

CITY OF IDAHO SPRINGS PLANNING COMMISSION COMMUNICATION

Meeting Date: July 11, 2018	Page 1 of 2 w/attachment	Overhaul of Municipal Code: Section Two
Presented by: Alan Tiefenbach Community Development Planner		

BACKGROUND

Attached is the second section of the Municipal Code update. Due to the extent of the process, staff did not re-mark all the text that has been consolidated, moved, and reorganized. Staff did indicate new language and language that is being proposed for deletion. Due to the amount of redundancy 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.

The following are the highlights of Section Two:

- A complete reformatting and reorganization of all development processes. At present, many of these regulations are not organized in the same place, are redundant, conflicting, and in some instances, such as Vacations of Right of Way, have no processes outlined whatsoever.
- The review process and decision making authorities are described in detail and are organized into tables as either Administrative, or through a Public Hearing process based upon the type of development proposal.
- The public notification processes have been consolidated into one section in a table. In the existing Code, notification requirements are described (sometimes) in each development process, and sometimes are slightly different from each other (for example, the required notification radiuses for mailings).
- All submittal requirements have been organized into a table by process with detailed descriptions of each requirement. Under the present regulations, submittal requirements are outlined in each development process. They vary in degree of detail, in some instances portions or all of the submittal requirements are not described at all.
- All development processes are outlined. Any duplicate requirements between processes refer to the appropriate tables. Not only does this make the processes easier to understand, it reduces the possibly of duplicative or conflicting information.

PROPOSED CHANGE IN REGARD TO SECTION 1041 REVIEW

Chapter 25: Areas of Activity and State Interest (also called 1041 Regulations) are regulations which were adopted as allowed by State Statute to grant the City review and approval authority over major public projects of “statewide interest.” These types of projects typically include highways and other major public facilities. Chapter 25 comprises more than 40 pages and is extremely comprehensive in terms of submittal requirements and review processes. The City Council is the decision making authority for 1041 review. It is staff’s understanding that these regulations were initially adopted to give the City control over major I-70 projects within the Idaho Springs City Limits.

However, as the regulations are written, the Historic District is identified as an area of “statewide interest” and *any person seeking to engage in development shall comply with the 1041 regulations if projects located within said resource area change the basic character or use of the affected property as determined by the City Administrator*. What is considered “changing the basic character” is not defined.

What this means is when development is proposed in the Historic District that could result in a change to the basic character or use of the property, HPRC review is required first, who then makes a recommendation to Council, and then complete 1041 review is required. Although this is detailed in the 1041 regulations, ***it is not referenced anywhere in Chapter 21: Zoning, nor in Chapter 22: Historic Preservation***. As a result, most would not know to look in Section 25 for additional requirements and these requirements are easy to miss.

Staff does not believe it was the intention of these regulations to require full 1041 for smaller developments in the Historic District. It is staff’s opinion that smaller projects should be within the purview of the HPRC and the regulations should leave 1041 review for major public projects, particularly state I-70 improvements.

Because Section Two deals with development processes, staff has referenced the 1041 regulations in *Table 20-82-1: Required Decision Making Process for Development Applications* so that additional requirements for major public projects are not missed. Staff also proposes revisions to Chapter 25 in regard to what sort of project these requirements should apply. Due to the length of the regulations, staff has only attached the portions where changes are recommended. It is possible staff may revisit Chapter 25 next year when Phase II of the Land Development Code updates begins.

COMMISSION ROLE

- Discuss and provide direction in regard to Section Two of the land development regulations overhaul and Chapter 25: Areas of Activity and State Interest.

ATTACHMENTS

- Proposed Section Two of the Land Development Code and amended Chapter 25: Areas of Activity and State Interest.

Sec 20-65—20-70 Reserved

ARTICLE V. DEVELOPMENT PROCESSES AND PROCEDURES

Sec 20-71. General and Intent

The intent of this Article is to identify the different types of development applications and processes which are subject to the review procedures set forth in this Article.

Sec 20-72. Applicability.

This Article shall apply to applications for Annexations, Certificates of Appropriateness, Conditional Uses, Planned Unit Developments, Preapplication Meetings, Rezonings, Site Plans, Vacation of Right-of-Ways and Variances.

Sec 20-73. Administrative review of City projects.

Notwithstanding any provision of this Chapter to the contrary, any project for which the City is the applicant may be reviewed and processed administratively by the City Administrator, or his or her designee, when the project meets all applicable substantive requirements of this Chapter. In the event a City project fails to meet all such requirements, application for the same shall be reviewed and processed as generally required by this Chapter.

Sec 20-74. Building Permits Required.

Following completion of development processes, no structure shall be erected or altered, used or occupied until a building permit for such erection or alteration, use or occupancy has been issued by the City.

Sec 20-75. ~~(Sec. 21-11)~~ Deposit for costs.

Any application for ~~conditional use review a development process filed pursuant to Article III of this Chapter, any application for site plan review filed pursuant to Article V of this Chapter, any petition for rezoning filed pursuant to Article IX of this Chapter, any application for planned unit development filed pursuant to Article XI of this Chapter and any application for a wireless communication facility filed pursuant to Article XII of this Chapter~~ shall be accompanied by the deposit of a sum to be determined by the City to ensure payment of the City's costs incurred in processing the application and an executed agreement by which the applicant agrees to replenish the deposit when requested by the City and to pay on a monthly basis all costs incurred by the City in processing the application. The City Clerk shall send the applicant a ~~monthly~~ statement of costs incurred by the City ~~after completion of the process~~. Costs chargeable hereunder include, but are not limited to, publication costs, postage costs, recording fees, attorney's fees, engineering fees, planning fees, administrative costs and other professional fees. Any amount of the deposit not expended will be refunded by the City within forty-five (45) days after the applicant's withdrawal of the application or petition, ~~or the City's final action on the application or the effective date of the zoning ordinance.~~ (Ord. 11 §1, 2007)

Commented [AT1]: STILL NEED TO ADD ALL THE NEW PUD / FDP REGS IN HERE

Commented [AT2]: This was recently passed as an emergency ordinance

Sec 20-76 Development Impact Fees.

The City may establish fees to be imposed upon development projects for the purpose of mitigating the impact that the development projects have upon the City's ability to provide specified public facilities. Monies collected shall be utilized to pay for growth-related improvements, facilities and equipment in the general functional area of parks, fire, police, municipal facilities, recreation, transportation, and storm water management. Operation, maintenance or replacement costs are specifically excluded from eligibility for these funds.

Sec 20-77 Inclusionary Housing.

To ensure that residential development provides a range of housing opportunities for all identifiable economic segments of the population, including households of low-and moderate-income, as part of any residential project the City may require a certain percentage of affordable units be set aside, or establish fees in lieu thereof. The requirements will be set by the City Council and implemented as part of the development impact fee schedule.

Sec 20-78 (Sec. 21-75)-Public improvements.

If a proposed development, the uses proposed for the property require or may in the reasonable judgment of the City, require the construction of any public improvements, the application shall be referred to the City Planner and the Public Works Department ~~which who~~ shall, in accordance with the provisions of ~~Chapters 22 and 24 of this Code, as well as the Standards and Specifications for Design and Construction,~~ determine the nature and extent of any and all public improvements required, and make adequate provision for the design, construction and dedication thereof ~~as provided by the foregoing provisions and by Chapter 24, Article V of this Code.~~

Sec 20-79-20-80 Reserved

Sec 20-81. Review Process, and Decision Making Authority.

The review and decision processes for development applications are either Administrative or through a Public Hearing. The Required Decision Making Process for Development Applications table (below) outlines which review process is required for each development application.

- A) Administrative. ~~The City Administrator~~ shall review the application for completeness as indicated by the required documents for each process in Table 20-85-1: Submittal Requirements by Development Process. If the application is found to be incomplete, it shall be returned to the applicant along with a list of items required for completion. Upon determining that the application is complete, the ~~City Administrator or their designee~~ City Administrator may distribute and refer a copy of the application to public agencies, City departments and County departments for their review and comment. Each public agency, City department and County department receiving a copy of the application materials may, within (14) days after receipt, forward written reports of its findings and recommendations to the City. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the application and submission documents. Failure to submit a written report to the City shall not be deemed as approval or acceptance of the proposed application by such agency. Reports received by the City after the allotted referral time may but need not be accepted by the City.

Commented [PO3]: This is new. This serves as a placeholder, and the City can determine a fee schedule at a later date.

Commented [PO4]: All this text is similar to language listed in each development process in the existing regulations. This section removes all the duplicative requirements and puts it into one section.

1) Within seven (7) days of the completion of the 14 day referral process, if the ~~City Planner~~ City Administrator determines that the application complies with all City requirements, and that any adequate provision for impact fees or the construction of any necessary public improvements has been made, they shall approve the application. If there are still outstanding issues after the completion of the administrative review and referral process, staff may recommend another review and referral process.

