Prior to ~~development~~ approval of any PUD, ~~project~~ an impact assessment analysis and mitigation plan shall be prepared at the applicant's cost by a city approved consultant with appropriate experience to complete the necessary work. Based upon the determination that certain impacts are minimal or unlikely, the planning and community development director may waive any or all of the associated impact assessment elements. Unless waived, the impact assessment and mitigation plan must be completed to the satisfaction of the city for the following:

New Section 26-150(f)

(f) Public benefit requirement for commercial single tenant buildings over 12,000 square-feet.

- (1) For any commercial single tenant (excluding grocery stores) over twelve thousand (12,000) square feet, for any commercial buildings with multiple tenants (excluding grocery stores) twenty thousand (20,000) square feet or greater and building supplies and lumber yard over twelve thousand (12,000) square feet public benefits shall be provided based on the following square footages:**
- a. Twelve thousand (12,000) square feet to twenty thousand (20,000) square feet: one or more of the public benefits described in subsection (4) a. through g., below;**
 - b. Twenty thousand one (20,001) square feet to thirty thousand (30,000) square feet: two (2) or more of the public benefits described in subsection (4) a. through g., below;**
 - c. Thirty thousand one (30,001) square feet to forty thousand (40,000) square feet: three (3) or more of the public benefits described in subsection (4) a. through g., below;**
 - d. More than forty thousand (40,000) square feet: four (4) or more of the public benefits described in subsection (4) a. through g., below;**

(2) Public Benefits:

- a. ***Affordable housing contribution.*** The proposed development will contribute land, monies or build affordable housing facilities for the Yampa Valley Housing Authority above and beyond the inclusionary zoning requirement as determined by the city council to be an adequate public benefit. The contribution shall be equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- b. ***Contributes necessary community facilities.*** The proposed development will contribute land or build necessary community facilities as determined by the city council to other neighborhood services, such as a fire substation, fire apparatus and equipment, transit facilities, or other facilities as approved by the city because of the need for such community facilities. The contribution shall be equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- c. ***Contributions to the preservation of resource lands.*** The proposed development will accomplish preservation of resource lands by a contribution equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- d. ***Contributions to preserve or enhance cultural and historical resources or public spaces.*** The proposed development will accomplish preservation or enhancement of cultural and historical resources or public spaces by a contribution equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- e. ***Public art.*** A PUD may be approved by city council at its discretion for contributions to the city for public art. The contributions shall be equal to or greater than one percent or greater of the project's land and construction cost valuation as determined by the Routt County Building Department.

These original works of art shall be installed and maintained in accordance with the provisions of this Code and in coordination with the Steamboat Springs Public Art Board. The cost of the art work may include: Structures which enable the display of art work(s); expenses incurred within the artist's budget to cover professional fees for the artist(s); labor of assistants; materials and contracted services required for the production and installation of the work(s) of art; travel expenses of the artist for site visitation and research; transportation of the work of art to the site; site preparation for art

work installation; and other installation costs of the completed art work.

In accordance with the Steamboat Springs Public Art Board, original art work is to be placed on a site which takes into account the following: Unobstructed public viewing and accessibility; public safety; interior and exterior use patterns which are consistent with existing or future architectural and natural features; and primary uses of the building, and relationship of the proposed art work to existing art works within the site or area. Artwork should be placed where visible from the street, or in exterior spaces such as walkways, plazas, and exterior building surfaces.

- f. *Special infrastructure improvements.* A PUD may be approved by city council at its discretion for contributions to a special infrastructure improvement fund, or for dedication of land and construction of improvements thereon. The contributions shall be one percent or greater of the project's land and construction cost valuation as determined by the Routt County Building Department.**
- g. Any public benefit deemed by the city council to be in the city's best interest not listed above (items a.--f.) may be used to satisfy this requirement.**

Contributions to public benefits and improvements may be combined into one category or divided into multiple categories as determined by the city council.

SECTION 3

Section 26-65, Development Plan

New language in **bold** and language to be deleted is in strikethrough font.

