

CITY OF LAFAYETTE

RESOLUTION NO. 2012-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, ADOPTING MANDATORY AND ASPIRATIONAL STANDARDS FOR RESIDENTIAL PROJECTS PURSUANT TO LAFAYETTE CODE SECTION 26-18-5.

WHEREAS, by Code § 26-18-5, the Lafayette City Council established review criteria for residential planned unit development projects; and

WHEREAS, it was the intent of Code § 26-18-5 that the review criteria set forth therein should govern the City's approval of residential planned unit development projects within the City of Lafayette; and

WHEREAS, said Code section provides that, upon recommendation of the Planning Commission, the City Council shall adopt, by resolution, both mandatory and aspirational standards by which a proposed residential planned unit development's ability to fulfill the criteria set forth in the Code shall be measured; and

WHEREAS, since the adoption of Code § 26-18-5, the citizens of the City of Lafayette adopted Section 6.10 of the City's Charter, limiting the residential growth within the City at least through the year 2007; and

WHEREAS, adoption of that Charter provision, coupled with the City's pre-existing growth management ordinance, limits the City's ability to approve residential housing applications; where the demand for approval exceeds the City's ability to provide approval, the City Council wishes to have the discretion to approve those proposed residential developments that most address the goals of the City, rather than merely approving all residential developments on a first-come, first-approved basis; and

WHEREAS, the City Council wishes to adopt additional standards to guide the exercise of its discretion in approving or denying proposed residential developments; and

WHEREAS, the Planning Commission has recommended adoption of the following standards; and

WHEREAS, in adopting such standards, the City Council has endeavored to recognize and incorporate those standards that the City has been using since the adoption of section 26-18-5 including standards and goals in the Comprehensive Plan, to judge proposed developments' compliance with the criteria set forth in said section; and

WHEREAS, staff will work with all applicants applying for Planned Unit Developments to insure that the applicant is aware of and understands how important

both the mandatory and aspirational standards, as specified in this resolution, are to the City of Lafayette; and

WHEREAS, on June 3, 2001, the City Council approved Ordinance 14, Series 2003 adopting inclusionary zoning; and

WHEREAS, on February 21, 2006 the City Council approved Ordinance 01, Series 2006 amending the formula for measuring building height; and

WHEREAS, on November 21, 2006 the City Council approved amendments to the aspirational standards for energy efficiency; and

WHEREAS, on January 3, 2012 the City Council approved amendments to the Community Housing Program eliminating the requirement for Permanently Affordable dwelling units; and

WHEREAS, the City Council has therefore determined that it is necessary and appropriate to adopt the mandatory and aspirational standards set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1.0 Water and Sewer. Code Section 26-18-5(b)(1) provides that "the City shall have a projected capacity to serve fully all subdivided lots with water and sewer."

1.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

1.1.1 The resolution approved by the City Council in accordance with Section 30-271 of the Code of Ordinances of the City of Lafayette allows that the proposed number of residential units can be adequately served.

1.1.2 It is reasonably likely that, taking into account Charter Section 6.10, the proposed development will be able to begin receiving building permits within two years after the final plan is approved.

1.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(1).

1.2.1 Reserved for future use.

Section 2.0 Other utilities. Code Section 26-18-5(b)(2) provides that "the City shall receive adequate assurance from all nonmunicipal service providers of adequate, imminent service for all subdivided lots."

2.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

2.1.1 All companies supplying utilities other than water and sewer can supply the proposed development with service upon the date of expected occupancy.

2.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(2).

2.2.1 Reserved for future use.

Section 3.0 Public safety. Code Section 26-18-5(b)(3) provides that "the City shall have the capacity to provide an appropriate level of fire and police protection to all subdivided lots."

3.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

3.1.1 The development does not materially interfere with the Lafayette Fire Department's Five Year Plan to achieve a six (6) minute average response time.

3.1.2 The development complies with all adopted Building and Fire Codes.

3.1.3 If, in order to provide adequate public safety protection or response, specialized equipment is needed, and there is no reasonable alternative, the development shall bear the cost of that specialized equipment.

3.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining

whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(3).

3.2.1 The proposed development supports the fire and/or police departments through the dedication of a site or facility needed for public safety use.

