

ORDINANCE NO. 844

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 24 OF THE
DACONO MUNICIPAL CODE REGARDING SITE PLANS**

WHEREAS, Chapter 16, Article 24 of the Dacono Municipal Code establishes requirements and procedures for site plans; and

WHEREAS, the City Council desires to amend the requirements for site plans to authorize the City's Community Development Director to require a site plan due to a change in use in an existing structure, unless such change in use would not create certain impacts as set forth herein; and

WHEREAS, the City Council further desires to amend the title "City Planner" to read "Community Development Director" to reflect the current title of that position within the City's administrative organization; and

WHEREAS, the City Council finds the amendments set forth herein will benefit the City and its residents and businesses by ensuring that all developments and uses are conducted in such manner as not to adversely impact surrounding properties or place an undue strain on City resources.

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

Section 1. Chapter 16, Article 24 of the Dacono Municipal Code is hereby amended by the phrase "City Planner" being replaced with "Community Development Director" throughout.

Section 2. Section 16-570 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-570. Purpose.

The purpose of this Article is to provide for review of the design and layout of individual sites prior to their development, ~~and/or~~ redevelopment, or change in use. This review is necessary to:

- (1) Ensure the development is done in a manner that protects the health, safety and general welfare of the community;
- (2) Ensure the livability of residential neighborhoods, enhance the appearance and viability of commercial areas, improve the compatibility of adjacent land uses and contribute to the overall image and appeal of the City;
- (3) Ensure that public facilities are in place to serve the development; and

(4) Ensure that new development pays for its proportionate share of the cost of all necessary facility construction and expansion.

Section 3. Section 16-571 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 16-571. General requirements.

(a) Site plan review and approval is required for any change in use of a property or structure or before a building permit may be issued by the City for all business, commercial, industrial, multi-family residential, schools, churches and municipal or other public or quasi-public uses, except that:

(1) This requirement shall not apply to the development or redevelopment of single-family or two-family dwellings;

(2) This requirement shall not apply to any interior remodeling of a structure; and

(3) ~~This requirement shall not apply to~~ The Community Development Director may waive the requirement for a site plan for additions, modifications in use, or expansions of existing structures if the addition or expansion constitutes an area of less than ten percent (10%) of the total existing gross floor area or ten thousand (10,000) square feet, whichever is less, and such addition, modification in use, or expansion does not impact site access or traffic circulation, alter the basic relationship of the property to adjacent properties, decrease the amount of off-street parking, or decrease setbacks below the minimum required in the underlying zone district. However, such additions or expansions shall still be required to comply with all applicable City standards and regulations prior to the issuance of a building permit.

(b) Variance requests related to a specific site plan submittal shall be considered by the Planning Commission and City Council as part of the site plan review process, rather than by the Board of Adjustment, unless otherwise determined by the City Planner. When determining whether a site design variance should be approved, the Planning Commission and City Council shall consider whether the design requirements of Section 16-573 below have been met.

(c) Site plans shall only be approved for permanent uses and building; no temporary site plans shall be approved. Temporary buildings and uses are only permitted in accordance with Chapter 18, Article 1 of this Code.

Section 4. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

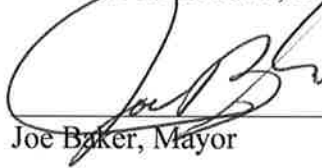
Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 12th day of MARCH, 2018.

PUBLIC HEARING AND SECOND READING WILL BE THE 9th day of APRIL, 2018, AT 6:00 P.M. AT DAcono CITY HALL, 512 CHERRY STREET, DAcono, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 9th day of April, 2018.

CITY OF DAcono, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

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Summary of Ordinance No. 844, **“AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 24 OF THE DACONO MUNICIPAL CODE REGARDING SITE PLANS.”** Amends the City’s site plan ordinances to require a site plan when there is a change in use of a building that requires a building permit.