

TO: Honorable Mayor Grossman, Board of Trustees and Planning Commission members
FROM: Eric Heil, Esq., A.I.C.P.
RE: Draft Creede Development Code
DATE: April 7, 2015

Summary: Attached is a draft Creede Development Code (“CDC”) which would replace the current Creede Land Use Code and other regulations concerning land use regulations and Planning Commission authority and procedures. The CDC is prepared to be incorporated into the Creede Municipal Code as Chapter 9. The primary goal of the proposed CDC is to locate all regulations regarding land use, zoning, subdivision and development into one chapter. This memorandum provides a brief overview of the major changes from the previous Creede Land Use Code and Creede Municipal Code. There are footnotes throughout the document which state where language is the same as the existing Creede Land Use Code, has been changed, or raises issues for consideration.

In the footnotes, the following acronyms are used:

- CLUC stands for the Creede Land Use Code.
- CMLC stands for Colorado Model Land Use Code.
- CMC stands for Creede Municipal Code.

The Creede Development Code is based on a comprehensive development code used by other communities and follows the format used by Clarion Associates, a nationally recognized code drafting consulting firm. Many provisions of the Colorado Model Land Use Code currently adopted by the in Creede’s land use code were carried through to this Development Code. The City of Westcliffe’s land use code was also used as an example.

Adoption Process: The minimum process required for adoption of the Creede Development Code will require the Planning and Zoning Commission to conduct a public hearing with 15 days prior notice of the hearing to be published in the newspaper. The Planning and Zoning Commission may continue the public hearing and conduct as many public hearings as desired. The Planning and Zoning Commission then makes a recommendation for adoption of the Creede Development Code to the Board of Trustees. The Board of Trustees is required to hold a public hearing and also publish notice of the hearing in the newspaper at least 15 days prior to the public hearing.

Notable differences between CLUC and The CDC: Below is a list of the major revisions found in the CDC:

- The purpose and authority of the Planning and Zoning Commission and the Board of Adjustment are relocated to this Chapter 9 from Chapter 2.
- The proposed CDC provides a comprehensive development application review process, Article 16, outlining in one section what the general requirements are for all development applications including zoning and subdivision applications. Specific types of application have additional procedures.

Consistent and common procedures for processing development applications should vastly improve the usability of the CDC for the City as well as applicants.

- The current planned unit development regulations have also be relocated to this Chapter 9 in Section 9-16-060.
- In the CLUC the term “conditional use” is used for uses that require “special review”. This term is not used and is replaced by the term “special review use”. Both have identical meanings. This is found in Section 9-16-090.
- Article 36 regarding Annexation was completely revised in comparison to Article 9 Annexation in the CLUC. Major differences include the addition of a section regarding a three-mile plan, revisions to the fees section, and the addition of a section outlining a disconnection process.

Similarities to the CLUC:

- Article 20 in the CDC retained the same zoning districts and uses within those districts as are in the CLUC Article with some language changes made for clarification. The revisions are noted in footnotes.
- Article 24 Development Standards uses the same language and sections as found in CLUC Article 6. There have been some modifications which have noted in the footnotes.
- Article 28 addresses regulations for RV Parks and the language is also the same as in Article 7 of the CLUC.
- Article 32 regulating floodplain areas contains the same language as that found in CLUC Article 8.

Thanks, Eric