

**ORDINANCE NO. XXXX
SERIES 2023**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE BY
CREATING A NEW SECTION 17.16.350 ESTABLISHING PROCEDURES AND
CRITERIA FOR A CONCEPT PLAN REVIEW**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”); and

WHEREAS, the City desires to create a Concept Plan land use review process to allow the City Council the opportunity to provide nonbinding comments prior to submittal of a preliminary or final land use application; and

WHEREAS, such Concept Plan review process is limited to certain land use application types that may have complexities that would benefit from the early identification of potential opportunities, constraints, and policy considerations; and

WHEREAS, such Concept Plan review process will help identify whether a proposal may address certain adopted plans, policies and ordinances related to a potential application; and

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Louisville Municipal Code Chapter 17.16 – General Regulations is hereby amended with the addition of a new Section 17.16.340 to read as follows:

Section 17.16.350. – Concept Plan Review

- A. Purpose. The purpose of the concept plan review is to provide an opportunity for an applicant to solicit comments from the City Council in the early stages of the development review process on relevant plans, policies and ordinances related to the proposal. Comments on a concept plan are not binding and are meant to inform any subsequent land

use application. A concept plan review shall not relieve an applicant of the burden to seek and obtain all necessary approvals under the Louisville municipal code.

- B. Projects eligible for concept plan review. A concept plan review is an optional review step prior to submitting an application for a preliminary or final land use application. The following application types shall be eligible for concept plan review.
1. General development plans pursuant to Chapter 17.72.
 2. Planned unit developments pursuant to Chapter 17.28 that cover multiple lots or that would require a waiver to a height or density standard.
 3. Special review use pursuant to Chapter 17.40.
 4. Comprehensive development plan amendments specific to a certain property, pursuant to Chapter 17.64 not initiated by the city or city staff.
 5. Zoning map, or text amendments specific to a certain property pursuant to Chapter 17.44 not initiated by the city or city staff.
- C. Application requirements. A concept plan application should provide sufficient and accurate information used to discuss applicable plans, policies and ordinances. An application shall be filed on a form provided by the city and shall include the following:
1. Written consent of the owners of all property included in the development.
 2. A written description of the proposal, including how the proposed development meets applicable plans, policies and ordinances, and addresses the following as applicable:
 - i. Description of any waivers sought to adopted development standards.
 - ii. How the development meets applicable public land dedication requirements.
 - iii. Proposed land uses, residential housing type mix, sizes, anticipated sales prices, percentage and type of affordable units.
 3. A vicinity map, drawn to scale, showing the site and surrounding area not less than a 300-foot radius around the site, including surrounding zoning, buildings, parking areas, streets, sidewalks, trails and other transportation connections, parks, public areas, and open spaces.
 4. A scaled and dimensioned schematic site plan that includes the following as applicable:
 - i. Property boundaries.
 - ii. Access points and circulation patterns for all modes of transportation, including connections to surrounding transportation infrastructure.
 - iii. Proposed land uses and approximate location of buildings, including anticipated number of units or building area.
 - iv. Location of major site elements such as natural features, watercourses, wetlands, trees, slopes, and floodplains.
 - v. Site data such as building and landscape coverage, residential density, parking ratios, and building size.
 5. Architectural character sketches showing building elevations and materials, as relevant.

6. Any additional information determined by the City Manager as necessary to assess the proposal against applicable plans, policies and ordinances.
- D. Review process. Following the acceptance of and determination by the city of a complete application for concept plan review, the City Manager shall schedule the review at a regular City Council meeting. Public notice shall be provided as set forth in Section 17.04.070. Staff may provide a staff report noting applicable plans, policies and ordinances to inform the City Council review.
- E. Guidelines for review and comment. The following will be used to guide the City Council's discussion regarding the concept plan review. Meeting minutes summarizing the discussion and comments will be provided to the applicant, but no vote shall be taken by the City Council regarding the application. The City Council is not required to provide any specific feedback regarding an application and a consensus or majority vote on discussion items shall not be required. All comments provided by the City Council are advisory in nature and shall not be binding on the City Council. Issues not identified below may be discussed if the City Council finds that such issues relate to a relevant plan, policy, or ordinance.
1. Applicable review criteria, procedures, supporting documentation and submission requirements relevant to the land use application.
 2. Policy considerations, including guidance on how a project would conform to plans and policies, including the comprehensive plan, transportation master plan, and any other adopted plan or policy relevant to the proposal.
 3. Characteristics of the site or neighborhood that would influence the plan development, such as potential offsite impacts, opportunities to enhance or coordinate development with surrounding properties, and opportunities to preserve view corridors and other natural features.
 4. Potential of any waivers to achieve applicable criteria or policy goals that would otherwise be unachievable by adherence to current standards.
 5. Opportunities and constraints related to the transportation system, including access, linkages, and transportation system capacity.
 6. The need for additional studies or analysis related to the proposal.
 7. Any other guidance related to appropriate or desired range of land uses, densities, and housing types.

Section 2. Louisville Municipal Code Section 17.04.070, Table 1, Public Notice Requirement is hereby amended by adding the following underlined text to the table:

Land Use Application	Mailing	Posting			Published Notice
		Public Facility (1)	City Website	Subject Property	
<u>Concept Plan review</u>	<u>All affected properties within 750' 15 days prior to hearing date</u>	<u>72 hours prior to hearing date</u>	<u>15 days prior to hearing date</u>	<u>All adjoining public ROW 15 days prior to hearing date</u>	<u>15 days prior to hear</u>

Section 3. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this __ day of _____, 2023.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this ____ day of _____, 2023.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk

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