

Planning Commission Staff Report



MAPLETON

Date:

3/11/21

Item:

2

Applicant:

Mapleton City

Location:

N/A

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

Yes

Zone:

TDR-R

Attachments:

1. Draft ordinance.

REQUEST

Consideration of an ordinance amending Mapleton City Code Section 18.76 related to the use of Transferable Development Rights to increase density in residential zones.

BACKGROUND & DESCRIPTION

Mapleton City Code Section 18.76 contains the City's Transferable Development Right (TDR) ordinance. The ordinance identifies specific zones that can potentially become a TDR-Receiving Site and states the following regarding density:

"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."

While applicants can use TDRs to increase density up to a maximum of double, the ordinance does allow the City Council to limit the density to less than double. With the new guidance from the General Plan, the Planning Commission and City Council have recently been more insistent on wanting a range of lot sizes within TDR developments, and have also preferred approving less than the maximum allowed TDR density. In an effort to make the determination of density with TDRs more predictable for applicants as well as the City, staff is recommending the following changes to the TDR ordinance:

- Projects may increase density by 100% (or double) only in the following instances:
 - When located in the R-2-B zone;
 - When located in the A-2 or RA-1 zones and the result will be a maximum of two lots.
- Projects may increase density by 75% in the following instances:
 - When a project site is 20 acres or larger in a planned development zone and the project includes at least 15% of the site as dedicated open space.
- Projects that don't qualify under the first two bullets can increase density by no more than 50%.

EVALUATION

General Plan: The goals and policies of the general plan encourage a rural atmosphere, conservation subdivisions on large parcels, ensuring compatibility of new development with existing development and providing adequate buffers and transitions. The

proposed amendments are intended to more fully implement the goals and policies of the general plan. Below is an explanation of how each TDR option would work under the proposed ordinance.

100 % increase: In the A-2 and RA-1 zones, this option is reserved for proposals that will include no more than two lots. For example, a one-acre parcel in the RA-1 zone, typically would be allowed one lot. With the use of a TDR, and applicant could proposed two ½ acre lots (100% increase). In the R-2-B zone, which is the City’s high density zone, TDRs could be used to increase density from four units per acre to eight units per acre as currently allowed.

75 % increase: This option is meant to incentivize the conservation subdivision approach on parcels of 20 acres or larger that have at least 15% of the site area protected as open space. As an example, a 20 acre parcel in the RA-1 zone could potentially develop 20 one-acre lots. If 15% of the site was set aside as dedicated open space (3 acres), the density could increase to 35 lots (75% increase) with the use of TDRs. One topic the Commission may want to discuss is whether 15% open space is sufficient. It is important to note that the more open space that is required, the smaller the average lot sizes will likely be within a development.

50 % increase: This option is meant for projects that don’t qualify for the 100% or 75% increase and will likely apply to the majority of TDR projects. As an example, a 20 acre parcel in the RA-1 zone could potentially develop 20 one-acre lots. With the use of TDRs, and no dedicated open space, the density could increase to 30 lots. In this example, at least 10 of the lots would have to be one acre or larger. This avoids previous concerns of developments having all lots of the same size.

The following table provides some examples of projects that would fall under the 50% and 75% options described above.

Summary for Rural Residential Property (2 acres per lot base density)				
Site Acres	Open Space Acres (15%)	Base Density	Total Density w/TDR	% Increase
5	0	2	3	50%
10	0	5	7	50%
20	0	10	15	50%
20	3	10	17	75%
30	0	15	22	50%
30	4.5	15	26	75%
*Density rounded down to lowest whole number				

Summary for Low Density Residential Property (1 acre per lot base density)				
Site Acres	Open Space Acres (15%)	Base Density	Total Density w/TDR	% Increase
5	0	5	7	50%
10	0	10	15	50%
20	0	20	30	50%
20	3	20	35	75%
30	0	30	45	50%
30	4.5	30	52	75%
*Density rounded down to lowest whole number				

RECOMMENDATION

Recommend approval of the proposed ordinance amendments to the City Council.

