

CITY OF IDAHO SPRINGS

CITY COUNCIL COMMUNICATION

Meeting Date: September 17, 2018	Page 1 of 7 w/attachment	September 17, 2018 Work Session Overhaul of Municipal Code: Phase I
Presented by: Alan Tiefenbach Community Development Planner		

BACKGROUND

Staff is pleased to present the City Council with the completed draft of the first phase of the overhaul of the Municipal Code. The new *Land Development Regulations (LDR)* represent a complete reorganization and reformatting of Chapter 21: Zoning, Chapter 26: Annexations and Chapter 27: Community Design Standards. In addition, this process has included revisions to and/or incorporation of regulations associated with land development in Chapter 22: Historic Preservation, Chapter 25: Areas and Activities of State Interest, the East End Overlay District and pertinent portions of the Standards and Specifications for Design and Construction.

The new LDRs have been reviewed and revised by the Planning Commission in the process of 9 public meetings and one community meeting. Notice of the initial community meeting was mailed to every property owner and business owner in Idaho Springs. All new sections of this Code have been sent to review agencies, interested stakeholders who requested to be notified of updates, decision makers as well as posted on the City website as sections were completed. The final draft of the LDR is scheduled for a formal public hearing with the Planning Commission on Wednesday, October 10, 2018.

The last comprehensive overhaul of development regulations occurred in 2006. Over the years, regulations have been cobbled together without checking them against existing regulations which has resulted in conflicting and duplicative regulations. Some of the existing regulations are antiquated or do not reflect existing conditions. The existing regulations are difficult to read and understand, which results in difficulty in implementation.

Examples of why the regulations needed to be revised include:

- Definitions are antiquated or missing.
- Development processes are scattered through the Code rather than being located in the same location.
- Some development processes have extensive submittal requirements with no administrative ability to waive, whereas some materials that should be submitted are not even required.
- There are development standards and allowed uses that do not reflect the existing character of Idaho Springs.
- There is inconsistency in regard to how development processes are described in regard to submittal requirements, notification and public hearings.
- Some regulations are not organized in a logical format.
- There are regulations that are confusing or unclear.
- Chapter 22: Historic Preservation states the Historic Preservation Review Commission approves projects in the Historic District, but Section 25: *Areas and Activities of State Interest* has additional regulations that state City Council must approve projects in the Historic District when the project will result in a “change of character”. The additional requirements of Chapter 25 are not referenced in Chapter 22 and most people would not know to look to regulations concerning Areas and

Activities of State Interest when proposing development.

- Manufactured homes are allowed in any residential zone district.
- The historic district could not be built under the present zoning (none of the buildings meet the C-1 setbacks.)
- Many residences do not meet the required setbacks and lot sizes of the zone district in which they are located.
- The existing regulations require a site plan process for any commercial or multifamily building permit.
- The existing regulations require HPRC review for any building permit in the historic district.
- The existing development regulations conflict with each other and there is much duplicative information. For example, the Standards and Specifications for Design and Construction have required parking ratios and fencing standards that are different than what are given by the zoning code, and standards such as these should not even be addressed in a construction manual.

Due to the extent of the process, staff did not red-mark text that has been consolidated, moved, and reorganized. Staff did indicate new language or language that is being proposed for deletion as well as providing comments as to why the change is being proposed. Due to the amount of redundancies in the existing Code, there could be several places where the same text is being deleted; staff only indicates deleted text if the language is completely deleted from all locations in the regulations.

Below are the significant highlights of the new LDR:

ARTICLE I. GENERAL PROVISIONS

- Staff made small revisions to existing text for clarity or to remove unnecessary text, and referenced the Comprehensive Plan.
- Additional language was added to Sec 21-12 regarding nonconforming buildings to allow existing nonconforming single family residences and duplexes in commercial zone districts to be replaced, expanded and modified rather than having to be eventually converted to commercial uses. This was done at the request of the Planning Commission.

ARTICLE II. DEFINITIONS

- New definitions were added, modified or clarified.
- The existing definition of “single family dwelling” includes manufactured homes. This presently allows manufactured homes anywhere in the City that single family residential is allowed. Staff removed this allowance and permitted manufactured homes only in the R-2 Zone District, which is where the majority of them already exist. “Single wide” type trailers are presently not allowed in Idaho Springs (all the single-wides are non-conforming buildings). The code continues to allow “double-wide” type manufactured homes. Modular homes, which are different than manufactured homes, are defined and allowed in single family zones.
- There is additional clarification regarding what is defined as a mobile home versus a manufactured home.

- The existing definitions state that any motel unit with a kitchen is considered a dwelling unit. This definition has become problematic given most extended stay hotels have kitchens. A new definition of extended stay hotel has been included.