B) Public Hearing. The administrative review and referral process listed in Sec 20-81 (A) shall be followed.

1) Within seven (7) days of the completion of the administrative review and referral process, or at the written request of the applicant, the City Administrator shall schedule the application for presentation at a public hearing. Notice of said hearing shall be provided as indicated in the Required Public Notification by Development Process Table provided in this Article. Staff shall prepare a written report of the City's findings and recommendations to submit to the decision making body, a copy of which shall be promptly provided to the applicant. At the public hearing, the decision making body will review the application for conformance with the review criteria as listed in each development process, and hear recommendations of City staff as well as any public testimony. All evidence and testimony shall be presented publicly. The decision making body may postpone or continue any hearing for the purpose of obtaining additional information necessary to render a final decision on the application. The decision making body shall approve, disapprove or conditionally approve the application.

a) If the decision making body is not the final decision making body as indicated in the REQUIRED DECISION MAKING PROCESS FOR DEVELOPMENT APPLICATIONS BELOW, it shall forward its recommendations, along with the recommendations of staff, to City Council. When a hearing in front of the City Council is required, the City Council is always the final decision making body.

b) ~~Sec. 21-116. Further, t~~The City Council may remand ~~the conditional use permit~~ application to the Planning Commission for additional findings or to obtain further evidence.

2) ~~Sec. 21-114. Permit conditions-Conditional approval.~~

a) ~~The Planning Commission may recommend, and t~~The City Council decision making body may impose, reasonable conditions on the approval of the ~~conditional use permit~~application which are deemed necessary or desirable:

(1) To ensure that the ~~conditional use~~development will not injure the health, safety or welfare of the public;

(2) To ensure that the ~~conditional use~~development will conform to the review criteria~~standards~~ for approval ~~stated in Section 21-113(1) above.~~

b) Conditions may include, but shall not be limited to, the imposition of development standards and requirements applicable to the operation, location, arrangement, use and construction of any ~~conditional use~~ or development, including standards which protect

adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.

c) If the decision making body conditionally approves the application, the conditions shall become part of any subsequent development process.

(1) Failure to conform to any condition imposed upon the approval of a use development application permit shall constitute a violation of this Chapter and may be prosecuted or abated in the same manner as any other violation hereof.

3) ~~Sec. 21-118.~~ Appeal.

Decisions of the City Council concerning ~~an application for a conditional use permit~~ development applications or an amendment thereof shall be deemed the final action of the City for purposes of appeal to District Court.

Sec 20-82. Required Decision Making Process for Development Applications.

Table 20-82-1 indicates the following required review steps for each development process. See Sec 20-91. for a description of each development process.

Begin Process  End Process 

TABLE 20-82-1: REQUIRED DECISION MAKING PROCESS FOR DEVELOPMENT APPLICATIONS.						
PROCESS	Preapplication Meeting	Administrative approval or recommendation	HPRC ¹	Variance Board	Planning Commission	City Council ²
Annexation	X	X			X	X
Certificate of Appropriateness	X	X	X			Appeal
Conditional Use	X	X			X	X
Planned Unit Developments	X	X			X	X
Rezoning	X	X			X	X
Site Development Plans < 1 acre	X	X				
Site Development Plans > 1/2 ACRE	X	X				
Site Development Plans > 1/2 acre, <= 2-5 acres	X	X			X	
Site Development Plans = > 2-5 acres	X	X			X	X
Variances	X	X		X		
Vacation of right-of-way	X	X			X	X

Proposals for public projects such as highway development and improvements, airports, mass transit terminals or other major public utilities should refer to the requirements of Chapter 25: Areas and Activities of Statewide Interest.

Commented [AT5]: ATTORNEY SAID I SHOULD REMOVE VACATIONS SINCE THEY ARE DICTATED BY STATUTE. SO WHY DO WE HAVE AN EXISTING ANNEXATION CHAPTER?

Commented [PO6]: Certificates of Appropriateness – discussion point. The 1041 regulations presently require 1041 review for ANY projects in the downtown that constitute a “change in character”. Staff’s opinion is that the 1041 regulations were intended to regulate state and public projects, not individual private properties.

Commented [PO7]: Presently the threshold for Site Plans is <1/2 acre staff, >1/2 acre PC, > 2 acres Council. The intent of this is to encourage people to meet all the regulations and not be required to have public hearings, versus going through a PUD for deviations from the code.

Commented [CC8]: Change to require pc/cc for all SDPs – what would be the difference between sdp and pud

Commented [PO9]: THIS WAS ADDED BECAUSE IT DID NOT EXIST, CARMEN SAYS IT SHOULD BE REMOVED SINCE THIS IS IN STATUTE.

¹ HPRC = Historic Preservation Review Commission
² All ordinances, other than emergency ordinances, require a first and second reading by Council.

Sec 20-~~72~~83. Required Public Notification by Development Process

Table 20-83-1 indicates the required public notification for each development process. (See below for a description of each notification process.)

TABLE 20-83-1: REQUIRED PUBLIC NOTIFICATION BY DEVELOPMENT PROCESS					
Development Process	Community Meeting	Notification Mailing	Sign Posting	Publication	
<u>Annexation</u>		X	X	X ³	
<u>Certificate of Appropriateness</u>		X	X		
<u>Conditional Use</u>		X	X	X	
<u>Planned Unit Developments</u>		X	X	X	
<u>Rezoning</u>		X	X	X	
<u>Site-Final Development Plans</u>	X	X	X		
<u>Variances</u>		X	X		
<u>Vacation of right-of-way</u>		X	X		

Commented [AT10]: ATTORNEY RECOMMENDED VACATIONS BE REMOVED SINCE THEY FOLLOW STATUTE. WHAT ABOUT ANNEXATIONS?

Commented [AT11]: ATTORNEY RECOMMENDED VACATIONS BE REMOVED SINCE THEY FOLLOW STATUTE.

Sec 20-84. Notification process descriptions.

Development process notification requirements include: 1) community meetings; 2) notification mailings; 3) sign postings; and 4) newspaper publications.

A) Community Meeting. (Sec. 27-5-)

- 1) ~~Development proposals subject to the provisions of this Chapter shall conduct a nCommunity neighborhood meetings are required~~ at the beginning stage of the design process. The applicant is required to present the project proposal to the neighborhood prior to the submission of a formal application. ~~Written notice of this meeting will be sent by the City to property owners located within one hundred fifty (150) feet of the outer boundary of the project. While the City will conduct the mailing, the applicant will be responsible for all expenses and for providing appropriate materials, mailing lists and other items as necessary.~~
- 2) ~~This~~The community meeting is intended to solicit and document input on the proposed project prior to commencing formal design. The meeting results may be used to modify the project's conceptual design and, if no changes are made to the proposal based upon input heard or submitted at the meeting, the applicant ~~will~~shall explain why neighborhood and community input did not generate any design modifications. ~~(Ord. 3 §1, 2009)~~

B) Notification mailings.

The ~~applicant~~City shall ~~submit~~obtain the names, street and mailing addresses of, ~~and stamped and addressed envelopes for,~~ all property owners within ~~one hundred fifty~~three hundred (150300) feet of the ~~subject property~~area to be subdi- vided, as their names and addresses

³ Annexation publication must occur four consecutive weeks in a row, with the last publication being no less than 7 days prior to the City Council hearing.

appear in the records of ~~the County Clerk and Recorder and as their most recent addresses appear on the tax records of the County.~~ Such mailing shall occur at least 14 days prior to the ~~community meeting or public meeting.~~ Letter shall contain the name of the applicant, the address of the property, a description of the proposal, a vicinity map, and date(s) of any ~~community meetings or public hearings.~~ While the City will conduct the mailing, the applicant ~~will be responsible for all expenses.~~

C) Sign posting.

1) ~~Signs, provided by the City, will be posted on each boundary of the property having frontage on either a public or private street/road. The provision for posting along public streets/roads shall not apply to freeways, unless the freeway has a frontage road on which the requirements will apply. If the property does not have any street/road frontage at the time of posting, then a minimum of one (1) sign must be posted on the property at the location most visible to the general public. If the Case Manager determines that the signs required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. Signs shall be posted at least 14 days in advance of the public hearing and shall remain posted until the final public meeting has occurred.~~

Commented [PO12]: All of this is new. There is presently no description of posting sign requirements.

a) ~~Signs shall contain the address of the property, a description of the proposal, the time, date and location of the public meeting, and contact information for the City representative.~~

D) Newspaper publication

1) ~~The City shall set and publish notice of a date, time and place for a hearing before the City Council on said application. Such notice shall be published once in a newspaper of general circulation in the City, not less than ~~thirty-fourteen (1430)~~ nor more than ~~sixty-thirty (360)~~ days before the date set for hearing with the final decision-making authority. Annexation publication must occur four consecutive weeks in a row, with the last publication being no less than 7 days prior to the City Council hearing.~~

Sec 20-85. Submittal requirements by development process.

