

ORDINANCE NO. 746

**AN ORDINANCE REPEALING AND REENACTING TITLE 16, ARTICLE 24 OF THE
DACONO MUNICIPAL CODE REGARDING SITE PLANS**

WHEREAS, by Ordinance No. 594 adopted on February 11, 2002, the City Council established a site plan review process to ensure conformity with the design and layout of individual development sites within the City; and

WHEREAS, the City Council desires to revise this application process as set forth herein to better facilitate the orderly development of land within the City.

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

Section 1. Section 16-74 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 16-74. Public notice.

Public notice means notice by one (1) publication in a newspaper of general circulation within the City and posted on the property at least seven (14) days prior to the hearing date, unless otherwise provided in this Chapter.

Section 2. Title 16, Article 24 of the Dacono Municipal Code is hereby repealed and reenacted to read as follows:

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. 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.

Sec. 16-571. General requirements.

(a) Site plan review and approval is required 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 additions 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. 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 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.

Sec. 16-572. Site plan review and approval process.

(a) Sketch plan review. A sketch plan review shall be mandatory for all nonresidential development or redevelopment requiring site plan review pursuant to this Article. A sketch plan review meeting shall be held with the city planner and city engineer, who shall provide initial comments on the proposed site plan and will discuss submittal and permit requirements.

(b) Applications. Applications for site plan review shall be submitted in accordance with section 16-576 of this chapter. The city administrator, planner or

designee shall determine if the submitted application is complete. If not complete, the city may reject the application and inform the applicant of the materials or revisions needed to make the application complete.

(c) Technical review process. Once an application for site plan review has been deemed complete and accepted, the City Administrator, Planner or designee shall refer the plans and written materials to the appropriate City staff and referral agencies for their review. Comments made by staff and review agencies will be sent to the applicant by the City. The applicant is required to make all necessary corrections and modifications to address staff and referral agency comments and resubmit the site plan for technical review.

(d) Public review process. Upon completion of the technical review process, the City Administrator, Planner or designee shall be responsible for scheduling the site plan on a Planning Commission agenda. The Planning Commission shall conduct a public hearing to consider the site plan, after which hearing the Planning Commission shall make a recommendation to the City Council that it approve, approve with conditions or disapprove the site plan. After a recommendation by the Planning Commission, the site plan shall be placed on the next available City Council agenda where the City Council shall conduct a public hearing and shall approve, approve with conditions or modifications or deny the application. In making a determination on the site plan, the Planning Commission and City Council shall consider whether the design requirements of Section 16-573 have been met. Public notice requirements for the public hearings held on site plans shall meet the requirements of Section 16-74 of this Code.

(e) Recording. The approved site plan, along with any supporting documents as determined by the City, shall be recorded with the Weld County Clerk and Recorder by the City at the applicant's expense.

Sec. 16-573. Design requirements.

The following design requirements shall be considered in the evaluation of a site plan:

(1) Conformance with all applicable provisions of the underlying City zone district requirements in which the site is located and consistency with the intent of this chapter.

(2) Conformance with all applicable provisions of all related development plans, such as approved subdivision plats and/or PUD plans.

(3) Conformance with all applicable provisions of the City's adopted Baseline Standards, adopted architectural design standards and parking and open space requirements.

(4) Conformance with all applicable City Standards and Specifications for the Design and Construction of Public Improvements.

(5) Compatibility with surrounding existing and proposed uses.

(6) Conformance with state, federal and/or local environmental standards, including but not limited to air quality, water quality, glare and heat, noise, vibration, odors, hazardous materials, storage and disposal of waste, electromagnetic interference and radiation.

(7) Adequate facilities will be provided for pedestrians, bicyclists, and motorists.

(8) Adequate public improvements (both on and off site) will be provided in a timely fashion.

(9) Conservation of energy, water, and other resources is optimized, on a site-specific scale.

(10) Any common areas serving the site are identified, and adequate provisions are made for the ownership and maintenance of such areas.

(11) The proposal justifies any proposed deviations from the Dacono Municipal Code in terms of the overall quality of the plan.

Sec. 16-574. Subdivision agreement.

A subdivision agreement shall be required for all site plans that have related public improvements, drainage improvements and/or landscaping to install and/or complete. If a subdivision agreement is required, an estimate of probable construction costs, including all proposed public improvements, drainage improvements and landscaping improvements, shall be provided by the applicant for approval by the City Engineer and City Planner. An improvement guarantee shall be provided in favor of the City pursuant to the requirements set forth in Article 15 of Chapter 17 of this Code.

Sec. 16-575. Vested rights.

Approval of a site plan pursuant to this Article may constitute approval of a site specific development plan in accordance with the provisions of Article 12 of Chapter 17 of this Code.

Sec. 16-576. Submittal requirements.

The following information is required for a site plan submittal, unless expressly waived by the City Planner:

(1) A land use application form, application fees and a funds deposit. The applicant shall enter into a cost agreement and funds deposit agreement with the City, providing the applicant shall pay for all legal, engineering, planning and other professional or consultant fees and all other costs incurred by the City related to the application.