3.2.2 The design of the proposed development incorporates the police department's standards for Crime Prevention through Environmental Design.

3.2.3 The proposed development will participate in the Neighborhood Watch Program.

3.2.4 The response time of the fire department to the proposed development shall not be longer than six (6) minutes.

3.2.5 In light of the City's current land use mix, the number of police officers per 1000 residents shall not fall below 1.5.

Section 4.0 Recreation. Code Section 26-18-5(b)(4) provides that "the City shall ensure sufficient recreational opportunities for all of its current residents and the future residents of the proposed subdivision."

4.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

4.1.1 Public park areas shall be a minimum of three acres in size, unless otherwise approved by the Parks and Recreation Director.

4.1.2 All parks and trail facilities in the proposed plan comply with the adopted Parks and Recreation Master Plan.

4.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(4).

4.2.1 The proposed development provides recreational amenities with the project design that conform to the needs identified in the Parks and Recreation Master Plan.

4.2.2 The proposed development is linked by a pedestrian/bicycle trail to a City or County recreation facility, bicycle path, school, library, or other public facilities.

4.2.3 The proposed design includes access for residents to nearby open space and public park areas.

Section 5.0 Economy of service. Code Section 26-18-5(b)(5) provides that "City services shall be provided in the most efficient manner practicable."

5.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

5.1.1 No sewer lift stations will be permitted unless they will serve an area consisting of more than one square mile.

5.1.2 The proposed development does not create a significantly disproportionate liability risk to the City in accepting and maintaining the public improvements associated therewith.

5.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(5).

5.2.1 The proposed utility plan does not place a significantly disproportionate burden on the City maintenance function.

5.2.2 The proposed transportation plan does not place a significantly disproportionate burden on the City maintenance function.

5.2.3 Infill residential projects will be encouraged.

Section 6.0 Schools. Code Section 26-18-5(b)(1) provides that "the City shall support and encourage the best quality education for Lafayette children."

6.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

6.1.1 Based upon the City's own information and experience, the City determines that all public schools expected to serve the proposed development have sufficient--current and projected--capacity to accept the

children expected to live in the development--taking into consideration both the children expected to live in the proposed development, and children expected to live in other previously approved developments which are not yet built out.

6.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(6).

6.2.1 All children expected to live in the proposed development will have the opportunity to attend neighborhood schools.

6.2.2 School impacts are mitigated by means of a school site dedication.

6.2.3 The proposed development contributes a substantial element which complements or supplements education within the community.

Section 7.0 Prior agreements. Code Section 26-18-5(b)(7) provides that "to the extent any prior development and/or annexation agreements do not conflict with the provisions of this ordinance, the City shall consider any prior commitments made in such agreements in reviewing a PUD."

7.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

7.1.1 City approval of the proposed development shall be consistent with any and all prior City of Lafayette contractual obligations.

7.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(7).

7.2.1 Reserved for Future use.

Section 8.0 Community housing needs. Code Section 26-18-5(b)(8) provides that "the City shall promote a variety of housing types, prices, and ownership forms to satisfy the needs of all segments of the community."

8.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall

constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

8.1.1 Allocation of any of the 50 permits made available by Section 6.10 of the City Charter shall be allocated only to projects that provide units in conformance to the Community Housing Guidelines, i.e. are priced to be affordable to households with annual incomes of 80% of the area median income, as calculated by HUD.

8.1.3 The location of units made available by any of the 50 permits provided by Section 6.10 of the City Charter will not be grouped in such a way as to cause excessive economic division within the neighborhood.

8.1.4 The exterior appearance of units made available by any of the 50 permits provided by Section 6.10 of the City Charter will be substantially similar in appearance to other units in terms of quality.

8.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(8).

8.2.1 The City's prior approvals for new housing projects will be considered when granting any approvals so that, to the best of the City's ability, the public is provided choices in type of housing, including single family, duplex and multi-family, ownership and rental units, as well as a full price range of housing.

Section 9.0 Developer's ability to complete construction of the PUD. Code Section 26-18-5(b)(9) provides that "the City will commit City resources only to developments that are likely to be completed as proposed."

9.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

9.1.1 The developer shall be free of any past or present material breaches of development contracts with the City and/or County governments within the last five (5) years.

9.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(9).

