

**TOWN COUNCIL ACTION ITEM  
STAFF SUMMARY  
FEBRUARY 6, 2019 PLANNING AND ZONING COMMISSION MEETING**

**DATE:** JANUARY 31, 2019

**AGENDA ITEM NUMBER:** 4

RESOLUTION NO. PZ 03 – 19, Series of 2019

A RESOLUTION RECOMMENDING AN AMENDMENT TO CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING CHANGES TO APPROVED DEVELOPMENT PERMITS  
**(PUBLIC HEARING)**

**SUMMARY:**

The attached resolution details the proposed changes to Chapter 16 “Zoning”, Article II “Development Permit Process,” Section 16-2-10 “General Provisions” of the Dillon Municipal Code, adding language to allow staff to amend staff level development permits (Level I and Level II Developments) and setting forth procedures for amending Level III and Level IV development permits.

In the course of development pursuant to an approved development permit, a developer may have reasons to propose major or minor adjustments to an approved development permit to respond to changes in circumstances or planning. There are currently no express provisions in the Dillon Municipal Code that set forth a process for consideration and approval of proposed amendments to previously approved development permits, the absence of which provisions impedes efficient development and causes confusion. If approved by Council, the proposed amendment would allow for greater efficiency and flexibility in the development process.

The Planning and Zoning Commission reviewed the proposed ordinance language during the January 9<sup>th</sup>, 2019 special meeting and requested a resolution to recommend the Town Council approve the Code amendment.

**MOTION FOR APPROVAL:**

I move the approval of Resolution 03-19, Series of 2019.

**ACTION REQUESTED:  
MOTION, SECOND, ROLL-CALL VOTE**

Resolutions require affirmative votes from majority of members present, provided there is a quorum.

**DEPARTMENT HEAD RESPONSIBLE:** Scott O’Brien, Public Works Director

**RESOLUTION NO. PZ 03 - 19**  
**Series of 2019**

**A RESOLUTION RECOMMENDING AN AMENDMENT TO CHAPTER  
16 OF THE DILLON MUNICIPAL CODE REGARDING CHANGES TO  
APPROVED DEVELOPMENT PERMITS**

**WHEREAS**, the Town of Dillon has the authority to review all aspects of development requests, including zoning, development applications, architectural review, landscaping plans and modifications to buildings, and all uses within the Town; and

**WHEREAS**, in the course of development pursuant to an approved permit, a developer may have reasons to propose major or minor adjustments in order to respond to changes in circumstances or planning; and

**WHEREAS**, there are no express provisions in the Dillon Municipal Code that set forth a process for consideration and approval proposed amendments to previously approved development permits, the absence of which provisions impedes efficient development and causes confusion; and

**WHEREAS**, the Town Council deems the amendment of the Dillon Municipal Code to include a process to review and approve proposed changes to development permits to be in the best interests of the Town of Dillon and to be necessary to protect the health, safety and welfare of the citizens of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING  
COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:**

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on February 6<sup>th</sup>, 2019, and hereby makes a recommendation to the Town Council of the Town of Dillon to amend Chapter 16, "Zoning," Section 16-2-10 of the Dillon Municipal Code by the addition of a new subsection (d) to read as follows:

(d) Proposed changes to approved development permits shall be reviewed as follows:

- (1) Changes to Level IV development permits.
  - (i) Major changes to an approved Level IV development permit shall be considered a Level IV development application and shall be reviewed in accordance with the procedures specified herein for a new application.
  - (ii) Minor changes. Minor changes to an approved Level IV development permit may be reviewed by the Planning and Zoning Commission under a Level III application, provided that such changes do not:
    - a. Change the general character of the development or the proposed density.

- b. Change the boundaries of the permitted development.
  - c. Change any use, such as residential to commercial.
  - d. Significantly change the location or amount of land devoted to a specific land use.
  - e. Relax dimensional standards or other specific requirements established by the Planning and Zoning Commission or Town Council as a condition of approval.
- (2) Major and minor changes, as defined in subsection (d)(1), to an approved Level III development permit shall be reviewed as a Level III development application.
- (3) Corrections or adjustments to an approved Level III or Level IV development permit. If, under the discretion of the Town Manager or his/her designee, a proposed correction or adjustment to an approved development permit is of such nature not to merit Planning and Zoning Commission review, the Town Manager or his/her designee shall authorize the application to be processed as a Level II application. If the proposed change is denied, the applicant may process the application as a Level III application reviewed by the Planning and Zoning Commission.
- (4) Proposed changes to an approved Level I or Level II development permit. At the discretion of the Town Manager or his/her designee, a proposed change to an approved Level I or Level II development permit may be processed as either:
- (i) a Level I or Level II development application and reviewed in accordance with the procedures specified herein for new applications; or
  - (ii) a correction or adjustment if the proposed change is neither a major nor a minor change, as defined in subsection (d)(1), and the proposed change is to correct a clerical or scrivener's error, to make a technical change, or to make a de minimis adjustment.

**APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF FEBRUARY 2019 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.**

**PLANNING AND ZONING COMMISSION,  
TOWN OF DILLON**

By: \_\_\_\_\_  
Teresa England, Chairperson

ATTEST:

By: \_\_\_\_\_  
Jo-Anne Tyson, Secretary to the Commission