

Memorandum

To: The Planning and Zoning Commission
From: Sally Vecchio, Director of Community Development
Date: June 10, 2010
Re: PUBLIC HEARING to consider the Avon Development Code

SUMMARY

This is a public hearing held by the Avon Planning and Zoning Commission (PZC) to consider the first comprehensive amendment to the Town's zoning code and subdivision regulations. This comprehensive amendment re-codifies Title 16 (Subdivision), Title 17 (Zoning) as well as related sections of Title 2 (Administration & Personnel), Title 5 (Building and Construction) and Title 8 (Health and Safety) of the Avon Municipal Code and creates a new Avon Development Code.

The PZC will consider the public testimony given at the hearing tonight before making a recommendation to the Town Council on the adoption of the Code. The PZC may also opt to keep the public hearing open while they continue their review of the Code.

BACKGROUND

The purpose behind the new Code as set for the by the Council and Management is threefold:

- *To raise the standards for development as directed in the Avon Comprehensive Plan (2006).*
The Avon Comprehensive Plan has established a clear long-term vision and policies to guide future growth and create community quality in the town. The Plan also includes a range of regulatory changes that are needed to realize Avon's vision. Notable among these are the inclusion of a floor area ratio (FAR) measurement to break up building bulk in the Town Center, and a wider range and mix of uses throughout the town. In addition, the Plan identifies a range of topics and issues that are not currently addressed in the regulations including sustainability-related concerns such as erosion control, water quality and energy efficiency.
- *To introduce more efficiency, predictability, and transparency into the development review process.*
A prevalent concern with the current code is the inadequate requirements of the application process. The current provisions do not provide adequate guidance on the timing and content of required submittals, nor direction for how such materials will be evaluated. In the past, developers have been reluctant to pay for additional studies and reports early in the process before the Council has given its indication of support. On the other hand, town staff has been frustrated with its inability to require information in a consistent format that can be easily evaluated for recommendations to PZC and Council. The consequences of this tension have been delayed or insufficient submittals and diminished quality of the town review.

- *To update, modernize and improve the usability of the regulations.*
The town's basic zone districts have not been updated over time and do not provide a comprehensive overall system for guiding preferred development patterns and incorporating design-oriented regulations where appropriate. District standards tend to emphasize single use, auto-oriented, low-density development patterns.

According to the West Town Center District Plan "*The current development standards (e.g. parking requirements, setbacks and lot coverage) discourage redevelopment, particularly the denser, mixed-use variety that is essential to creating a vibrant center and gathering place for the community.*" (West Town Center Plan, A.3 Planning Considerations, Redevelopment Potential pg 4).

In general, the usability of the current code is hampered by its organization and format. Basic regulations pertaining to issues such as parking, landscape, signs and accessory uses are scattered across multiple sections or chapters of the current code. In addition, many terms and definitions are outdated, contradictory or redundant.

PROCESS

The Avon Development Code is the result of a nearly 2 year public process that began in August, 2008 when the Town Council retained the services of Clarion and Associates, a Denver-based planning consultant firm, to assist the town in preparing a unified land use code that integrated the town's subdivision regulations and procedures with the zoning regulations and procedures.

Following the project's inception, the Council appointed a community-based Zoning Advisory Committee (ZAC) to guide and oversee the project. The 15-member committee represented a diverse group of volunteers drawn from the development and construction industries, various business sectors, and the town's political leadership.

The process of drafting the Avon Development Code included four phases:

PHASE1: PROJECT ANALYSIS

The project kicked off in September 2008 with a series of interviews and meetings with key stakeholders, town staff, Town Council and PZC members, followed by works session with the Council and PZC to diagnosis and identify the top priority issues with the current regulations that the new code should address.

PHASE 2: DIAGNOSIS

Based on the issues identified during the Phase 1 analysis, the Clarion team completed a diagnosis and assessment of the current regulations (Diagnosis and Annotated Outline (January 2009)). The Diagnosis provided a general overview of the strengths, weaknesses and challenges in the zoning and subdivision regulations and recommended actions for creating a new unified land development code. Eight key "themes" or major issues emerged from the first two phases of the project:

1. Improve Formatting & Organization
2. Improve Content & Timing of Submissions
3. Identify Baseline Development Standards
4. Address Sustainability of Built Environment
5. Improve Public Benefits Process

6. Modernize the PUD Process
7. Create Appropriate Zone District Regulations
8. Enhance Usability of Subdivision Regulations

PHASE 3: DRAFTING

The Clarion team prepared an initial draft of the new Code based on the recommendations and goals identified in Phase 2. The ZAC reviewed early drafts of the new Code in 2009 and the first quarter of 2010. Clarion completed its work on the first draft of the new Code in March, 2010 which was followed by eight work sessions with the Town Council and PZC for final policy direction in April and May. The public hearing draft of the Avon Development Code was published on May 28, 2010.