Sections 26-65(b)(2-5)

~~(2) — Applications for development of a site with PUD, or a major amendment to an existing PUD pursuant to section 26-81 or 26-82;~~

(3) Applications for development of a site requesting ~~two (2) or fewer~~ variations to dimensional, or development standards listed in article V, development standards where such variations do not qualify as minor adjustments in section 26-69.

(4) ~~Applications for a variation from more than two (2) dimensional, or development standards listed in article V development standards, where such variances do not qualify as minor adjustments (section 26-69). Such applications shall be processed as a PUD pursuant to section 26-81 or 26-82. (For the purposes of determining the number of variations, each dimensional standard, regardless of the number of buildings it is applied to, shall count for one variation; each development standard provision shall count as one~~

~~variation. Example of this is when a front setback and side setback variance are requested, that constitutes two (2) variations. Example: when a parking space and parking size variation are requested, that shall constitute two (2) variations. Example: when a front setback variation is requested for any number of structures, that constitutes one variation.)~~

(5) ~~In addition to subsection 26-65(b)(1) & (3) above, a~~ A conceptual review of a development plan is permitted (Conceptual Development Plan) for applications for development of a site where an applicant is requesting limited approval per subsection 26-65(e)(7) below.

Section 26-65(d)(8)

(8) *Variance criteria.* Development plans, in all zone districts with the exception of the Gondola one (G-1), Gondola two (G-2), resort residential one (RR-1), and resort residential two (RR-2) seeking variation ~~from up to two (2)~~ of dimensional, development or subdivision standards listed in article V, development standards and article VII, subdivision standards, where such variances do not qualify as minor adjustments shall meet the following criteria for approval in addition to the criteria in subsections 26-65(e)(1)--(8):

SECTION 4

Section 26-67, Preliminary Plat

Language to be deleted is in strikethrough font.

Section 26-67(b)(2)

Variance. The proposed subdivision is requesting a variation from ~~four (4) or fewer subdivision~~ standards listed in article VII, subdivision regulations, and/or the applicable zone district regulations of lot width or lot area. ~~(An application requesting variation from more than four (4) of the subdivision standards listed in this CDC shall be processed as a PUD in accordance with section 26-81.~~ Subdivision standard variances are limited those listed in subsection 26-81(d)).

Section 26-67(e)(1)

Conformity with CDC. The proposed preliminary plat substantially conforms to all applicable requirements of this CDC, including all applicable requirements of the zone district(s) in which the property to be subdivided is located, and all regulations applicable to any conditional uses, as such regulations may have been modified by an approved variance ~~or PUD for the property.~~

SECTION 5

Section 26-91, General

Language to be deleted is in strikethrough font.

Section 26-91(c)(1)(h)(1)

G-1 - Gondola one zone district.

Purpose and intent. The purpose of the Gondola one zone district is intended to provide residential accommodation for guests, second homeowners, and new residents looking for a high-level of amenities as provided by a resort environment. New development shall be physically connected to the resort by an integral system of streets, sidewalks, and recreational paths. New development should have a resort-like character with higher development intensity and scale than development within the RR districts, but lower intensity than the G-2 district. ~~All development in the G-1 zone district shall require approval of a PUD and shall be subject to the provisions of section 26-86.~~

Section 26-91(c)(1)(i)(1)

G-2 - Gondola two zone district.

Purpose and intent. The purpose of the Gondola two zone district is for properties nearest to the Gondola base facility to have the densest development in the city. Because of the special characteristics and importance of this area to the general welfare of the city, this zone district is intended to allow for flexibility and creativity in the development of land in order to provide a quality pedestrian-oriented environment that furthers the goals of the master plans for the area. Special emphasis shall be placed on the location of uses within structures, the massing and design of structures, the provision of public spaces and gathering areas, pedestrian corridors and how those elements relate with the pedestrian environment. Multi-use buildings, with pedestrian-oriented ground-level retail and other active uses, are strongly encouraged in the G-2 zone district. ~~All development in the G-2 zone district shall require approval of a PUD and shall be subject to the provisions in section 26-86.~~

SECTION 6

Section 26-42, Development Review

Language to be deleted is in strikethrough font.