9.2.1 Reserved for future use.

Section 10.0 Build-out rate. Code Section 26-18-5(b)(10) provides that "in order to manage residential growth in accordance with the City's ability to provide services and to allow a variety of housing developments to be completed, the City shall encourage building to occur subject to an agreed upon time schedule and build-out rate."

10.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

10.1.1 Each proposed development will submit its projected requirements for the issuance of building permits with the preliminary plan submittal. The development can be approved only if this level of service can be met under the City's growth cap, as set in compliance with Section 30-269 et. seq. of the City's Code of Ordinances.

10.1.2 The applicant should present sufficient information to demonstrate that the development has a reasonable likelihood of completion, given the requested building permit schedule.

10.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(10).

10.2.1 Reserved for future use.

Section 11.0 Community amenities. Code Section 26-18-5(b)(11) provides that "the City shall encourage residential developments that contribute significant amenities to the development itself, and to the community at large."

11.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

11.1.1 Reserved for future use.

11.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining

whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(11).

11.2.1 The proposed development will include some community amenities, including, but not limited to: an appropriately-located park site (above the minimum requirement), private funding of park construction, a site for a public school, fire station, or police substation, an historic marker or instructional facility, a city identification sign and/or sign location, wildlife preservation, heavily landscaped streetscape (in excess of the minimum requirements) which improves the public image of the City.

Section 12.0 Goal fulfillment. Code Section 26-18-5(b)(12) provides that "the City shall encourage residential developments that fulfill specific Comprehensive Plan or City Council goals."

12.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

12.1.1 Reserved for future use.

12.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(12).

12.2.1 The proposed project fulfills a specific City Council, Downtown Plan, or Comprehensive Plan goal.

Section 13.0 City's financial ability to serve. Code Section 26-18-5(b)(13) provides that "the City shall demonstrate that it is financially able to provide general municipal services to all new residential development."

13.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

13.1.1 The project is presumed to meet this criteria unless the City demonstrates it is not financially able to serve the development.

13.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may

be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(13).

13.2.2 Reserved for future use.

Section 14.0 Transportation. Code Section 26-18-5(b)(14) provides that "the City shall encourage an efficient and environmentally sound transportation system."

14.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

14.1.1 Unless there is no practical alternative, every proposed development over 50 units shall include more than one access point to an arterial or major collector street, regardless of whether an individual cul-de-sac or street within said development or portion thereof is less than 500 feet in length..

14.1.2 Where practical, neighborhoods shall be interconnected to provide vehicular, pedestrian, bicycle and similar access between neighborhoods.

14.1.3 Adequate parking will be supplied.

14.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(14).

14.2.1 Private streets are discouraged.

14.2.2 The proposed development contributes to the efficient and effective operation of the Regional Transportation District by providing facilities or enhancements to the system such as bus shelters at bus stops adjacent to or within the development.

14.2.3 The City will favor those developments that provide for and encourage transportation modes alternative to the automobile.

Section 15.0 Environment. Code Section 26-18-5(b)(15) provides that "the natural environment assets of a property shall be preserved to the extent practicable."

15.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall

constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

15.1.1 The proposed development design recognizes and mitigates impacts on wildlife areas as defined on the Division of Wildlife's map provided to the City and filed with the Planning Department.

15.1.2 The developer will survey the property to identify any endangered plant or animal species and all wetland areas, both according to federal and state standards, and shall comply with any applicable federal and state standards relating to endangered species and wetlands.

15.1.3 No structures will be approved without full compliance with Lafayette's Flood Plain Standards.

15.1.4 Abatement techniques for mine shafts and slopes shall be required of developers and no undeveloped land overlying high risk subsidence zones will be developed unless the design is approved by the State Geologist's office.

15.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(15).

15.2.1 The proposed development will enhance and/or expand the City's and County's recycling program.

15.2.2 Existing healthy trees will be preserved whenever possible.

15.2.3 To the extent reasonably practicable, the proposed development will be designed to utilize the natural topography of the site and to preserve natural grades.