PHASE 4: PUBLIC REVIEW

Following its public hearing, the PZC will finish reviewing the Code and make a recommendation to the Town Council. The Council will hold another public hearing before considering the Code for adoption.

SUMMARY OF THE KEY REVISIONS IN THE NEW CODE

1. Formatting and Organizational Changes

The current zoning and subdivision regulations are contained primarily in five different chapters of the Avon Municipal Code. The new Code improves the organization of the current code by consolidating and integrating the subdivision regulations and procedures with the zoning regulations and procedures. For example, all zoning procedures are found in Chapter 17.16, all parking standards are found in Chapter 7.28 and all definitions are found in Chapter 7.08. Additionally, inconsistent and redundant procedures that plague the current regulations have been removed to make the Code more predictable, transparent, and clear.

2. Improved Requirements and Processes for Development Submittals (Chapter 7.16)

The Town of Avon has very confusing development application requirements, which have frustrated developers as well as the town staff. The new Code includes a number of changes that improve the content and timing of information required for development submittals along with clear standards for review and approval for all application review process.

3. Uniform Baseline Development Standards (Chapter 7.28)

The Code includes baseline development standards with town-wide applicability for a broad range of basic site design and building form aspects. The development standards elaborate on the concepts and requirements established in the Design Guidelines and the Comprehensive Plan including:

1. Land uses interconnected with pedestrian, bike and automobile circulation links.
2. A unified and cohesive physical framework and community image with compatible building orientation, scale, mass, siting, and street alignments.
3. Development that protects and accommodates natural resources.
4. Architectural design, materials, and colors compatible with the town's physical setting and natural and existing landforms.

5. Development standards that allow flexibility, individuality, creativity, and artistic expression.

Along with permitted uses, the zoning regulations are now sensitive to the building form, its location and relationship to the street and other buildings, the location of parking and convenient pedestrian access.

4. Sustainability Aspects of the New Code

While the Avon Comprehensive Plan calls for more sustainability building practices, the zoning code still reflects standards that are single use, auto-oriented development patterns. Table 2 provides a summary of the sustainable aspects of the new Code.

5. Updated Commercial Zone Districts (Chapter 7.20)

The Avon Development Code includes three primary commercial zone districts: Town Center (TC), Mixed-Use Commercial (MC), and Neighborhood Commercial (NC). Each of these districts has been revised to allow a greater mix of uses and site coverage, particularly in and around Town Center. The Shopping Center District (SC) and the Residential-High Density Commercial District (RH-C) have been retired. The Industrial District has been retained to allow locations for warehouse and light industrial uses. Development standards in the industrial district mitigate external impacts related to outdoor storage, lighting and adjacent uses. Table 1 provides a summary of the revisions to the commercial zone districts.

6. Floor Area Ratio

The commercial district standards also include a Floor Area Ratio (FAR) requirement. FAR controls the bulk of a building and allows the developer to make choices about the distribution of the building mass on the site. Together with the Development Standards, the FAR measurement can help break up building bulk and promote development that is compatible with the type of pedestrian scaled streetscapes promoted in the Comprehensive Plan.

7. Development Bonus (Section 7.20.100)

In response to the request for more specific information related to the public benefit process, the Code includes a Development Bonus option which allows the Town Council to increase the maximum FAR, density, and/or the maximum building height of a project in exchange for helping the Town achieve public policy goals. Approval to increasing development density may, for example, be permitted in exchange for a specific number of affordable housing units, transportation improvements or other public benefits identified in the Comprehensive Plan.

The Development Bonus program provides a predictable, consistent process that ties directly to public policies and community goals. The formulas replace the ad hoc negotiations that occur under the current PUD process, and allow a developer to evaluate alternative development scenarios with certain predictability of outcome and early in the process.