1) ~~The Submittal Requirements by Development Process table (below) indicates the required submittal requirements for each development process. The City Administrator may waive submittal materials or parts of submittal materials when it is determined that the materials are not pertinent or necessary for a complete submittal.~~

Commented [PO13]: There is presently no ability for staff to waive required items that do not apply or aren't needed.

a) ~~The applicant may, within three (3) business days after the City Planner's decision on any of the foregoing matters, appeal the same by giving written notice of such appeal to the City Clerk, who shall schedule the appeal before the City Council in the same manner as other public comment items. The City Council shall promptly determine the issues raised by the appeal.~~

Commented [AT14]: This language exists in the 1041 regs, I added it here, but Attorney recommended I take this out and not "politicize" it.

a) ~~In addition to complying with these regulations, at time of building permit, proposed developments may be required to be accompanied by construction plans, grading plans, drainage plans and similar items that meet the City of Idaho Springs Standards and Specifications for Design and Construction, Subdivision Regulations, and other applicable provisions.~~

Table 20-85-1. Submittal requirements by development process.

	Annexation	Certificate of Appropriateness	Conditional Use	Planned Unit Development	Rezoning	Final Development	Vacation of ROW	Variance
Annexation Map	X							
Application	X	X	X	X	X	X	X	X
Architectural Elevations		X		X		X		X
Concept Plan		X	X		X		X	X
Cover Letter	X	X	X	X	X	X	X	X
Deposit for Costs	X	X	X	X	X	X	X	X
Impact Assessment	X		X	X	X	X		
Legal Description	X		X	X	X	X		
Proof of Ownership	X	X	X	X	X	X	X	X
Site Plan				X		X		
Traffic Impact Analysis / Study			X	X	X	X		

Commented [AT15]: Attorney recommended we have no language regarding vacations given they are regulated by statute. If so, why do we have Annexations in our existing code?

Sec 20-86. Description of required submittal materials.

A) Annexation Map.

The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State. ~~The annexation map shall conform to the standards and contain the information set forth in the City's Annexation Map Technical Standards regulations, a copy of which shall be provided to the applicant at the preapplication conference required in Section 26-21 of this Chapter.~~ Maps shall be neat, clear, permanent, legible and reproducible documents. Inaccurate, incomplete or poorly drawn maps shall be rejected. (Ord. 8 §1, 2006) ~~The Annexation Map shall contain the following:~~

- 1) ~~Proposed title of the annexation.~~
- 2) ~~Size of area to be annexed, including roadways (in acres)~~
- 3) ~~Vicinity map. A map of the City and adjacent territory that shows the present and proposed boundaries of the City in the vicinity of the proposed annexation, drawn to scale.~~
- 4) ~~Written legal description of the boundaries of the annexation area (including full width of adjacent rights-of-way, if not already annexed into the City).~~
- 5) ~~Boundary of the area proposed to be annexed.~~

6) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;

7) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed along with the calculation of the contiguity.

8) North arrow and graphic scale.

9) Surveyor's Certificate.

10) City acceptance and notary blocks.

Commented [AT16]: Carmen recommended removing Vacations since they follow statute. So why do we have existing language about Annexations? If we keep that language, we should keep this since we don't have any language regarding annexation maps.

B) Application

1) A completed development application form as provided by the City.

C) Architectural elevations

A scaled architectural drawing in color which includes the following, as applicable.

1) Building materials and colors of exterior walls, roofs, doors, and windows.

2) Changes in building plane.

3) Building heights.

4) Location and screening of mechanical equipment.

5) Materials boards upon request from staff.

6) If processing as part of a preliminary PUD, conceptual design may be acceptable.

Commented [PO17]: There is some description about architectural elevations in the 1041 regs, I have borrowed some of this from there.

D) Concept plan

1) A basic site plan demonstrating conceptual locations, structures and improvements proposed as part of the development.

2) Setbacks of structures from property lines.

3) Significant natural or man-made features, whether existing or proposed, within and adjacent to the property.

4) Existing zoning district classifications of the property and adjacent properties.

5) A vicinity map indicating the general location of the property within the City.

E) Cover letter

- 1) The name, mailing address, e-mail address and phone number of the applicant on a completed application form supplied by the City.
- 2) Current use, proposed uses and requested zoning classification for the property.
- 3) A description of the development proposed.
- 4) A vicinity map indicating the general location of the property within the City.
- 5) How the proposed development meets the applicable review criteria.
- 6) Known hazards and environmental issues, if any, that may be present due to the topography, geology or hydrology of the property.
- 7) The anticipated sources of water, sanitary sewer and other utilities to be used to serve the property, if known.
- 8) Estimated demands to be imposed upon public water, sanitary sewer and drainage utility systems by the proposed uses of the property.

F) Deposit of Costs.

As described in Sec 20-75.

~~F)G)~~ Sec. 21-115-Impact ~~assessment~~Statement.

A written ~~professionally prepared~~ impact assessment, and other or additional studies or reports necessary or useful to permit a full and thorough evaluation of the development application, Required content as will be determined at ~~the a~~ preapplication conference. The applicant shall pay all costs incurred by the City in obtaining such reports, whether they are prepared by the applicant or by the City.

All studies and reports submitted by the applicant shall be prepared by a qualified professional selected by the applicant, subject to the approval of ~~the City Planner staff.~~ The City Planner Staff may reject any applicant-selected preparer where, in the opinion of ~~the City Planner staff,~~ the preparer lacks sufficient training, experience or professional license or certification to prepare the study or report to a quality or standard commensurate with studies and reports produced by preparers of similar reports in the metropolitan Denver area.

~~Such costs shall be in addition to the fees required above, and shall be paid in full before the Planning Commission places the application on the agenda for a meeting to consider the same.~~

~~At the preapplication conference required by Subsection 21-116(A) below, the City Planner shall determine and specify the subject matter and scope of any reports to be submitted by the applicant. All studies related to traffic, utilities, education, parking and emergency services shall specifically evaluate and identify both the existing capacity of available services and the projected demand for such services expected to be generated by the proposed conditional use.~~

~~(c) Applicants are strongly encouraged to obtain the City Planner's written approval of the selected preparer at the preapplication conference and, in any event, before commencing the preparation of the study or report.~~

The subject matter of any such reports or studies submitted by the applicant may include, but may not be limited to, the following, as applicable:

Commented [PO18]: Taken from the existing conditional use section.

- 1) Traffic impact/trip generation.
- 2) Parking.
- 3) Water demand/service.
- 4) Electric, gas, telecommunications and utility service.
- 5) Environmental hazards and mitigation plan.
- 6) Natural resources.
- 7) Sanitary sewer demand/service.
- 8) Historic preservation.
- 9) Drainage, including off-site impacts.
- 10) Visual impacts.
- 11) Educational needs.
- 12) Emergency services needs.

~~G)H)~~ Sec. 21-115 Legal Description.

A typed or printed legal description, and a boundary and improvements survey of the property(ies), prepared and certified by a land surveyor licensed in the State of Colorado, on eight-and-one-half-inch by eleven-inch paper suitable for use as an attachment to an ordinance ~~approving the conditional use permit.~~

~~H)I)~~ Proof of Ownership.

Proof of ownership. Such proof shall be in the form of a current title commitment, issued by a Colorado licensed title insurance company, the date of which shall be no more than thirty (30) days prior to the date of submittal of the petition. Ownership must match the ownership listed in the application. ~~If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, for whatever reason, the title commitment must certify that the property owned is wholly contained within the described area on the annexation map.~~ If the applicant is not the property owner, a notarized affidavit is required by the owner stating that the applicant is authorized by the owner to make the development application.

4J) Site Plan

- 1) All site plans shall be prepared at 24x36 inches with the long dimension being horizontal. Site Plans may be submitted electronically at the discretion of the City Administrator. Full sized copies may be requested by staff prior to public meetings. The Plans shall include the following information in the format described (as applicable):
 - a) Name of the proposed project.
 - b) Name, address, and telephone number of the applicant if different than the owner.
 - c) Parcel size in gross and net acres or square feet.
 - d) Number of potential employees.
 - e) Existing and proposed square footages.
 - f) Uses by square feet at build out.
 - g) Maximum number of dwelling units.
 - h) Dwelling unit densities.
 - i) Percentage of open space and common open space.
 - j) Date of plan preparation, and revision dates.
 - k) For bed and breakfast, motel and hotel uses in the C-1, C-2, C-3, I-1 and L-I zoning districts:
 - (1) Total number, type and density per type of dwelling units.
 - (2) Total bedrooms per each dwelling unit type.
 - (3) Residential density (gross and net).
- 3) The Site Plan shall also include the following (as applicable):
 - a) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to 50 feet or larger, or as approved by ~~the City Planner~~ staff.
 - b) A graphic and written scale.
 - c) A north arrow. The graphic should be oriented with north to the top of the page.
 - d) A legal description of the property.