Attachment “1”
Proposed Ordinance Revisions Shown in Strikeout and Underline

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, SDP, and R-2-B Zone designations exclusively unless otherwise authorized by the City Council as part of an annexation agreement. (Ord. 2019-03, 3-6-2019, eff. 4-2-2019)

~~— 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. (Ord. 2018-03, 4-18-2018, eff. 5-15-2018)~~

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 rezoned be approved in any previously platted subdivision. Upon rezoning approval:

1. The property shall be shown on the official zoning map as a receiving site by denominating it as a TDR-R Overlay Zone,

2. The property owner shall be eligible to transfer development rights to the property in accordance with the requirements of this chapter, and

3. A certificate of receiving credits shall be issued upon payment of an administrative fee determined by the Planning Department, to the property owner by the City Recorder indicating the total number of development rights which may be transferred to the property in accordance to subsection A of this section.

18.76.090: DEVELOPMENT STANDARDS:

A. The following development standards shall be applicable to receiving sites in the A-2 and RA-1 zones:

1. Each development in a TDR-R overlay zone shall conform to the development standards and permitted uses as required by the underlying zone, except as may be modified by the provisions of this chapter. In such case, the standards of this chapter shall apply.

2. TDRs may be used to increase density within a TDR-R overlay zone with the following limitations:

a. Density may be increased by up to one hundred percent (100%) in the R-2-B zone or in the A-2 and RA-1 zones when the result is no more than two lots.

b. For sites of twenty acres or more, density may be increased by up to seventy-five percent (75%) of what is allowed in the underlying zone in the PRC, SDP, PD or PRD zones when at least fifteen percent (15%) of the site, after subtracting right-of-way dedications, is set aside as dedicated open space. The City Council shall also make the following findings:

1. The project will provide a range of lot sizes;

2. The proposed open space provides visual and/or recreational benefits to the project;

3. The applicant has provided a realistic plan for the long-term maintenance of the open space;

4. The project achieves a mutually compatible relationship between the proposed development and adjoining land uses; and

5. The project is consistent with the goals and policies of the Land Use Element of the General Plan.

c. Density may be increased by up to fifty percent (50%) for all projects that do not qualify under subsection "a" or "b" above.

3. For the purposes of this section, dedicated open space may include:

a. Property dedicated to Mapleton City for the purpose of creating or maintaining open space and/or recreation areas and facilities. Nothing in this ordinance shall be construed to require the City to accept an open space dedication;

b. Active recreation areas owned either in common or by a single entity that are accessible to all residents of the development and dedicated as permanent open space. Active recreation may include, but is not limited to, playing fields, courts, pools, recreation centers, trails, playgrounds, picnic areas, amphitheaters, parks, and equestrian uses. Common yards maintained by a homeowners' association or other similar entity shall not qualify as open space for the purpose of complying with this section;

c. Passive or unimproved open space either owned in common or by a single entity that is intended to preserve natural scenic amenities such as trees, rock outcrops, ravines, wetlands, ponds, streams, or other natural features;
or

d. Agricultural land.

4. If the density calculation from subsections 1, 2 and 3 above result in a fractional number, the density shall be rounded down to the closest whole number.

~~— 2. If density proposed on a receiving site exceeds the density permitted by the underlying zone as per subsection 18.76.070A of this chapter, density, lot sizes, and other development standards shall be determined by the city council, after receiving a recommendation from the planning commission, as part of the subdivision and/or site plan review process. In making a determination of final density, the city council shall:~~

~~— a. Consider the subdivision and site plan provisions of title 17 of this code and this title,~~

~~— b. Consider whether a proposed plan has a design which:~~

~~— (1) Provides a range of housing types;~~

~~— (2) Takes advantage of existing topography and other natural features;~~

~~— (3) Achieves a mutually compatible relationship between the proposed development and adjoining land uses; and~~

~~— (4) Implements the policies set forth in the Mapleton City general plan, and~~

~~_____ c. Make findings regarding the matters set forth in subsections A2a and A2b of this section.~~