ARTICLE III. ZONING

- **THE GENERAL PROVISIONS IN SEC. 21-33 ADDRESS SHORT TERM RENTALS. ALL OF THESE REGULATIONS ARE NEW. THIS IS A RESULT OF 5 PLANNING COMMISSION WORK SESSIONS WHERE THE COMMISSION COMMUNICATED DIRECTLY WITH THE CITY ATTORNEY WHO CRAFTED THE REGULATIONS TO THE APPROVAL OF THE COMMISSION.**
- In January of 2017, the City Council adopted the East End Overlay District. This new zone district includes an “allowed uses by zone” table. Chapter 21: Zoning has a list of uses by zone, some of which are duplicative, outdated or confusing. Staff did not see the utility in having two sets of allowed uses by zone district and has moved the Overlay District table into the LDR. Staff carefully reviewed and compared all allowed uses and has described any changes or deviations in comments in the margin. Accordingly, this use table is being deleted from the East End Overlay District regulations.
- A new Historic Downtown Zone District has been created. This is because the Historic District is presently zoned Commercial-One. Commercial-One requires setbacks of 10’ front, 10’ rear and 5’ side. Nearly all the buildings in the Historic District do not meet these setbacks and any additions, replacements, or expansions of buildings require a variance, in addition to HPRC approval.
 - Furthermore, C-1 allows some uses by right that are not appropriate in the Historic District, including gas stations and industrial uses. There are also new parking standards specific to this district.
 - If the new zone district were approved, staff would recommend rezoning all the historic district to this new zoning. Having this new zone district also makes it easier to make additional adjustments to regulations to apply only to the Historic District without affecting properties in the other C-1 areas.
- In Sec 21.62 (Development Regulations by Zone District) staff has added a “maximum gross floor area requirement” to ensure any residential “teardowns” don’t result in new residences significantly out of scale with the surrounding neighborhood.
- All of the development standards by zone district have been organized into easy-to-read tables. Confusing “footnotes” are either clarified or removed.
- Setbacks in R-1 and R-2 have been reduced from 20’ front and rear to 15’ front and rear. Few of the historic houses in Idaho Springs meet the existing setbacks. In fact, many existing houses in Idaho Springs do not even meet a 10’ setback. 10’ was originally proposed by staff but it was increased to 15’ following concerns of one of the Planning Commissioners.

ARTICLE IV. DEVELOPMENT PROCESSES AND PROCEDURES

- In the existing regulations, development processes and procedures are scattered throughout the regulations. In some instances the procedures are described in great detail, in other instances they are not described at all. All development processes have been organized in the same location alphabetically with hearing requirements, notification requirements and submittal requirements organized into tables in one location. Not only does this make it easier to see what is required of all processes, it reduces the chances

of subsequent changes to requirements resulting in conflicts in other locations of the Code.

- There is new language regarding development impacts fees and inclusionary housing as a “placeholder” for discussion of future regulations.
- The process for Certificates of Appropriateness presently exists in Chapter 22: Historic Preservation. As this is a development process that is required prior to land development in the Historic District (or historic sites) staff has relocated this language into this Article and removed it from Chapter 22 other than keeping a reference.
- The existing regulations require a “site plan process” with ANY building permit. Site plans are either administrative or required to go to Planning Commission or City Council depending on the size of the lot. Staff has revised the regulations to require a site plan process for new structures, expansions / additions of more than 20% of the gross floor area of existing structures or on any property zoned Planned Development (currently called Planned Unit Development as will be described below).
- The site plan PROCESS is now being called a Final Development Plan. This is because a site plan is a document (a submittal item) which illustrates buildings, landscaping, streets, setbacks, etc. The site plan can be required for numerous processes including variances, platting, rezonings, HPRC review etc. However, the current regulations also use the term “site plan” to describe a development review process. To reduce confusion, staff revised the regulations to use the term “site plan” to refer to a document, and Final Development Plan to refer to the development process which includes the site plan and other submittal materials which are reviewed either administratively or in public hearings.
- The Planned Unit Development process has been changed to a Planned Development process. The Planned Development process is used by many municipalities such as Jefferson County, Salida, Westminster, etc. The Planned Development is a zone district that allows an applicant to propose conceptual alternative development standards with the understanding that the final project will be better than a straight zone district (such as C-1) could achieve. If the Planned Development is approved by Council, it becomes the entitled land uses and design standards for the property – custom zoning regulations. When an applicant is ready to develop, they must design the project based on the development standards of the Planned Development – the same as any other standard zone district. This project would then come to the Council in a Final Development Plan for their decision.

This process differs from the Planned Unit Development in that the existing PUD process requires the exact project to be approved by Council as its zoning. This can be problematic to an applicant who is trying to attract investors before they know exactly what they are going to build, who had investors on board for one project that later fell through, or for lending intuitions that are reluctant to offer financing on projects that do not have vested entitlements. The Planned Development allows maximum flexibility in development standards for a property while ensuring the decision makers can determine whether the final product meets the intent of the Planned Development that was originally presented to them.

ARTICLE VI – SITE AND DESIGN STANDARDS

This Article consists of what is presently Chapter 27: Community Design Standards, with the addition of the parking, loading and fencing requirements existing in Chapter 21 (Zoning).

