City of Brighton

Legislation Text

File #: ID-21-23, **Version:** 1

Department of Community Development

Reference: Future Suggested *Land Use & Development Code* Amendments

To:	**Mayor Gregory Mills and Members of City Council**
	Chairman Chris Maslanik and Members of the Planning Commission
Through:	**Michael P. Martinez, City Manager**
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Date Prepared: January 5, 2023

PURPOSE
Staff is continuing to work through a long list of potential *Land Use & Development Code (LUDC)* amendments and wishes to discuss the next topics proposed to be addressed with both City Council and the Planning Commission.

PROCESSES
The *LUDC* outlines the code amendment process, which allows for initiation of amendments by the City Council, Planning Commission, and staff on behalf of these entities.

The City Council and the Planning Commission should use the Review Criteria outlined in the *Land Use & Development Code's* Section 2.10 B. The Code Amendment criteria generally include but are not limited to furthering the purposes of the *LUDC*, amendments being in accordance with the Comprehensive Plan, promoting the public safety, health and general welfare of the community, and improving the effectiveness and efficiency of administering the *LUDC*.

STRATEGIC FOCUS AREA
- Recognizable and Well-Planned Community

BACKGROUND AND SUMMARY OF AMENDMENTS
The *LUDC* are regulations we continually work to improve and adjust. Staff maintains a list of code provisions that are impractical to administer or do not result in the outcome that is intended. Staff also looks for areas of the *LUDC* that lack clarity, may be in conflict with one another, or items that are not currently in the code that may need to be. This agenda item includes a variety of amendments suggested by staff for your consideration. Listed below are some of the larger topics staff would propose to address, but small changes or other items may be included with the modifications when the code amendment comes before each body for a public hearing. We would be happy to include any modifications suggested by members of the Planning Commission or the City Council as well.

Article 1
Article 1 of the *LUDC* contains provisions on how to use the *LUDC*. There are a few adjustments staff would propose to make in this article. These relate to how we handle amendments to Planned Unit Developments that were approved prior to the new code, identifying a more accurate resource to reference if a term in the *LUDC* needs to be defined, and clarifying a measurement technique.

Article 2

Article 2 focuses on processes and procedures of the land use and development process. With staff having processed at least one of each application type defined in Article 2, there are many recommendations for improvement. These will be summarized by application type:

Appeals: Clarify when each appeals process applies, eliminate inconsistencies, better define who can submit an appeal.

Subdivision Plan: Clarify responsibilities of the Planning Commission and the City Council.

Planned Development: Define the amendment process for PDs and modify how new PDs are mapped.

Conditional Use Permit: Eliminate the large family childcare home process to correspond with state statute.

Annexation: The definitions associated with annexation require adjustment to correspond with state statute.

Disconnection (Deannexation): Add an application type and process for this action.

Vacation of Rights-of-Way or Easements: Clarify the process for this type of application.

Article 4
Article 4 defines the allowed uses within each zone district of the City. It also describes accessory uses and standards for specific uses. Staff proposes to revise Table 4-2, which establishes the uses allowed in each zone district. Revisions would add uses, such as a jail, which exist in Brighton but are not currently listed. Staff is also proposing the addition of language that provides direction for any future uses not included in this list.

In the accessory uses standards, modifications are necessary to comply with state statute regarding regulation of large family childcare homes, which can no longer be regulated at the local level. Staff proposes to add standards for caretaker's quarters in conjunction with specific commercial and industrial uses.

Article 11
In conjunction with modifications mentioned above, a few definitions in Article 11 will need to be adjusted to provide additional clarity or comply with state statute. Other definitions may be added, particularly for new uses added to Article 4.

Landscaping Code
Staff is currently working with a landscape architect to review and suggest changes to the landscaping code. Our goal is to address the amount of high water use landscaping that is required or allowed. Concepts that illustrate different levels of change will be brought to each body in February or March at a study session for discussion.

CRITERIA BY WHICH THE CITY COUNCIL AND THE PLANNING COMMISSION MUST CONSIDER THE ITEM

LAND USE & DEVELOPMENT CODE:
Modifications to the *Land Use & Development Code* must meet the following criteria when considered for adoption:
1. The amendment furthers the purposes of these regulations in Section 1.01.C.
2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects as well as immediate impacts.
3. The amendment promotes the public safety, health, and general welfare of the community in the City of Brighton.
4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.

STAFF RECOMMENDATION
Staff recommends taking the proposed code amendments to public hearings with the Planning Commission and the City Council in the near future.

OPTIONS FOR CITY COUNCIL AND PLANNING COMMISSION CONSIDERATION
1. Direct staff to proceed with the proposed code amendments;
2. Direct staff to proceed with the code amendments, modified based on the study session discussion; or
3. Direct staff not to proceed with the code amendments.

<u>ATTACHMENT</u>
- Draft Powerpoint Presentation