15.2.4 Prairie dog colonies will be humanely removed or relocated prior to the start of construction.

15.2.5 The proposed development promotes and incorporates energy and water conservation measures. Such energy conservation measures may include, but are not limited to, the following:

- Energy efficient construction or use of energy efficient components such as, but not limited to, low-E windows, higher than normal R-values for insulation, highly efficient heating

ventilation and air conditioning systems (HVAC), efficient lighting systems, etc;

- Passive solar design;
- Solar hot water heating; or
- Photovoltaic solar panels;

Such water conservation measures may include measures that are over and above the minimum existing standards for landscape irrigation, plumbing fixture usage, etc.

Section 16.0 Cultural. Code Section 26-18-5(b)(16) provides that "the City values its existing historical and/or cultural facilities, including its library, theater, etc.

16.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

16.1.1 Reserved for future use.

16.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(16).

16.2.1 The proposed development provides a means for cultural enrichment of the community, such as providing public visual art or providing opportunities for the performing arts.

16.2.2 The proposed development contributes in a material way to the City's existing cultural resources, such as a site for public art.

16.2.3 The proposed development preserves an element of historical interest on the site.

Section 17.0 Strong homeowners associations. Code Section 26-18-5(b)(17) provides that "the City shall encourage the development of strong homeowners associations to promote a sense of community and to ensure the continued existence of a viable entity responsible for maintenance of private open space and other similar duties."

17.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

17.1.1 The following elements are included within the homeowner's documents:

- a. Covenants, Conditions and Restrictions, providing for a homeowners' association and architectural control committee.
- b. Articles of incorporation of the homeowners' association.
- c. Bylaws for the homeowners' association.
- d. Provision for automatic renewal of the covenants without a vote of the property owners.
- e. Provision for mandatory dues or other funding mechanism.
- f. If the association will be responsible for a master water meter, provision to allow the City to charge association members their pro-rata share of the water bill, in the event that the association does not make timely payments.
- g. Provision for adequate authority to enforce the covenants.
- h. Provision for the architectural control committee to meet regularly.

17.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(17).

17.2.1 The following elements are included within the homeowners' documents:

- a. Overall design guidelines.
- b. Provisions stating the substance of C.R.S. § 38-33.3-313(1)-(4), concerning the insurance policies that may or must be maintained by the association (property and commercial general liability ins. on common elements), to provide guidance to owners/associations after the developer has completed the project and withdrawn from the association.
- c. Provision requiring that when an owner or employee of an association controls or disburses association funds, the association must maintain fidelity insurance coverage of an amount not less than the aggregate of two months assessments plus reserves, as set forth in C.R.S. § 38-33.3-313(10).

d. If the association will have 30 or more units, provisions comply with C.R.S. § 38-33.3-306(3)(a) by requiring that when the association delegates power to a managing agent, the agent must (i) maintain fidelity insurance in an amount no less than \$50,000 or such greater amount as the association may require; (ii) maintain association funds in an account separate from other associations, and maintain association operating funds in an account separate from association reserve funds; and (iii) present an annual accounting and financial statement to the association.

e. Provision for regular audits of the association's finances, at least once every five years, at the association's expense, or more often if a member requests and agrees to pay for it.

Section 18.0 Diversity and quality of development. Code Section 26-18-5(b)(18) provides that "the City shall encourage residential developments that present a diversity of design, a feeling of spaciousness, and an enhanced quality of life."

18.1 The following mandatory standards shall be met by all residential PUDs. Failure of any proposed PUD to meet the following mandatory standards shall constitute grounds for denying sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

18.1.1 Reserved for future use.

18.2 The following standards are aspirational only. However, the degree to which a proposed residential development meets these aspirational standards may be considered by the Planning Commission and City Council in determining whether the proposal meets the PUD approval criteria found in Section 26-18-5(b)(18).

18.2.1 The project will include a mix of residential densities, building types, and price levels. Innovative housing that reflects community values and preserves environmental assets will be encouraged.

Section 19.0 Failure of a residential development to meet at least one or more of the foregoing aspirational criteria may constitute grounds to deny sketch plan, preliminary plan, final plan, site plan or architectural review approval, as the case may be.

Section 20.0 This resolution shall be effective upon its adoption.

RESOLVED AND PASSED this _____ day of _____, 2012.

CITY OF LAFAYETTE, COLORADO

Carolyn Cutler, Mayor

ATTEST:

Susan Koster, City Clerk

APPROVED AS TO FORM:

David Williamson, City Attorney