Division I – Parking and Loading

- There is a new requirement for a parking plan when new development, parking lot expansions or restriping is proposed. This requirement does not exist in the present regulations.
- Requirements regarding parking presently located in the Standards and Specifications for Design and Construction have been moved into this section. These include the distance parking must be within the associated use, requirement for space for snow storage, and loading requirements. These requirements

do not belong (and are easy to miss) in a construction manual.

- The East End Overlay District contains a parking table that was created by Clarion Associates. The existing zoning regulations contain parking ratios in list form. The East End table is more current and detailed and provides parking ratios more appropriate for a small mountain town. This table has been moved into the LDR with comments indicating any differences between the two standards.
- The East End Overlay District contains a shared use parking table because different uses have different parking demands at different days and times. This table has been moved out of the Overlay District and into the LDR.

Division II – Building and Site Design Standards

- There is new language in the architectural standards pertaining to display requirements for street-level windows of vacant storefronts in the Historic District.
- There is new language in the landscape standards encouraging and describing xeriscaping.

ASSOCIATED REGULATIONS AND DOCUMENTS AFFECTED BY THE LDR UPDATE

Part of the LDR project included reviewing all other chapters of the Municipal Code (and other documents) to ensure all pertinent regulations were addressed (and conflicting or duplicative regulations deleted.)

If the Council approves the LDR as proposed, the following chapters and documents should also be amended (all associated amendments have been provided with this staff report):

Chapter 22: Historic Preservation

All descriptions and requirements associated with Certificates of Appropriateness have been moved into the Development Processes article of the LDR and deleted from Chapter 22.

Chapter 25: Areas and Activities of State Interest

Chapter 25 presently requires the extensive “1041 review process” for ANY projects in the Historic District that change the basic character or use of the affected property. This process includes detailed submittal requirements, a recommendation from the HPRC, Planning Commission review and final approval by City Council.

It is staff’s understanding that the 1041 regulations were adopted for the City to have review authority over major public projects such as highway projects, not for projects such as expanding a building in the Historic District to create a new outdoor eating area. The latter would be within the purview of the HPRC.

Staff proposes changing the requirements of Chapter 25 to apply to:

1. Site selection and construction of major new domestic water and sewage facilities.
2. Treatment systems and major extensions of existing domestic water and sewage treatment systems.
3. Site selection or development of airports.
4. Site selection or development of rapid or mass transit terminals, stations, and fixed guideways.
5. Site selection or development of highways, interchanges or collector highways.
6. Site selection or development of major facilities of a public utility.

These applicable activities are similar to Clear Creek County’s 1041 Regulations. Staff discussed this with the Planning Commission, who supported this revision.

Chapter 26: Annexations

The entirety of this Chapter has been merged into Chapter 21: Land Development Regulations.

Chapter 27: Community Design Standards

The entirety of this Chapter has been merged into Chapter 21: Land Development Regulations.

East End Overlay District (now Chapter 26)

The East End Overlay District regulations, adopted by the City Council in January of 2017 to implement the recommendations of the East End Area Action Plan, are proposed for the following revisions:

- The allowed uses by zone district table has been merged into the zoning section of the LDR and is being deleted from the Overlay District.
- The parking and loading requirements have been merged into the LDR and have been deleted from the Overlay District.
- The Overlay District references the Land Development Regulations in pertinent sections.

City of Idaho Springs Standards and Specifications for Design and Construction

These regulations were written by the City's consultant Engineer (JVA) and were approved by the City Council in May of 2017. These standards pertain to engineering design standards such as grading and erosion, infrastructure, construction plans, sediment control, roadway standards, etc. However, they also contain several sections regarding parking and loading requirements and allowed fencing materials that are more appropriate in the Site and Design Standards of the LDR. In addition, the Standards allow only stone or wrought iron fencing in the City of Idaho Springs. Staff has moved these standards into the LDR and has deleted the "stone and wrought iron" fencing requirement. The Standards also discuss deviations having to be approved through a variance procedure. Staff has changed this to require deviations to go through City Council approval.

NEXT PHASE IN THE UPDATE PROCESS

If and when the Council approves the new LDRs, Phase II in the update process will be for staff to begin reviewing and updating the more technical chapters of the regulations, including the subdivision regulations, floodplain regulations, streets and sidewalk regulations, Areas and Activities of Statewide Interest, and more comprehensive review of the Standards and Specifications for Design and Construction. Staff may also discuss potential lighting regulations be added into the LDR. Some of the more technical review may require retention of a consultant.

COUNCIL ROLE

- Discuss and provide direction in regard to the proposed Land Development Regulations and associated documents and/or schedule for a formal public hearing.

ATTACHMENTS

- Proposed Land Development Code
- Revised sections of Chapter 22: Historic Preservation
- Revised sections of Chapter 25: Areas and Activities of State Interest
- Revised sections of the East End Overlay District (to become Chapter 27).
- Revised sections of Standards and Specifications for Design and Construction

