

**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM 12-22**

DATE: August 13th, 2012
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: William A. Simmons, City Manager *WAS*
Brook Svoboda, Director of Planning and Development *BS*
SUBJECT: CB-1774 - Amendment to Permitted Use Permit ordinance regarding uses in Commercial zones

BACKGROUND

Attached to this memo is an ordinance that if adopted would amend language in Article 30 of Chapter 11, Permitted Uses, in two separate sections:

Amendment to Section 1(a): Amended language in this section would further refine the uses allowed by Permitted Use permit in zone districts throughout the city. The ordinance amendment prescribes the removal of discretionary language of the ordinance that considers “other uses” not listed under permitted use categories to be considered under permitted uses. Specifically, the removal of the phrase “which are by way of example and not by way of limitation” will provide an exclusive list of uses that are appropriate for a Permitted Use permit and remove the authority for interpretation.

Amendment to Section 2: Amended language in this section would establish additional criteria for review of applications for a Permitted Use permit. Specifically, the additional criteria would:

- Require conformance with the City’s adopted Master Plan and,
- When located in a designated Urban Renewal Area, the proposed use must be consistent with the adopted Urban Renewal Plan for that area.

As required by ordinance, the Planning Commission at their August 7th Planning Commission Meeting, heard this item and made a recommendation to deny the proposed amendment to the City Council. The Commission did not state in their motion the basis for not recommending approval; however, in their discussions preceding the vote on the motion, they stated concerns related to the NURA criteria for approval provision. Some commissioners were concerned that they did not have a detailed understanding of the existing and proposed NURA plan, and the effect the plan would have on their ability to weigh and consider requests for permitted use. Staff attempted to explain that the NURA plan is consistent with the intent of the City’s Comprehensive Plan and was primarily to ensure job creation and economic revitalization of existing commercial centers.

BUDGET/TIME IMPLICATIONS:

This ordinance amendment request has no budgetary impacts.



RECOMMENDATION

Staff recommends Council approve CB-1774

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

**PLANNING AND DEVELOPMENT DEPARTMENT
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DATE: July 23th, 2012
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BUDGET/TIME IMPLICATIONS:

This ordinance amendment request has no budgetary impacts.

As required by ordinance, the Planning Commission will hear this ordinance and provide a recommendation to the City Council at their August 7th, 2012 meeting.

RECOMMENDATION

Staff recommends Council approve CB-1774

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1774
Series of 2012

Series of 2012

A BILL FOR AN ORDINANCE AMENDING ARTICLE 30 OF CHAPTER 11 OF THE NORTHGLENN ZONING CODE REGARDING PERMITTED USES IN COMMERCIAL ZONES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 11-30-1(a) of the Northglenn Municipal Code is amended to read as follows:

(a) The Commission is authorized to approve or deny requests for establishment of the permitted uses provided FOR IN THIS ARTICLE 30 OF CHAPTER 11, AND TO DETERMINE CONDITIONS AND REQUIREMENTS FOR THEIR OPERATION IN THE ZONE DISTRICTS HEREIN SPECIFIED ~~by Section 11-30-4 to 11-30-8, which are by way of example and not by way of limitation,~~ except that the permitted uses provided by Sections 11-30-3 AND 11-30-6 are the exclusive uses permitted. ~~, and to determine conditions and requirements for their operations in the zone district herein specified~~

Section 2. Section 11-30-2 of the Northglenn Municipal Code is amended to read as follows:

Section 11-30-2. Criteria Applicable to All Permitted Uses.

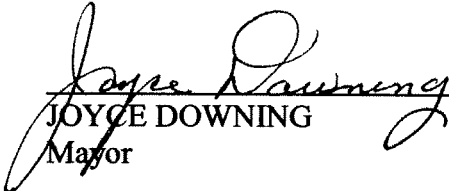
In making its decision on an application for a permitted use, the Planning Commission shall consider:

- (a) Compatibility with the surrounding area;
- (b) Harmony with the character of the neighborhood;
- (c) Need for the proposed use;
- (d) Effect of the use on the immediate area;
- (e) Effect of the use on future development of the area;
- (f) CONFORMANCE WITH THE CITY OF NORTHGLENN COMPREHENSIVE PLAN;

(g) IF THE PROPERTY IS IN AN URBAN RENEWAL AREA AT THE TIME OF THE APPLICATION, CONSISTENCY WITH ANY ADOPTED URBAN RENEWAL PLAN; AND

(h) The health, safety, and welfare of the inhabitants of the area and the City of Northglenn

INTRODUCED, READ AND ORDERED POSTED this 23rd day of July, 2012.



JOYCE DOWNING
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk

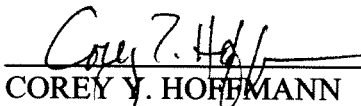
PASSED ON SECOND AND FINAL READING this ____ day of _____, 2012.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney