

Mapleton City Planning Commission Staff Report

Meeting Date: October 23, 2014

Item: 4

Applicant: Mapleton City

Location: City wide

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: All

REQUEST

Consideration of an ordinance amending Mapleton City Code Chapter 18.76.070.B to allow the use of Transferable Development Rights within previously platted subdivisions.

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 over 200 TDRs that have been issued that are currently unused.

Mapleton City Code (MCC) 18.76.070.B indicates that TDRs cannot be used on lots that are part of a previously approved subdivision plat. The proposed ordinance would eliminate this limitation and potentially allow a lot or lots in a previously platted subdivision to be further subdivided.

EVALUATION

It is unclear why the prohibition on the use of TDRs within previously platted subdivision was instituted. It is staff's position that more opportunities to utilize TDRs should be made available. It is also staff's position that a property owner should not be restricted from the TDR ordinance just because the property may have been subdivided prior to the adoption of the TDR ordinance.

Currently, a property owner in the A-2 zone, for example, that has two acres of undeveloped land could use a TDR to create two one acre lots. However, a property owner that has a two acre lot in a platted subdivision would not have the same opportunity under the current ordinance. The proposed ordinance would create more opportunities for the use of TDRs as well as treat similar properties in a more consistent manner.

STAFF RECCOMENDATION

Recommend that the City Council adopt the attached ordinance.

ATTACHMENTS

1. Draft Ordinance Amendments.

Attachment “1”
(Changes shown in strikeout and highlighted)

18.76.070: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:

- A. Transferable development right receiving sites shall be limited to the A-2, RA-1, PRC, PRD, PD and SDP zone designations exclusively unless otherwise authorized by the city council as part of an annexation agreement. (Ord. 2013-06, 7-16-2013, eff. 8-28-2013)
- 1. All areas shall be eligible to increase the density with the use of TDRs by no more than doubling what the underlying zone designation allows.
- B. In order to transfer one or more development rights to a parcel of property, such parcel shall be located within a receiving area. The owner of such parcel shall apply for and receive approval to have the property placed in the TDR overlay zone pursuant to rezoning procedures set forth in this title. ~~In no case shall a receiving site rezone be approved in any previously platted subdivision.~~