Commented [PO19]: I combined the PUD submittal requirements with the site plan requirements since they are so similar. There are some exceptions for the more conceptual Preliminary PUD and "as applicable" notes. We do not necessarily have to ask for all this, but we can. There is also some verbiage that allows an applicant to appeal staff's submittal requirements to the city council.

- e) The area shown on the site plan shall extend beyond the boundary of the property to ~~include a survey of the area and~~ uses presently existing within one hundred fifty (150) feet of the property subject to the site plan.
- f) Watercourses, drainage structures and utility lines ~~shown on a boundary survey~~ with existing topography at a contour interval of at least five (5) feet within the parcel ~~and for two hundred fifty (250) feet outside the boundaries of the parcel.~~
- g) The size, location, and type of all existing and proposed easements or other rights-of-way.
- h) The location of all common open spaces within the development, together with the proposed method of development, maintenance, and ownership of said common open spaces, together with legal documentation providing for development, maintenance and ownership of said common open spaces.
- i) Location and dimension of parcel boundaries.
- j) Fully-dimensioned property lines.
- k) Existing and proposed building footprints and setbacks of all proposed and existing structures which are to be retained on the site.
 - (1) If processing a preliminary PUD, general use areas can be indicated. Proposed setbacks may be indicated as notes on the site plan.
- l) Proposed heights of structures.
- m) ~~Existing and proposed circulation system for adjoining streets, including~~ Off-street parking areas and layouts, service areas, and loading areas. ~~and major points of access to public rights of way, including major points of ingress and egress to the property.~~
 - (1) If processing a preliminary PUD, conceptual parking locations are acceptable.
- n) All existing and proposed improvements and uses, including fences and landscaping features, including length, width, floor area, height, location in relation to lot lines and other structures, and type of construction.
- o) Location, dimensions and names of proposed, and existing adjoining streets, and internal streets.
- p) Location of existing and proposed access points.
 - (1) If processing a preliminary PUD, conceptual access locations are acceptable.
- q) Location and dimensions of bicycle/pedestrian/equestrian paths, walkways, and trails shall be shown.

- r) Proposed landscaping.
 - (1) If processing a preliminary PUD, conceptual locations and design of landscaping is acceptable.
- s) Location and placement of all freestanding signage and walls.
- t) The location of all existing and proposed fire hydrants or cisterns.
- u) Existing floodplain limits.
- v) Estimated demands to be imposed upon public water, sanitary sewer and drainage utility systems by the proposed uses of the property.
- w) Finished contours at an interval of not greater than two (2) feet in dotted lines.

K) Traffic Impact Analysis / Study

As described in the City of Idaho Springs Standards and Specifications for Design and Construction.

Sec 20-87—20-90. Reserved

Sec 20-91. TYPES OF DEVELOPMENT APPLICATIONS

Sec 20-92. Purpose. The Purpose of this Section is to define and describe the different types of development applications which are subject to review.

Sec 20-93. (Sec. 25-44) Preapplication conference

- A) A preapplication conference is required of all applicants. The preapplication conference shall be held between the applicant and the ~~City Administrator or their Designee~~ City Administrator.
 - 1) This meeting is intended to provide an understanding of the applicable review procedures, requirements and standards, and provide information pertinent to the application and the geographical area affected by the application.
 - 2) The ~~City Administrator or their designee~~ City Administrator will explain the application procedures and the materials required for submittal.
 - a) The applicant shall bring a conceptual ~~site~~ site-plan to the conference.
 - b). If the ~~City Administrator or their~~ City Administrator feels that the proposal raises ~~any of the following issues or concerns~~, the applicant ~~shall may also be required to also~~ meet with members of the appropriate City department to discuss the proposal.
 - ~~b) Flood or floodplain, road, access, traffic concerns, parking design and engineering, and all vehicular movement patterns and volumes.~~
 - ~~c) Water supply, sanitation, water quality or other public health concerns.~~

Commented [PO20]: The current code has these scattered and buried throughout differing chapters of the Code. Some, such as vacations of right of way are not even mentioned.

Commented [PO21]: The pre-application process description has been relocated from the 1041 regs into this general section.

~~d) Open space or environmental resources concerns.~~

- 3) Any comments or commitments made by any member of the City staff during the preapplication conference are only preliminary in nature and should not be relied upon by the applicant. Formal comments cannot be made by City staff until after the application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to respond.
- 4) Preapplication conferences may be held individually with each department, or a joint conference for all or some of the departments may be scheduled.
- 5) City staff will make available to the applicant any public information regarding the application which is in the City's possession. ~~(Ord. 8-51, 2006)~~

Sec 20-94. (Annexations)

A) ~~(26-1.)~~ Purpose.

The purpose of this ~~Chapter-section~~ is to establish a procedure to bring land within the jurisdictional limits of the City in compliance with the Colorado Municipal Annexation Act of 1965 (hereinafter referred to as the "Act"), contained in Sections 31-12-101 through 31-12-123, C.R.S., as amended. This ~~Chapter-section~~ provides supplemental requirements for annexation pursuant to the Act, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that Act, or any requirements set forth in other portions of this Code. In the event of a conflict between the provisions of this ~~Chapter-section~~ or any requirements set forth in other portions of this Code, it is the expressed intent of the City Council that the more stringent provision shall control.

B) Applicability

Lands to be annexed shall meet the eligibility requirements of the Colorado Revised Statutes 31.12-104 and 31-12.

C) ~~(Sec. 26-4)~~ Zoning of annexed land

The applicant may apply for zoning of the proposed annexation at the same time the annexation application is submitted or thereafter; however, the area annexed must be brought under the City's zoning regulations and zoning map within ninety (90) days after the effective date of the annexation ordinance. Zoning applications shall be handled in the same manner as set forth in ~~Chapter 20, Article IV~~ of this Code. The City Council public hearing required therein may be combined with the public hearing on the annexation petition required in this Chapter.

D) Submittal Requirements

Submittal requirements for annexations shall be as listed in the Submittal Requirements by Development Process table in Section 20-85 in addition to the following:

- 1) ~~(Sec. 26-12)~~ A complete annexation petition that conforms to the requirements of Section 31-12-107, C.R.S., as amended.
- 2) An outline of any known terms proposed for the annexation agreement.

Commented [AT22]: AS MENTIONED NUMEROUS TIMES, IF ATTORNEY RECOMMENDS WE REMOVE VACATION LANGUAGE DUE TO STATE STATUTE REQUIREMENTS, WHY DO WE HAVE ANNEXATIONS IN THE CODE?

- 3) A water rights report for the property, prepared by a qualified water engineer or water attorney, detailing the water rights ~~appurtenant belonging~~ to and /or severed from the property to be annexed, and ~~their~~ historical use. The report must include both surface (tributary) and subsurface (non-tributary and tributary) groundwater. If there are not water rights associated with the property, there shall be included a statement of that fact.
- 4) If zoning of the property is requested simultaneously with annexation, a completed zoning application form, including a zoning map for the property ~~as required in Chapter 20, Article IV of this Code.~~
- 5) A narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities, detailing the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. Where applicable, specific issues to be addressed shall include but not be limited to the annexation's impact on community needs, the City's economy, the school system, City services and emergency services.
- 6) Annexation Impact report.

If an annexation impact report is required under Section 31-12-108.5, C.R.S., as amended, then at least twenty-five (25) days prior to the required public hearing ~~held pursuant to Section 26-26 below, the City Planner~~City Administrator shall consult with other City staff and prepare an annexation impact report that meets the requirements of Section 31-12-108.5, C.R.S., as amended. (Ord. 8 §1, 2006)

- E) ~~{Sec. 26-5.}~~ Raw water rights.

Future annexations of land to the City shall include conveyance of water rights to the City in an amount and of a quality sufficient, in the judgment of the City Council, to serve the anticipated development of the property.

This requirement may be satisfied as follows:

- 1) The owner of the property shall convey to the City all water rights associated with the property, including without limitation all surface water rights and all rights to the use of water in the tributary, nontributary and not-nontributary alluvial aquifers underlying the property. The water rights shall be conveyed to the City free and clear of all liens and encumbrances at the time of annexation.
- 2) If there is a deficit between the water rights the landowner conveys to the City and the anticipated water requirements for the development of the property, the landowner shall transfer sufficient other water rights acceptable to the City, or pay cash in lieu of such transfer in an amount sufficient for the City to purchase the necessary raw water rights to serve the property, with the actual cash amount to be determined as part of the annexation.
- 3) The water transfer requirement or payment in lieu shall be in addition to any other charges or fees currently charged or hereinafter charged by the City for annexation and water service to the property.
- 4) The determination of whether any water rights are sufficient to serve the property in question

shall be made by the City Council after taking into consideration the recommendations of the City Attorney and engineering consultants. The City shall have the right to accept or reject any water rights proposed for transfer to the City. The final authority to accept or reject any water rights shall be in the City Council. No reimbursement or recovery for funds expended for such water rights.

