



Code Amendments – Articles 2, 3, and 4

City Council – December 1, 2020

City Staff Representative: Shannon McDowell – Long Range Planner



Summary of Proposed Regulations

Article 2 – Processes and Procedures

- Neighborhood Meetings
 - Eliminate neighborhood meeting requirement for Conditional Use Permits for large family child care homes
 - Allow virtual neighborhood meetings
- Posted Notice
 - If hearing is delayed, allow removal of sign and reposting with new dates
- Appeal of an Administrative Decision
 - Correct the code to reflect that applications should be submitted to the Director of Community Development rather than the City Clerk

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Purpose

- To review proposed amendments to the Land Use and Development Code

Strategic Focus Area

- Recognizable and Well-Planned Community



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Summary of Proposed Regulations

Article 3 – Subdivision Standards

- Performance Guarantees
 - Correct the code to require a written request for release of a performance guarantee to be submitted to the Director of Community Development, rather than City Council

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Background

- Staff was directed by City Council to modify the family child care home regulations
- New *Land Use and Development Code* was effective January 1, 2020
 - Adjustments
 - Corrections

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Summary of Proposed Regulations

Article 4 – Zone District Standards

- Storage
 - Remove all storage uses from the C-3 zone district

	MU-R/EC	C-3	BP	I-1	I-2
Storage and Warehousing – Personal, Indoor	P	P	P	P	P
Storage and Warehousing, Personal, Outdoor	C	C	C	P	P
Storage and Warehousing – Commercial, Indoor	P	P	P	P	P
Storage and Warehousing – Outdoor, Minor		C	C	C	P
Storage and Warehousing – Outdoor, Major			C	C	P

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Summary of Proposed Regulations

Article 4 – Zone District Standards

- Family Child Care Homes
 - For operations meeting the state exemption criteria, do not require home occupation permit
- Temporary Uses
 - *Land Use and Development Code* regulates uses on private property
 - Create two categories of temporary uses:
 - Short term: 90 days or less (unless Director approves a longer period)
 - Long term: up to 1 year at a time (unless Director approves a longer period)
 - Adjust processing time to 15 days (2 weeks)

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City Staff Recommendation

- The Planning Commission heard the request on November 12, 2020 and recommended approval unanimously.
- Staff is recommending approval of the code amendments as drafted.

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Public Notice and Comment

- Public notice was provided in accordance with the *Land Use and Development Code*.
- By November 16, 2020:
 - ✓ Notice was published on the City of Brighton website on November 12, 2020.
 - ✓ Notice was published on social media outlets as well.
- Planning staff has not received any formal comments.
- There were public comments made at the Planning Commission hearing.

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Options for City Council

The City Council has four (4) options when reviewing this code amendment application. City Council may:

- Approve the code amendment as drafted;
- Approve the code amendment with specific changes;
- Deny the code amendment with specific reasons for the recommendation; or
- Continue the item to be heard at a later, specified date if the Council feels it needs more information to ensure compliance with the approval criteria as set forth in the *Land Use and Development Code*.

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Summary of Findings

- Staff finds the code amendment furthers the purposes of the *Land Use and Development Code* as stated in Section 1.01.C.
- Staff finds the amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.
- Staff finds the amendment promotes the public safety, health and general welfare of the community in the City of Brighton.
- Staff also finds the amendment improves the effectiveness and efficiency of administering the *Land Use and Development Code*.

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Land Use and Development Code Amendments - Table 1


Table 1: Summary of Code Amendments

Amendment	Section	Current Text	Proposed Text	Comments
1	1.01.C	Staff finds the code amendment furthers the purposes of the Land Use and Development Code as stated in Section 1.01.C.	Staff finds the code amendment furthers the purposes of the Land Use and Development Code as stated in Section 1.01.C.	
2	1.01.D	Staff finds the amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.	Staff finds the amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.	
3	1.01.E	Staff finds the amendment promotes the public safety, health and general welfare of the community in the City of Brighton.	Staff finds the amendment promotes the public safety, health and general welfare of the community in the City of Brighton.	
4	1.01.F	Staff also finds the amendment improves the effectiveness and efficiency of administering the Land Use and Development Code.	Staff also finds the amendment improves the effectiveness and efficiency of administering the Land Use and Development Code.	

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Land Use and Development Code Amendments - Article 4

4.01 Accessory Use

Temporary Use: Use considered as permitted on property that use not otherwise be anticipated as being permitted by Section 3.1, and the general accessory use in Section 3.1.6, and be permitted through a Temporary Use Permit.

Types: Temporary use permits must use one of the following types:

- Short term:**
 - Trade shows, meetings or business meetings, or other events where the commercial purpose, provided use up to 14 days in duration, or less, per a temporary basis.
 - Commercial activities or entertainment events such as shows, fairs, or fairs, carnivals or festivals.
 - Temporary activities or special commercial events such as seasonal events, or events, or seasonal holiday sales events for the same season.
- Long term:**
 - Construction Office.
 - Office Office.
 - Temporary construction yards.


Duration: Temporary use may be permitted to operate according to the following:

- Short-term temporary use permits shall have a specified start and end date not more than 90 days per year or be based on a schedule that includes no more than 90 days per year, unless a longer period is approved by the Director.
- Long-term temporary use permits shall have a specified start and end date of not more than one year (365 days), unless a longer period is approved by the Director.

Permit: An application for a permit shall be submitted by the owner, or an agent of the owner and receive permission from the owner at least 10 days prior to the desired start date.

- Temporary use permit applications shall include the following:
 - The permit shall have a specified start and end date not more than 90 days per year or be based on a schedule that includes no more than 90 days per year.
 - The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak hours of operation, security and maintenance plans, the ability to accommodate fire and police services, and any need for special permits or other public safety, health and welfare needs.
 - The applicant shall submit a plan identifying the extent of the property, parking plan and circulation routes, any street or public space to be affected by the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or facilities.

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Land Use and Development Code Amendments - Article 4

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