8. Modernized PUD Process (Section 7.16.060)

The new Code limits the use and application of the Planned Unit Development (PUD) to larger parcels and property in Town Center that may have a measurable impact on the community. The PUD is also limited to allowing flexibility in the subdivision design standards so that a development can be clustered and common open space preserved. A

PUD project will still be subject to the underlying zone district uses, dimensional standards and development standards. Additional density would be requested through the Bonus Development process discussed above. *Figures 1 and 2* illustrate how a PUD in the new Code would be used to redesign a residential subdivision.

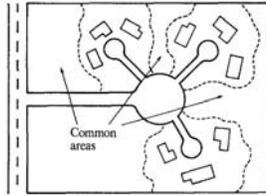
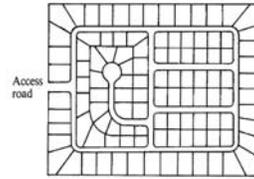


Figure 1 PUD Residential Subdivision



2 Typical Residential Subdivision

Along with the new commercial zone district standards, and the addition of the development standards, the new PUD regulations will allow the Town to move away from PUD approvals for the majority of developments projects. Instead, PUDs will be reserved for major projects and policy development that could not otherwise occur under the standard zone districts.

9. Improved Subdivision Regulations

The subdivision regulations have been redesigned to work with the zoning regulations to create a complete land development review process. In the current code, the subdivision regulations do not include sufficient substantive content to add much to the regulation process. The new subdivision regulations include updated street design requirements, standards for open space, specifications for storm water management practices, integration of the natural environment and requirements for provision of utilities and public facilities.

Moreover, the subdivision review process and Engineering Improvements Standards (Chapter 7.32) have been integrated into the overall development review process. The purpose of this change is to have a single approach to development design that reflects the town's development preferences in categories such as landscaping, street layout, natural resource protection, pedestrian connections, and parking.

REMAINING CODE MODIFICATIONS

While the May 28, 2010 draft of the Avon Development Code stands as a complete package for the PZC consideration, there are some revisions that staff expects to make prior to the Town Council's consideration of the Code for final adoption. These additions include:

1. A revised development bonus formula which will better incentivize affordable housing, particularly in the Town Center;
2. Modifications to the parking district and pay in lieu fees.

Staff will provide additional materials on these topics for PZC discussion at the next meeting.

PZC REVIEW AND RECOMMENDATION TO TOWN COUNCIL

The final decision to adopt the Avon Development Code is part of the Town Council's legislative authority, and the PZC plays an advisory role in the formal adoption process. Specifically, the PZC role is to review the draft Code at a public hearing, consider public testimony given at the hearing, and make a recommendation to the Council to either adopt the new Code, to adopt the new Code with specific recommendations by the PZC or to not adopt the new Code.

Pursuant to AMC Sec 17.28, the criteria by which the PZC should base its recommendation on the Code are:

1. Is the Code necessary to respond to changed or changing conditions?
2. Is the Code consistent with the Comprehensive Plan?
3. Whether the Code results in district regulations that are compatible with existing and surrounding areas or uses; and
4. Whether adequate public facilities are available to serve the type and scope of development suggested by the Code regulations.

RECOMMENDATION

The PZC should continue its review of the Code in light of the review criteria stated above. Staff also recommends keeping the public hearing open during the review.