F) Annexation agreement; draft.

~~Staff~~ ~~The City Planner~~ and the applicant shall confer to prepare a draft annexation agreement addressing ~~the any~~ items of concern ~~in the evaluation required in Section 26-22 above~~ and other applicable requirements of this Code. The draft agreement, acceptable to the applicant, shall accompany any annexation petition filed with the City. ~~(Ord. 8-51, 2006)~~

G) Public notification. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.

H) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

~~G) (Sec. 26-22.)~~ Staff Evaluation.

- 1) Upon determination that the application is complete, City staff shall analyze the feasibility of annexing the proposed property. Issues to be considered shall include but not be limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the City's costs to service the proposed development; and any other related matters. ~~The City Planner~~ Staff shall prepare a written report of the City staff's findings and recommendations to submit to the Planning Commission and City Council, a copy of which shall be promptly provided to the applicant.

~~H) (Sec. 26-2.)~~ Review criteria.

In a public hearing ~~t~~he City Council shall take the appropriate steps to determine if the petition is in substantial compliance with the Act. It shall be the general policy of the City with respect to annexations, the annexation application and the consideration of annexation petitions that:

- 1) Annexation is a discretionary act. With the exception of a petition initiated by the City for the annexation of an enclave, the City Council shall exercise its sole discretion in the annexation of territory to the City.
- 2) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan.
- 3) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the City in order that the public needs may be served by such facilities.
- 4) These facilities may include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the City shall not create any additional cost or burden on the then-existing residents of the City to provide such public facilities in any newly annexed area.

- 5) The applicant for annexation shall not divide tracts of land to prevent further annexation of adjoining parcels (i.e., leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).
- 6) The property owner shall have complied with all requirements of the Act and this Chapter prior to final approval of an annexation petition.
- 7) City staff shall testify as to the elements required by statute to be present for annexation, the proposed annexation agreement and the annexation impact report as described in the Act and this Chapter.

~~8) The applicant for annexation shall be responsible for paying the City's full cost for processing the annexation applications and petition, from initial discussion with City staff before submittal of the petition, through the approval and recording of the final annexation documents.~~

Commented [PO23]: This is already described in the "deposit for costs" section in Sec 20-62. Deposit for costs.

~~4K)~~ (Sec. 26-26.) City Council action.

- 1) Determination of substantial compliance. The City Council shall take the appropriate steps to determine if the petition is in substantial compliance with the Act.
 - a) If the petition is found to be in substantial compliance with the Act, the City Council shall, by the adoption of a resolution of substantial compliance, set the annexation for public hearing on a specified date, time and place, not less than thirty (30) nor more than sixty (60) days from the effective date of said resolution, subject to compliance with the Act.
 - b) If the petition is not found to be in substantial compliance with the Act, no further action shall be taken, except that the determination shall be made by resolution of the City Council.
 - c) At the conclusion of the public hearing, the City Council shall adopt a resolution containing findings of fact and conclusions as required by the Act. If the City Council finds the annexation petition to be in compliance with requirements of the Act and the annexation agreement to be acceptable to the City, the City Council may annex the land by ordinance without election and approve the annexation agreement. If the City Council, in its sole discretion, finds that the annexation is not in the best interest of the City, it may deny the petition by resolution.

~~4L)~~ (Sec. 26-27) Applicant action; post approval.

- 1) After final passage of the annexation ordinance, the applicant shall file the following with the City:
 - a) Final versions of all applicable documents, including one mylar copy of the annexation map to be recorded with the County Recorder.
 - b) A signed, standard form general warranty deed for transfer of all raw water rights to the City, as described in this Chapter.

Sec 20-95. Certificate of Appropriateness (COA)

(Sec. 22 4.) Review procedure for building permits-Applicability

Commented [PO24]: The COA process has been moved out of Chapter 22: Historic Preservation, into here. The rest of Chapter 22 in regard to what the HPRC does, how to designate sites, etc, will remain in Chapter 22.

A) In addition to the other requirements of City ordinances and regulations, every application for a building permit within the Historic District as indicated in Chapter 22 or at designated historic sites that will result in a new structure, or external modification(s) to an existing structure, or demolition of an existing structure within the Historic District as indicated in Section XXXX or at designated historic sites shall first be submitted to the Historic Preservation Review Commission for request for a Certificate of Appropriateness.

~~Applications to demolish any structure located within this area and applications for a building permit for projects located within this area which do not change the basic character or use of the affected property, as reasonably determined by the City Administrator shall be administered by the Historic Preservation Review Commission in accordance with Chapter 22 of this Code. Proposals for projects located within said resource area which the City Administrator reasonably determines changes the basic character of the affected property are also subject to the provisions of Article V: Historic Resource and Historic Resource Impact Area Regulations of Chapter 25 Areas and Activities of State Interest of this municipal code. In this case, the HPRC makes a recommendation regarding the project to the City Council.~~

Commented [PO25]: This paragraph is presently in Chapter 25. I have put it here so the PC can see the requirement.

A)B) Exceptions.

1) Small project exceptions.

There needs to be a discussion in regard to whether HPRC proposals need to follow 1041 regs. We should only keep this if it the Commission / Council wants to keep 1041 review for private developments (not public projects). As it reads right now, ANY project in the Historic Downtown that will result in a change of character must go through 1041. I have changed the language to apply to public type projects. See the revised 1041 regs.

a) The City of Idaho Springs' Design Guidelines for Historic Structures lists "small projects" that will be deemed "appropriate" upon a required review by the Building Official, rather than through a review by the HPRC.

Commented [PO26]: This was added so people know these small project exemptions exist. This came out of the design guidelines.

2) The Historic Preservation Review Commission may authorize, upon request in specific cases, exceptions from the requirements of this Chapter and the guidelines implementing it.

a) When the Commission finds that the strict application of any requirement enacted herein will result in unreasonable economic hardship to the property owner or that such exception is necessary in the public interest, an exception from the requirements of this Chapter and the guidelines implementing it may be authorized.

(1) The burden of proof shall be upon the property owner to show that the existing use is economically unfeasible, and that sale, rental or rehabilitation of the property is not possible.

(2) If the property owner meets this burden of proof, demolition, alteration or subdivision may be allowed.

(3) The term *public interest* is defined to allow construction of special projects of special merit, having significant benefits to the City by virtue of exemplary architecture, special features of land planning or social or other benefits having a high priority for community services.

(4) The Commission shall hold a public hearing on all applications for exceptions with ~~the following conditions required:~~the same notification requirements as are required for a Certificate of Appropriateness as indicated in Section 20-83.

(a) The City shall notify the applicant and the Building Official of the Commission's decision. The decision of the Commission may be appealed to the City Council as described in ~~Section 22-4(F) above~~below.

~~(1) Notice of said hearing shall be mailed by the City, at least seven (7) days prior to the hearing date, to the applicant and to owners of property within one hundred (100) feet of the property in question. The applicant shall provide stamped, addressed envelopes to the City for that purpose. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Commission. The applicant is, however, obligated to make a good faith effort to provide all required names and addresses.~~

~~B)C)~~ Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.

~~C)D)~~ Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.

~~D)E)~~ Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

~~E)F)~~ Criteria for review and approval.

In order for the Commission ~~or the City Council~~ to grant a COA for any application for a building permit, the Commission ~~or the City Council~~ shall determine that the application meets the following criteria:

- 1) The proposed work is consistent with and promotes the purposes of ~~these~~ Historic District regulations, as set out in ~~Subsection 22-2(A) above~~Chapter 22.
- 2) With respect to an existing structure, the proposed work will not adversely materially affect its historic quality.
- 3) The proposed work will have no adverse material effect on the historic atmosphere and character of the District as a whole or of other designated sites, including state and national designations.
- 4) The proposed work is in compliance with all current, applicable design guidelines.
- 5) In determining compliance with the criteria of this Section with regard to contributing buildings, the Commission ~~or the City Council~~ shall consider the following:
 - a) The effect upon the general historic and architectural character of the structure.
 - b) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures in the District and other designated sites, including state and national designations.

- c) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the structure upon which such work is done.
 - d) The effects of the proposed work upon the protection, enhancement and perpetuation of the structure.
 - e) The condition of existing improvements and whether or not they are a hazard to public health and safety.
 - f) The compatibility of accessory structures and fences with the main structure on the site, with other structures and with the character of the District or designated site.
 - g) Substantial compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects" as they apply to building exteriors only, except those relating to paint color, which shall not apply.
- 6) With regard to determining compliance of noncontributing buildings, the Commission ~~or the City Council~~ shall consider the following:
- a) Noncontributing structures should be as compatible with contributing structures as possible.
 - b) Noncontributing structures should not attempt to mimic or duplicate the historic features of contributing structures.
 - c) Contemporary designs that creatively draw upon the important characteristics of the Historic District are favored.
 - d) Substantial compliance with the "New Construction Guidelines," a copy of which is on file in the City Clerk's office.