(2) Proposed site plan drawn to scale, containing the following information:

- a. Name of site and/or project;
- b. Legal description of site;
- c. Name, address and telephone numbers of developer, engineer, surveyor and owners;
- d. Date of preparation, scale and true north arrow. The scale used shall result in a legible plan, preferably on a 24"-x-36" page size;
- e. Total acreage, existing zoning, proposed zoning if rezoning is required, existing and/or proposed net residential density, required and proposed usable open space, and location of all environmentally sensitive areas, such as wetlands and wildlife habitats;
- f. Location and dimensions of all existing streets, alleys, sidewalks, oil and gas facilities and pipelines, easements and watercourses within and adjacent to the subdivision, and the names of all such streets;
- g. Location and dimensions of all proposed streets, alleys, easements, lot lines and other areas to be reserved or dedicated for parks, schools or other public places, and the names of all proposed streets;

h. Designation of areas subject to flooding, including floodplain, floodway and base flood elevations. In cases of non-FEMA mapped waterways, show 100-year water surface elevation;

i. Proposed sites for multi-family, commercial, industrial, open space and other public or nonpublic sites, and a listing of all specific uses being proposed;

j. Number, size and location of all parking spaces, including loading and spaces designated for the handicapped;

k. Location, floor area, uses, height and setbacks for all existing and proposed buildings and structures;

l. Location, size, height and materials for all signage;

m. Location and type of lighting sources, including a photometric plan;

n. Vicinity map showing zone districts, traffic circulation system, major public facilities and location of existing municipal boundaries within one (1) mile of the site; and

o. Signature blocks for all owners, utility providers, surveyors and engineers, the planning commission and the city council.

(3) Rezoning application, if applicable.

(4) List of all requested variances and/or waivers, together with related justification.

(5) Narrative describing conformance with the city's adopted Baseline Standards, and parking and open space requirements.

(6) Wetlands delineation report and/or a wildlife biologist's report to identify wildlife habitat or threatened or endangered species, and how impacts on such areas or species may be minimized or mitigated.

(7) Geologic and mining hazard report.

(8) Traffic impact analysis.

(9) Drainage report and plan.

(10) Grading Plan that conforms with the Standards and Specifications for the Design and Construction of Public Improvements

(11) Architectural elevations that convey the architectural intent of all proposed buildings and structures, including:

- (a) Overall exterior dimensions;
- (b) Materials;
- (c) Color scheme;
- (d) Signs; and
- (e) All faces of the structure, clearly labeled.

(12) Landscape plan drawn to scale, containing location, size and species of all proposed plant materials; location, size and treatment of all ground surfaces; location and disposition of all existing trees; details of proposed perimeter treatment, including landscaping materials, type and extent of irrigation; and fencing, walls, berms and/or a combination thereof. One (1) sheet shall include the locations of proposed underground utility and drainage facilities.

(13) Utility plan showing the location of all existing and proposed utilities and water service calculations.

(14) Construction drawings in accordance with the Standards and Specifications for the Design and Construction of Public Improvements

(15) Read-only Autocad file.

(16) Certification of compliance with Section 24-65.5-103, C.R.S., which requires notification to all mineral estate owners at least thirty (30) days prior to the initial public hearing on the application.

(17) A development schedule for improvements, setting forth timing for construction of the development.

(18) Title commitment or title policy, issued no more than 30 days prior to the date of the application.

(19) Any other information the City Planner deems reasonably necessary for a full and complete review by the City.

Sec. 16-577. Construction procedures and building permits.

(a) Provided the time limit established by the development schedule submitted by the applicant pursuant to Subsection 16-576(17) has not passed, the appropriate officials shall issue building permits for buildings and structures in an area covered by a recorded site plan if such proposed buildings and structures are in conformity with the approved site plan and all other applicable statutes, ordinances and regulations.

(b) On and after the effective date of this section, site plans approved by the city council shall note the date by which construction of the improvements approved in the site plan must be commenced or the site plan approval will lapse. If approval of the site plan has lapsed, no building permits or certificates of occupancy shall be issued until after the city council has reviewed the site plan and the development schedule has been extended or a new development schedule established.

Sec. 16-578. Amendments.

(a) No changes may be made in an approved site plan unless a site plan amendment is approved by the city. An amendment to a site plan shall follow the same procedures set forth herein for initial approval, except the City Planner may authorize minor changes in the overall plan that do not:

- (1) Alter the basic relationship of the proposed development to adjacent properties;
- (2) Change the uses permitted;
- (3) Increase the maximum density, floor area ratio or height;
- (4) Decrease the amount of required off-street parking;
- (5) Decrease setbacks, unless the setbacks after amendment would still meet the minimum requirements of the underlying zone district; or
- (6) Reduce the minimum yards required at the boundary of the site.

(b) Any administrative amendment granted pursuant to this section shall be transmitted to the planning commission and city council for their information by written memorandum from the City Planner. An applicant may appeal the decision of the City Planner to the Planning Commission.

(c) Approved amendments to a site plan shall be recorded with the Weld County Clerk and Recorder by the city at the applicant's expense.

Section 3. 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 4. 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 IN FULL this 27th day of September, 2010.

PUBLIC HEARING AND SECOND READING WILL BE THE 11th day of October, 2010, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2010.

CITY OF DACONO, COLORADO

Charles Sigman, Mayor

ATTEST:

Valerie Elliott, City Clerk

Summary of Ordinance No. _____, **“AN ORDINANCE REPEALING AND REENACTING TITLE 16, ARTICLE 24 OF THE DACONO MUNICIPAL CODE REGARDING SITE PLANS”** Revises and clarifies the application requirements and procedures for review and approval of site plan applications.