Table 1: Summary of Revisions to Commercial Zone Districts

NEIGHBORHOOD COMMERCIAL (NC)		
Purpose: To provide sites for commercial uses and services for the principal benefit of the residents of the community.		
Permitted Uses: Commercial Uses and Accessory Apartments.		
DISTRICT STANDARDS	CURRENT CODE	NEW CODE
Minimum Lot Size	7,500 sf	3,000 sf
Building Height	35 ft	35 ft: duplex 38 ft: TH, MF, commercial
Building Setbacks	Front: 25ft Side: 7.5 ft Rear: 10 ft	Front: 10ft residential/0 ft commercial Side: 7.5 ft/ 25ft corner lots Rear: 10 ft
Max Site Coverage	50%	60 %
Max Density	7.5 du/acre	7.5 du/acre 1:1 FAR
MIXED USE COMMERCIAL (MC)		
Purpose: To group and connect places used for work, shopping, education, recreation with residential uses.		
Permitted Uses: Commercial, Office, Townhomes, Condominiums, Apartments		
DISTRICT STANDARDS	CURRENT CODE	NEW CODE
Minimum Lot Size	43,560 sf	3,000 sf
Building Height	60 ft	35 ft: SF and duplex 60 ft: TH, MF, commercial
Building Setbacks	Front: 25ft Side: 7.5 ft Rear: 10 ft	Front: 10 ft Side: 7.5 SF, duplex/0 ft TH, MF, commercial Rear: 10 ft residential/5 ft commercial
Max Site Coverage	50%	80%: SF and duplex 70%: TH, MF, commercial
Max Density	20 du/acre 60 lodge units/acre	20 du/acre 1.5:1 FAR
TOWN CENTER (TC)		
Purpose: To provide sites for a variety of uses including lodging, commercial and office in a predominately pedestrian environment. Design standards distinguish is area from others in town.		
Permitted Uses: Lodging, Commercial, Office, Townhomes, Condominiums, Apartments		
DISTRICT STANDARDS	CURRENT CODE	NEW CODE
Minimum Lot Size	30,000 sf	3,000 sf: residential
Building Height	80 ft	80 ft
Building Setback	Front: 25 ft Side: 7.5 ft Rear: 10 ft	Front: 10ft residential/0 ft commercial Side: 7.5 ft/25 ft corner lots Rear: 10 ft
Max Coverage	50%	80%
Max Density	30 du/acre 90 lodge units/acre	30 du/acre 2:1 to 3:1 FAR** to be determined
LIGHT INDUSTRIAL & COMMERCIAL EMPLOYMENT (IC)		
Purpose: To provides sites for light industrial and mfg uses, wholesale outlets, warehousing and sales offices		
Permitted Uses: Light industrial, Commercial, Warehousing, Accessory Apts.		
DISTRICT STANDARDS	CURRENT CODE	NEW CODE
Minimum Lot Size	21,780 sf	21,780 sf
Building Height	48 ft	48 ft
Building Setbacks	Front: 25 ft Side: 7.5 ft Rear: 10ft	Front: 25 ft Side: 7.5 ft/ 25 ft corner lots Rear: 10 ft
x Site Coverage	50%	50%
Density	4 accessory unit/property by special review use	4 accessory units/property by special review use

Table 2: Sustainable Aspects of the Avon Development Code

NATURAL RESOURCE PROTECTION	Section Numbers
Limits on construction in flood hazard areas	7.28.070(d)
Requires Inventory of site natural resources	7.28.070
Requirements for storm water management	7.28.070(c)
Limits landscape irrigation systems	7.28.050(a)(4)(iv)
Requires management of silos and erosion control during construction	7.28.070(c)
Steep slope protection and minimized grading	7.28.070(a)
TRANSPORTATION	
Requires walkways and bicycle baths on a building site	7.28.040(e)
Require short term bicycle parking and storage based on parking requirements	7.28.030(i)
SITE LIGHTING	
Site light pollution control requirements (dark sky)	15.30
SITE DEVELOPMENT	
Usable open space requirements for residential developments	7.28.060
Building form and design standards for commercial zone districts brings building close to sidewalk and reduce visibility of surface parking to create a more lively pedestrian environment.	7.28.060
Parking reduced for mixed use developments	7.28.030(f)(2)(ii)
Maximum parking requirements for commercial uses	Table 7.28-3
Increased landscaping requirements for off-street parking	7.28.050(q)(3)(iv)
Standards for bike parking	7.28.030(i)
New district requirements in Town Center require vertical mix of uses, higher densities and connections to transit	7.28.060(j)
RENEWABLE ENERGY	
Solar equipment standards	7.28.070(g)(2)
Wind Energy	7.28.070(g)(4)

**Table 3: Development Review Processes (Chapter 7.16)
Decision Making Authority Matrix**

Procedure		Staff	PZC	TC
Comprehensive Plan Amendment				
Code Text Amendment				
Rezoning				
Planned Unit Development	Preliminary PUD			
	Final PUD			
Minor Changes from Preliminary PUD				
Subdivision Amendment				
Right-of-Way Permit				
Right-of-Way Vacation				
Water Service Agreement				
Subdivision Improvements Agreement				
Development Agreement				
Minor / Administrative Subdivision				
Major Subdivision	Preliminary Plan			
	Final Plat			
Variance				
Annexation				
Minor Development Plan				
Major Development Plan				
Major Development Plan in Town Core				
Special Review Use				
Alternative Park Land Dedication Determination				
Alternative Equivalent Compliance				
Alternative Equivalent Compliance in Town Core				
Vested Property Right				
Development Bonus				
Appeal				
<p>*Town Council has final review authority for <u>all procedures</u>, when appeal is processed.</p>				