~~F)G)~~ Post approval.

- 1) If the Commission determines that the criteria for review and approval below are met and no additional conditions need to be required, it shall issue the COA and forward a copy of it to the Building Official. The building permit may then be processed as usual by the Building Official.

~~G)H)~~ Appeal

- 1) An application for a building permit denied a COA by the Commission may be appealed to the City Council for review for compliance with the criteria for review and approval. The burden shall be upon the applicant in all cases to prove that the applicable criteria have been met for approval.
- 2) The City Council shall either approve or deny the application, based upon the criteria for review and approval. It may also conditionally approve the application, with the agreement of the applicant to comply with such conditions. Such conditions shall become conditions of the COA and the building permit. The City Council may continue its consideration from time to time, as it deems appropriate; however, if the City Council fails to render a decision on the application within forty-five (45) days of the first regular meeting at which the matter is presented, the COA shall be deemed denied, unless the applicant consents to a further

extension of time.

Sec 20-96. Conditional Uses

A) ~~Sec. 21-111~~ General.

Article III of this Chapter permits uses not specified as being by right in the various zoning districts to be approved and implemented by conditional use ~~permit~~. This Article section governs the application for and approval, administration and enforcement of conditional uses ~~permits~~. Conditional uses generally present special impacts upon adjacent properties which necessitate individualized review and consideration and, in most instances, the approval of a conditional use requires the imposition of conditions or requirements designed to eliminate, reduce or mitigate adverse impacts resulting from the proposed use.

B) Applicability.

This Article section applies to ~~all uses identified as any uses proposed as~~ conditional uses, ~~pursuant to Article III of this Chapter. As used in this Article, the term property means the entire ownership parcel of real property, or any specifically described portion thereof, which is subject to a conditional use permit or application therefor.~~ No building permit shall be issued in any zoning district ~~for any use not identified by~~ ~~for any use specified as a conditional use right~~, nor shall any person cause or permit such use upon property owned, controlled or occupied by such person, until a conditional use ~~permit~~ has been approved by the City Council according to the requirements of this Article section.

~~Applications for a conditional use permit may be submitted by any person, firm or corporation having an ownership interest in the property on forms provided by the City. The completed application shall be submitted to the City and include, at a minimum, the following:~~

- C) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.
- D) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.
- E) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.
- F) Criteria for review and approval.

Conditional uses ~~permits~~ may be approved by the City only where the applicant demonstrates that all of the following conditions will be met:

- 1) The proposed use conforms to all requirements of this Article and all other applicable provisions and other development regulations, standards or requirements adopted by the City;
- 2) The proposed use is in general conformance with applicable provisions of the Comprehensive Plan, or that changed conditions occurring since the adoption of the Comprehensive Plan support approval of the proposed conditional use of the property; and
- 3) The proposed use will not result in impacts to adjacent properties which are significantly different in nature, type or extent than impacts caused by uses which are permitted by right in

the zone district where the property is located.

G) Post approval.

- 1) Nothing in this ~~Chapter-section~~ shall limit the authority of the City Council to refer its decision on the conditional use permit to the eligible electors of the City for final determination.
- 2) All approved conditional use permits shall be approved by ordinance. Such ordinance shall include the legal description of the property, specify in detail the conditional use permitted and clearly specify any and all permit conditions imposed. The ordinance shall be recorded in the records of the County Clerk and Recorder, and the permit shall run with the described property. All approved conditional use ~~s permits~~ shall be referenced on the zoning district map and a file containing all documents relevant to the application and the resulting permit shall be maintained by the City Clerk.
- 3) Revocation. Any conditional use ~~permit~~ may be revoked at any time by ordinance of the City Council, following notice to the owner of the property and observance of substantially the same procedure provided herein for City Council consideration of issuance of the permit, where the City Council finds failure to meet the conditions imposed, if any, or that the property has not been devoted to the approved conditional use for a period of more than two (2) years.
- 4) Any rezoning of the property after a conditional use ~~permit~~ is approved but before the approved conditional use is implemented on the property shall automatically terminate and void the conditional use permit unless the City expressly reaffirms the permit as part of the rezoning.

H) ~~Sec. 21-117.~~ Amendment.

An application for amendment of an approved and valid conditional use ~~permit~~ shall be processed in accordance with the requirements applicable to the issuance of a new conditional use ~~permit~~. (~~Ord. 8 51, 2006~~)

Sec 20-97. Planned Unit Developments (PUD)

A) Intent and purpose.

The Planned Unit Development (PUD) is established as a zone district to provide ~~a~~ greater flexibility in land development and use by allowing ~~such an applicant to propose a specific~~ development or conceptual entitlements to be based upon a comprehensive, integrated, ~~detailed~~ plan rather than upon specific development constraints as applicable to ~~uniform lot-by-lot development~~ standard zone districts. The PUD shall promote and provide:

- 1) Flexibility in design and permit planned diversification in the location of structures;
- 2) Innovative or unique design that would not otherwise be allowed by an existing zone district;
- 3) The efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
- 4) The combination and coordination of architectural styles, building forms and relationships

within the PUD; and

- 5) A higher quality of construction that will be compatible with other developments within the City.

B) ~~Applicability. Sec. 21-152. Scope of application.~~

The PUD District may be made applicable to any area and to any future land area annexed into the City. The change of a parcel in a zone district to a PUD will constitute rezoning and must be done in accordance with ~~Article IX the rezoning requirements~~ of this ~~Chapter~~ section.

C) Sec. 21-154. Uses permitted.

A PUD of any nature (residential, commercial, industrial, public or quasi-public) either as a single use or a combination of uses may be permitted. The Planning Commission and the City Council shall determine the uses allowed in each PUD, and those approved uses shall be stated on the approved PUD.

~~1. All types of residential uses may be combined in one (1) PUD;~~

~~2. Supporting commercial in residential PUDs shall be located so as to be compatible with residential areas; and;~~

~~3. Any negative traffic, utility or residential impacts associated with proposed commercial and industrial PUDs shall be adequately mitigated.~~

Commented [PO27]: Addressed in review criteria

~~Sec. 21-155. Ownership requirements.~~

~~The applicant shall supply the Planning Commission with sufficient information that the applicant is the full owner as recorded or that he or she has executed a binding sales agreement before final approval of his or her plan. Owner shall mean any person, persons, corporation, association, partnership, condominium or owners' association that has been legally organized.~~

D) ~~Sec. 21-153. Area.~~

The minimum land area that will be considered for a PUD District zoning shall be ~~one (1) acre~~ one (1) acre ~~four (4) acres~~, unless otherwise approved by the Planning Commission. (Ord. 8 §1, 2006)

E) ~~Sec. 21-156. Building and site regulations.~~

- 1) Lot sizes. Minimum lot areas, lot widths and density shall be determined by the use and design of the PUD.
- 2) Open Space. Minimum unobstructed open space shall be determined by the use and design of the PUD.
- 3) Building setbacks. Building setbacks shall be determined by the use and design of the PUD.
- 4) Building height. Maximum building height shall be determined by the use and design of the PUD. For any building proposed to be taller than 35 feet, the applicant must demonstrate how building height is compatible with the surrounding character and is the minimum height

required for the project.

5) Parking ratios.

Parking ratios that deviate from the provisions of the Parking and Loading Requirements of this Chapter may be approved if the applicant submits a parking study that demonstrates the parking as proposed is the minimum required without creating additional parking deficiency on neighboring properties or adjacent public right-of-ways or parking facilities. If parking ratio deviations are approved, the approved ratios shall be added as notes to the PUD.

F) Sec. 21-157. Combination or separate PUD documents.

An applicant has the option of processing a ~~Planned Unit Development~~PUD as a more conceptual Preliminary Plan-PUD to secure general concepts and entitlements and Final ~~Planned Unit Development~~PUD for the final design as described below, or processing both concurrently as one PUD with only one required Planning Commission and one required City Council meeting. If the applicant is pursuing the latter, the information required for the Preliminary ~~Plan-PUD~~ and Final ~~Planned Unit Development-PUD~~ shall be combined onto one PUD document. PUD, site development plan, annexation, subdivision and/or rezoning may take place at the same time and with a set of documents that will satisfy all requirements.

G) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.

1) Preliminary PUD.

a) Building elevations, landscaping locations, parking locations and access points may be conceptual in nature. Building elevations should provide sufficient detail in terms of architectural style, materials and massing as to determine the design generally conforms to the PUD during the site development plan process.

b) Proposed uses, total uses by square footage at build out, proposed setbacks and parking ratios can be indicated as notes on the Preliminary PUD.