X	Required notice	CU	Call Up	PC	Planning Commission	TAC	Technical advisory committee
A	Appeal body	Dir	Director of Planning and Community Development	PUD	Planned Unit Development	()	An extra review that may be required by the Director or requested by the applicant
BOA	Board of Adjustment	DM	Decision Maker	R	Reviewing body	<>	Public hearing
CC	City Council	HPC	Historic Preservation Commission	SPO	Surrounding property owner	{}	Consent agenda

Requirements for all applications

1) A complete submittal in accordance with subsections (d) and (f) of Section 26-42 is required prior to review.

2) Additional Technical submittals - During the processing of a complete application, if the city or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application the additional materials will be provided in accordance with subsection (g) of Section 26-42

3) *Burden of proof.* The applicant for development approval shall bear the burden of presenting sufficient competent evidence to support the standards for approval set forth by this article.

Review Procedures														
Types of Applications		Public Notice Requirements				Admin Review			Public Review				Final Document	
		SPO Notice (26-51(c))	Public hearing /final decision	Post	Publish	Mineral Rights	Pre-submittal	TAC	Dir	HPC	PC	BOA		CC
Land Use/Site Development	Community plan land use map amendment (§ 26-32)	X											X	
	Pre-application review (§ 26-46)	X	X	X	X	X	X	(R)			<R>		<R>	Letter
	CDC text amendments (§ 26-61)				X		X	(R)		<R>	<R>	<R>	<DM>	Ordinance
	Official Zoning map amendment (§ 26-62)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance
	Regulating Plans (§ 26-90)	X	X	X	X	X	X	R			<R>		<DM>	Approval Letter
	Annexations (§ 26-63)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance
	Use with criteria (§ 26-64)								DM				A	Signed form
	Development plan (§ 26-65)	X	X	X	X	X	X	R		<R>	<R>		{DM}	Approval letter
	Development Plan with PUD (§§ 26-65 & 26-84)	X	X	X	X	X	X	R		<R>	<R>		<DM>	Approval letter
	PUD – minor amendment	X	X	X	X			(R)	DM					Approval letter
	Final development plan (FDP) (§ 26-66)	X	X	X	X	X	X	R		<R>	<R>		<DM>	Signed FDP
	Minor adjustment (§ 26-69)		X	X	X			(R)	DM				A	See 26-69(f)
	Variance (§ 26-70)	X	X	X	X		X	(R)				<DM>	A	Bldg Permit
	Waterbody setback variance (§ 26-71)		X	X	X		X	(R)			<R>		{DM}	Bldg Permit
	Floodplain development permit (§ 26-72)							(R)	DM				A	Permit
	Written interpretation (§ 26-73)												A	Letter
	Master sign plan (§ 26-75)							(R)	DM				A	Approval letter
Sign permit (§ 26-76)							(R)	DM				A	Permit	
Change of use (§ 26-77)	X	X	X	X				DM				A	Signed form	
Minor exterior modification (§ 26-78)		X	X	X		X	(R)	DM				CU	Approval letter	
Vacation Home Rental Permit (§ 26-88)			X	X				DM				A	License	
Administrative FDP (§ 26-89)		X	X	X	X	X	(R)	DM		CU		CU	Approval letter	
Telecommunication Facility (§ 26-147(g))		X	X	X		X	(R)	DM		<R>		<R>	Approval letter	
Building Permit							(R)	DM				A	Bldg Permit	

Subdivision	Preliminary plat (§ 26-67)	X	X	X	X	X	X	R					<DM>	Approval letter
	Preliminary plat/PUD (§ 26-67 & §26-81)						✕						<DM>	Approval letter
	Final plat (§ 26-68)		X	X	X	X		(R)	DM				CU	Plat
	Lot line adjustment (§ 26-79)							(R)	DM				A	Plat
	Lot line elimination (§ 26-80)							(R)	DM				A	Plat

SECTION 7

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 8

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 9

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 10

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 _____, 2013.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED this ____ day of _____ ,
2013.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk