

Mapleton City Planning Commission Staff Report

Meeting Date: June 13, 2013

Item: 2

Applicant: Mapleton City

Location: City wide

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: All

REQUEST

Consideration of an amendment to Mapleton City Code Chapter 18.76 related to Transferable Development Rights (TDR's).

BACKGROUND AND PROJECT DESCRIPTION

Several years ago the City adopted a Transferable Development Rights (TDR) ordinance in an effort to preserve the east bench of Mapleton from development. The ordinance allowed property owners on the bench to dedicate their property to the City or place it into a conservation easement in return for a TDR certificate(s) that could be used elsewhere in town to increase density. For example, a parcel in the A-2 zone typically requires 2 acres per unit. However, with the use of TDRs the density could increase to one unit per unit. There are approximately 240 TDRs that have been issued that are currently unused.

Mapleton City Code (MCC) 18.76.040 indicates that TDRs can only be used in the A-2, RA-1, PRC and SDP zones. The code also indicates that TDRs cannot be used in conjunction with a rezone of a property. For example, if a property was rezoned from A-2 to RA-1 (from 2 acre minimum lot size to 1 acre minimum) an applicant could not then use TDRs to create ½ acre lots.

On May 14, 2013 the City Council discussed the TDR ordinance and directed staff to prepare some amendments. The following amendments are proposed as a result of the Council's direction (shown in ~~strikeout~~ and underline in attachment "1"):

- Properties that have a General Plan designation of Low Density Residential (RA-1) but are not yet zoned RA-1 may rezone to RA-1 and use TDRs to obtain a density one unit per ½ acre.
- TDR's may be requested for any zone as part of a negotiated annexation agreement with the City.

EVALUATION

General Plan Designation vs. Zoning: The General Plan Land Use Map provides a vision for the future development of the City, while the Zoning Map indicates what regulations currently apply to a property. Since the Land Use Map reflects a long range vision and the Zoning Map reflects current conditions, there are often discrepancies between the two. For example, the Land Use Map may indicate that a property has the future potential of one unit per acre, while the current Zoning Map may still have the property in a two acre zone.

The Land Use Map should be used as a guide when considering rezone requests. In the example cited above, staff would be supportive of a rezone request from a two acre zone to a one acre zone because it would be consistent with the Land Use Map. For this reason, staff is recommending that an applicant could request a rezone, assuming the rezone request is consistent with the Land Use Map, and the use of TDR's.

Below are two examples to illustrate how the proposed amendments might affect a property.

Example #1: A two acre parcel zoned A-2, but has a Land Use designation of Low Density Residential (RA-1), could be approved to rezone to RA-1. This would reduce the minimum lot size from two acres to one acre. The applicant could then apply TDRs to increase the density from one unit per acre to one unit per ½ acre.

Example #2: A two acre parcel zone A-2 that has a land use designation of Rural Residential (A-2) could not rezone the property to RA-1 and then use TDRs to get to a density of ½ acre per unit.

The proposed ordinance amendments will allow more opportunities for the use of TDR's while continuing to maintain the City's General Plan land use designations. With a significant number of outstanding TDRs, it is important to ensure that the City provide opportunities for their use.

STAFF RECCOMENDATION

Recommend that the City Council adopt the attached ordinance.

ATTACHMENTS

1. Draft Ordinance Amendments.

Attachment "1"
(Changes shown in strikeout and underline)

18.76.040: DESIGNATION OF SENDING AND RECEIVING AREAS:

B. Receiving areas shall be located exclusively within the A-2, RA-1, planned residential community (PRC) and specific development plan (SDP) zones unless otherwise authorized by the City Council as part of an annexation agreement.

C. The City Council may authorize a TDR-R zone change in conjunction with a rezone request to RA-1 if the General Plan Land Use Map identifies the subject property as low density residential. The City Council may also authorize a TDR-R zone change in conjunction with a rezone request to the PRC, PD or SDP Zones.
~~With exception to the PRC and SDP zones, a TDR-R zone change shall not accompany any other rezone proposal. Therefore, there shall be no simultaneous rezones to include an "up zoning" and a TDR-R overlay zone.~~

18.76.070: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:

A. Transferable development right receiving sites shall be limited to the A-2, RA-1, PRC and SDP zone designations exclusively unless otherwise authorized by the City Council as part of an annexation agreement.