2) Final PUD. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article with the addition of the following:

a) A time schedule for the completion of the project or the phases thereof.

~~2)3)~~ Any deviations from design or development standards as required by this Code must be described in the cover letter along with the rationale for the deviation and how it is in the spirit of the intent and purpose of the PUD.

~~G)H)~~ Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.

1) If processing a preliminary and final PUD separately, full notification requirements for each shall occur as if separate development processes.

I) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

1) If processing a preliminary and final PUD separately, full public hearings for each shall occur as if separate development proposals.

a) Approval of the preliminary PUD shall be valid for a period of two years only. Upon written application, the Planning Commission may grant an extension of time not exceeding one (1) year for filing the final PUD.

H) Criteria-Considerations for review and approval. Considerations for review and approval will be the same as is required for a rezoning with the following addition:

Commented [P028]: Under the present PUD regs criteria for approval are not listed.

1) Whether the proposed PUD adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services.

In determining whether to approve, deny, or conditionally approve a PUD, the City Council shall consider the following factors:

1) Whether the PUD generally conforms to the Comprehensive Plan.

2) Whether development of the property in accordance with the proposed PUD will be in harmony and compatible with surrounding land uses and present development in the area.

H) Post Approval

1) All approved ~~conditional-use permits~~PUDs shall be approved by ordinance. Such ordinance shall include the legal description of the property, specify in detail the ~~conditional-use permitted~~nature of the PUD and clearly specify any and all permit conditions imposed. The ordinance shall be recorded in the records of the County Clerk and Recorder, and the ~~permit shall PUD shall~~ run with the described property. All approved ~~conditional-use permits-PUDs~~ shall be referenced on the zoning district map and a file containing all documents relevant to the application and the resulting permit shall be maintained by the City Clerk.

a) When approved by the City Council, the applicant shall file two (2) copies of the final plan with the City Clerk and one copy with the County Clerk and Recorder.

The City Clerk shall cause to be executed and recorded in the office of the County Clerk and Recorder, at the applicant's expense, an instrument in the following form:

Statement of Establishment of Planned Unit Development.

Under the Zoning Regulations of the City of Idaho Springs, on the _ day of , 20_ , a Planned Unit Development of the following described property by Ordinance No. , Series 20 _ . The following described property shall be developed only in accordance with the Planned Unit Development plan on file in the office of the City Clerk of the City of Idaho Springs, Idaho Springs, Colorado. The legal description of the property involved is as follows:

[Insert Legal Description]

Mayor

Attest:

City Clerk _____

2) Amending final PUD plan.

Procedure for amendment shall be the same as that prescribed for plan approval. Should the City Council approve the amendment to the PUD, an amended plan shall be filed and notice thereof recorded in the same manner as the original plan. Minor changes which improve the character of the site plan and do not increase the lot coverage, building density or building height can be made with the written approval of the Planning Commission.

~~Amendments to the PUD development plan shall be considered only when one (1) or more of the following conditions exist:~~

- ~~(1) A clear and obvious hardship would result unless an amendment to this plan is granted;~~
- ~~(2) There was an error or mistake in the plan;~~
- ~~(3) There has been a change of conditions in the surrounding area which would necessitate a change in the plan.~~

3) Successors bound. A change of zoning to PUD shall bind the development of that property so zoned to the PUD plan, regardless of any change in ownership of the subject property.

~~Sec. 21-163. Approved plan required.~~

~~No property zoned PUD without an approved final development plan shall be developed, nor shall any building permit issue for construction upon such property or any portion thereof until the owner has secured City approval of a final development plan as required by Section 21-159 above.~~

Sec 20-98 Rezoning Amendments; Zone Changes

- A) Intent and purpose. ~~Sec. 21-131. Authority.~~ The City Council may, from time to time, on its own motion, on motion of the Planning Commission or on petition by any property owner, after notice and public hearings as provided by law and in accordance with the procedures and requirements set forth in this Article, amend, supplement or change the zoning map or any provision of this Chapter. ~~(Ord. 8 §1, 2006)~~
- B) ~~Sec. 21-132.~~ Property owner petitions. Any petition to change zoning for specific property, except as initiated by the City, shall be filed with the City Clerk and shall be signed by the owners of one hundred (100) percent of the property proposed for zoning, exclusive of public streets and alleys. ~~Such petition shall furnish or provide at a minimum the following information:~~
- C) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.
- D) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.
- E) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

Commented [PO29]: LEGAL - Does a PUD need to be recorded on a mylar? A typical rezoning does not. Is the signature block required given one is not required for a rezoning?

- F) ~~Consideration for review and approval. Sec. 21-134. City Council review.~~ In determining the zoning, the City Council ~~shall~~ may consider the following factors:
- a. Whether the proposed zoning is in conformity with the Comprehensive Plan.
 - b. Whether there have been material changes in the character of the neighborhood such as to justify a change in the zoning.
 - c. Whether the proposed rezoning will tend to preserve and promote property values in the neighborhood.
 - d. Whether development of the property in accordance with the proposed rezoning will be in harmony and compatible with surrounding land uses and present development in the area.

~~e. Whether the property can be reasonably used and developed as presently zoned.~~

Commented [P030]: Do we really want to retain this finding? Nearly any property in IS other than open space can be reasonably used as it is presently zoned.

~~f.e.~~ Whether the proposed rezoning will affect traffic congestion in the area.

~~g.f.~~ Whether the proposed rezoning will promote the public welfare.

~~h.g.~~ ~~Whether the property was properly zoned when its current zoning was established.~~

Commented [P031]: Seems “Whether there have been material changes in the character of the neighborhood such as to justify a change in the zoning” would give us similar findings.

~~i.h.~~ Whether denial of the proposed rezoning would preclude any reasonable economic use of property.

~~j.~~ ~~Whether any other zoning classification would afford any reasonable use of the property.~~

Commented [P032]: Similar to above, do we really want to retain this finding? Nearly any zone district in IS other than open space can be reasonably used as it is presently zoned.

~~k.i.~~ Whether denial of the proposed rezoning would impose an undue hardship on the owner.

~~l.~~ ~~Whether the proposed rezoning will promote or disturb stability in the zoning of the neighborhood.~~

Commented [AT33]: Do we really need this given we have compatibility and preserving and promoting property values?

1. ~~A legal description of the property proposed for rezoning.~~
2. ~~A list of the names and addresses of all owners of property within the area proposed for rezoning, together with a legal description of the property within such area owned by each such owner.~~
3. ~~A statement of the present zoning of the area proposed for rezoning.~~
4. ~~A statement of the type of zoning sought by the petition.~~
5. ~~A narrative summary of the existing uses within the area proposed for rezoning.~~
 - a. ~~Required attachments. Such petition shall be accompanied by the following attachments:~~
 - b. ~~Three (3) copies of a map prepared at a scale of one hundred (100) feet to one (1) inch or larger, and twenty~~
 - c. ~~(20) copies no larger than eleven (11) inches by seventeen (17) inches, showing the property proposed for re-zoning, its location and the length and direction of each boundary thereof, the location and use of all buildings on such property, and the principal use of all properties within one hundred (100) feet of the boundaries of such lands, disregarding intervening public streets and alleys; and~~
 - d. ~~Stamped and addressed envelopes for the record owners of all properties proposed for rezoning and all properties within one hundred (100) feet of any part of the area proposed for rezoning, disregarding intervening public streets and alleys.~~
6. ~~Deposit. Such petition shall be accompanied by the deposit and executed agreement required by~~

~~Section 21-11 of this Chapter.~~

~~7.1. Time for submitting petition. To allow adequate time for staff, professional and Planning Commission review, the completed petition shall be submitted to the City Clerk at least thirty (30) days prior to the Planning Commission meeting at which it will be considered. (Ord. 8 §1, 2006; Ord. 11 §8, 2007)~~

Commented [PO34]: All of this is already listed in the submittal and the notification requirements tables.

G) Post approval.

- a. All approved ~~conditional use permits rezonings~~ shall be approved by ordinance. Such ordinance shall include the legal description of the property, specify in detail the ~~conditional use permitted nature of the PUD nature of the rezoning~~ and clearly specify any and all ~~permit~~ conditions imposed. The ordinance shall be recorded in the records of the County Clerk and Recorder, ~~and the permit shall PUD shall run with the described property. All approved conditional use permits PUDs shall be referenced on the zoning district map and a file containing all documents relevant to the application and the resulting permit shall be maintained by the city clerk.~~
- b. Denial; resubmittal. If a property owner petition is denied, a period of one (1) year must elapse from the date of such denial before another property owner's petition to establish the same or substantially similar zoning for the same property may be submitted. ~~(Ord. 8 §1, 2006).~~
- c. Protest to changes. If a written protest against any proposed change in these zoning regulations or in the zoning classification of any property is filed with the City Clerk at least twenty-four (24) hours before the City Council's vote on the same, and such protest is signed by the owners of twenty (20) percent or more of the property proposed for rezoning or of the area of land located within one hundred (100) feet of any part of such property, disregarding intervening public streets and alleys, such change shall not become effective except by ~~the favorable a 2/3~~ vote of ~~a majority of~~ all members of the City Council. (Ord. 8 §1, 2006)

Sec 20-99 Site Development Plans (SDP)

A) Sec. 21-71. Required.

~~No building permit shall be issued for new structures, or expansions / additions of more than 20% of the gross floor area of existing structures in an R-3, R-M, C-1, C-2, C-3, I-1, L-I HD or PUD District until a site plan SDP meeting the requirements of this Article has been approved for it. (Ord. 8 §1, 2006; Ord. 11 §2, 2007)~~

Commented [AT35]: Existing code presently says ANY building permit must go through this process.

B) Sec. 21-72. Application ~~ability~~

~~Site plan SDP review is to ensure compliance with zoning district requirements set forth in Article III of this Chapter Article for R-3, R-M, C-1, C-2, C-3, I-1, and L-I and PUD zone districts and in Article XI of this Chapter for PUD Districts, and and to provide for the construction and installation of any public improvements needed to serve the proposed uses on the property. Applications for approval of a site plan SDP shall be submitted on forms furnished by the City. The application shall be completed in full and submitted, along with all requirements set forth herein, to the City. (Ord. 8 §1, 2006; Ord. 11 §3, 2007)~~

Commented [PO36]: Already described in submittal requirements table.

C) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by 28

Development Process table provided in this article.

- D) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.
- E) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.
- 1) Site development plans for lots/properties under up to one-half (1/2) one acre in size are subject to administrative review and approval by the City Administrator by the administrative review and referral process listed in this article.
 - 2) Site development plans for lots/properties over one-half (1/2) one acre and up to less than two (2) five (5) acres in size are subject to Planning Commission review and approval.
 - 3) Site development plans for properties of two greater than five (5) acres and greater are subject to City Council review and approval.
- 4) The decision making body shall approve, disapprove or conditionally approve the application.

F) Review and Approval Criteria

- 1) Site development plans shall conform to all use and development standards of this Chapter as indicated in Article III. Zoning, Article IV. Development Regulations, and Article VI. Site and Design Standards.
- 2) Administrative denial of a site development plan can be appealed to the City Council only at the request in writing of the applicant.

~~F)G)~~ Sec. 21-77. Effect of approval.

- 1) Site development plan approvals shall be by written order of the City Administrator or their designee City Administrator. Such order shall include the legal description of the property, specify in detail the improvements and uses authorized and clearly specify any and all conditions and requirements imposed. The order Site development plans shall run with the described property, and the City Clerk shall maintain a file containing all documents relevant to the application and resulting approval.
- 2) Approval of a site development plan shall constitute authorization to construct improvements upon and use the property subject thereto only as provided on the approved site plan. No person shall cause or permit any use of property subject to an approved site development plan in any manner not provided for on the site plan, or fail to comply with any of the requirements specified in the approval thereof.

~~G)H)~~ Sec. 21-78. Revocation.

Any site development plan approval may be revoked by order of the City Administrator or their designee City Administrator, following notice to and an opportunity for the owner of the property to be heard, where the property has not been devoted to the approved site plan improvements or uses for a period of more than two (2) years. The City Administrator has the authority to extend this deadline for one year if the applicant submits sufficient cause for the delay. (Ord. 8 §1, 2006)

~~H) Sec. 21-79.~~ Rezoning.

Any rezoning of the property after a site development plan approval but before the improvements and uses covered by the site development plan approval begin on the property shall automatically terminate and void the site development plan approval unless the City expressly reaffirms the same as part of the rezoning.

~~H) Sec. 21-80.~~ Amendment of approved site development plan.

An application for amendment of an approved and valid site development plan approval shall be processed in accordance with the requirements applicable to the consideration of a new application.

~~(Ord. 8-51, 2006)~~

Sec 20-100. Vacation of Right-of-Way or Easement

Commented [PO37]: There is no presently no regulation for this process in our Code.

A) Purpose

This Section allows the City Council to vacate a public right-of-way or easement in the City that is no longer needed after complete review by all agencies.

B) Applicability. This process may be used to vacate any right-of-way or easement of record over which the City has jurisdiction.

C) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.

D) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.

E) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

F) Criteria for review and approval.

The City Council shall consider the following criteria when reviewing an application to vacate a public right-of-way or easement:

1. Whether the public right-of-way or easement being vacated is needed in the short or long term;
2. Whether the proposed vacation will leave any land adjoining said right-of-way without an established public road connecting said land with another public road;
3. Whether the vacation will serve the public health, safety and welfare, specifically considering its impact on surrounding properties.

G) Division of right-of-way or easement

Any right-of-way that is vacated will be divided equally between the lots on each side, unless it

can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the City Council approves the vacation.

H) Post Approval

All approved vacations of right-of-way or easements shall be approved by ordinance. Such ordinance shall include the legal description of the property. The ordinance shall be recorded in the records of the County Clerk and Recorder.

I) All approved vacations of right-of-way or easements shall be required to be legalized and recorded through the Administrative Plat Amendment, or if the property does not qualify, other applicable lot configuration process as indicated in the City of Idaho Springs' Subdivision Regulations.

Sec 20-101. Variances

A) Applicability

Sec. 21-141. The Variance Board may authorize variances from the requirements of Chapter 20 of the Code. The Variance Board shall also hear and decide appeals from decisions rendered from these regulations where it is alleged that there is an error in any order, requirement, decision or determination made in the administration of this Chapter.

~~1)~~—Under no circumstances shall the Variance Board grant a variance to allow a use not authorized under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in said district. Also, neither a nonconforming use of neighboring lands or structures in the same district, nor a permitted or nonconforming use of lands or structures in other districts shall be considered grounds for the issuance of a variance.

B) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article with the following addition to the cover letter:

1) Citation to or copy of the section or subsection of this Chapter from which the variance is being requested, or a copy of the Building Official's order, requirement, decision or determination from which an appeal is taken.

C) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.

D) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

1) The concurring vote of three (3) members of the Variance Board shall be necessary to reverse or modify any order, requirement, decision or determination of the City or to approve an application on any matter upon which the Variance Board has been granted jurisdiction. Any decision of the Variance Board shall constitute the final order of the City and shall be subject to review by a court of competent jurisdiction as provided by the Colorado Rules of Civil

Procedure.

- 2) In granting any variance, the Variance Board may prescribe appropriate conditions and safeguards in conformity with this Chapter and the Comprehensive Plan. ~~and particularly the standards set forth above.~~ Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter and punishable under Section 21-8 of this Chapter.

B)E) Criteria for review and approval.

- 1) Variances from requirements of Chapter 20.

A variance shall be considered an extraordinary remedy. When considering a variance from the requirements of this Chapter, the Variance Board shall apply the criteria set forth below.

- a) The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.
- b) There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.
- c) The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.
- d) Reasonable protections are afforded adjacent properties.
- e) The variance is the minimum variance that will make possible the reasonable use of the land or structure.
- f) The granting of the variance will:
 - (1) Observe the spirit of this Chapter;
 - (2) Secure the public safety and welfare;
 - (3) Ensure that substantial justice is done.

- 2) Variances as appeals.

- a) The Variance Board may also hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made in the administration of this Chapter. ~~Except where specifically provided otherwise, all questions of~~

~~administration and enforcement of this Chapter shall first be presented to the Building Official.~~ The Variance Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, where the Variance Board finds that City Staff acted:

- (1) Without clear and convincing evidence to support the order, requirement, decision or determination; or
 - (2) Beyond the Building Official's authority.
- b) An appeal from an order, requirement, decision or determination made by the Building Official shall stay all proceedings unless the Building Official certifies that such stay would cause imminent peril to life or property. ~~(Ord. 8-51, 2006)~~
- 3) Post Approval.
- a) The endorsement of the variance by adjacent landowners does not relieve the applicant of the burden of meeting all ~~of the other~~ requirements set forth in this Subsection.
 - b) Every variance shall run with the land, but shall apply only to the specific building or structure for which it was originally sought.
 - c) The granting of any variance shall not constitute or be construed as a precedent, ground or cause for any other variance.
 - d) A variance shall be effective for a period of one (1) year from the date it is granted by the Variance Board. Failure to obtain a building permit for the structure for which the variance was granted prior to the expiration of said period will cause lapse of the variance. Requests for an extension of said period shall be presented to the City ~~Planner Administrator or their designee~~ in writing at least thirty (30) days prior to the scheduled expiration date. The ~~City Administrator~~ ~~City Planner~~ may authorize up to one additional year if cause exists for the extension and there would be no harm to the adjacent property owners or the community in general arising from the extension. ~~(Ord. 8-51, 2006)~~