

## BY AUTHORITY

ORDINANCE NO. **4158**COUNCILLOR'S BILL NO. **49**

SERIES OF 2022

INTRODUCED BY COUNCILLORS

A BILL  
FOR AN ORDINANCE ESTABLISHING A DEVELOPMENT CONCEPT REVIEW PROCESS

Whereas, the stated purpose of Title XI, W.M.C. is to preserve and promote the public health, safety, and welfare of the inhabitants of the City and of the public generally and to encourage and facilitate the orderly growth and expansion of the City; and

Whereas, W.M.C, Title XI, Chapter 5 establishes procedures and requirements for rezoning, Preliminary Development Plans, Official Development Plans and other requirements for development of any land within the City; and

Whereas, the City Council of Westminster finds it is in the public interest to be afforded the opportunity to make comments on proposed future developments through a Concept Plan Review process to facilitate alignment with the City Vision and Strategic Plan as courtesy prior to development of detailed architectural and engineering plans by applicants through existing provisions established in W.M.C, Title XI, Chapter 5.

## THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-1-6(A)(1), W.M.C., is hereby AMENDED to read as follows:

**11-1-6. Land Use and Development Review Fee Schedule.**

(A) An applicant for any of the following land use or development reviews shall pay in advance the corresponding fee or fees:

(1) *Review Fees:*

Pre-application Concept Plan review ....\$500.00 (credited to future development application fees)

~~PDP or amendment—Concept review ....\$350.00 (x) sq. rt. of acres (\$350.00 min.)~~

PDP or amendment—Technical review ....\$350.00 (x) sq. rt. of acres (\$350.00 min.)

~~ODP or amendment—Concept review ....\$400.00 (x) sq. rt. of acres (\$400.00 min.)~~

ODP or amendment—Technical review ....\$400.00 (x) sq. rt. of acres (\$400.00 min.)

Combined PDP/ODP (including amendments)

~~Concept review ....\$550.00 (x) sq. rt. of acres (\$550.00 min.)~~

Technical review ....\$550.00 (x) sq. rt. of acres (\$550.00 min.)

Zoning or rezoning ....\$500.00

Annexation ....\$300.00

Comprehensive land use plan amendments ....\$500.00

Administrative amendment (PDP/ODP) ....\$250.00

Minor administrative amendment (PDP/ODP) ....\$75.00  
 ODP waiver ....\$250.00  
 Special or conditional use permit ....\$450.00  
 Temporary use/special event permit ....\$100.00  
 Construction drawing reviews ....\$750.00 + \$75.00 (x) sq. rt. of acres (\$1,125.00 max.)  
 (Construction drawing reviews may include, but are not limited to, final plats, address plats, construction drawings, R.O.W. permits and public improvements agreements)  
 Minor replat (lot line adjustment) ....\$300.00  
 Vacations (R.O.W. and easements) ....\$300.00  
 Land disturbance permits ....\$250.00  
 Development sign posting fee ....\$50.00  
 Variance ....\$250.00  
 Oil and Gas Official Development Plan ("ODP") Review ....\$5,000.00

Section 2. Section 11-5-6.5, W.M.C., "Concept Plan Review" is hereby ADDED between sections 11-5-6 and 11-5-7 to read as follows:

#### **11-5-6.5: Concept Plan Review**

(A) Applicability:

(1) This section shall apply to any proposed ODP, PDP and amendment thereto, and to any rezoning, except as provided below. In determining the applicability of this section, the Planning Manager shall consider project complexity, the geographic reach of potential adverse impacts, and the extent of neighborhood compatibility issues and may administratively exempt a pre-application request from Concept Plan Review if one or more of the following criteria are met:

(a) The proposed plan includes four or fewer residential dwelling units;

(b) The proposed plan provides for minor changes to an existing site, including but not limited to small additions to a building, architectural updates, or minor modifications to a site;

(c) For PDP or ODP amendments, the proposed plan would change: (i) no more than ten percent (10%) of the land area devoted to any use within the PDP or ODP; (ii) the density or intensity of a use within the PDP or ODP by no more than ten percent (10%); or (iii) the setback or height of any building within the PDP or ODP by no more than ten percent (10%); or

(d) The project is eligible for review under Section 11-5-6, W.M.C.

(2) Concept Plan Review shall be conducted only for development proposals that are in compliance with the Comprehensive Plan and, if applicable, any Specific Plan. Development proposals not in compliance with the Comprehensive Plan or an applicable Specific Plan must first obtain an amendment to the Comprehensive Plan pursuant to Section 11-5-21, W.M.C., an amendment to the Specific Plan pursuant to Section 11-5-20, W.M.C., or both, as applicable.

(B) Prior to any submittal of a PDP, PDP amendment, ODP, or ODP amendment, the applicant shall submit a Concept Plan for pre-application review and the Concept Plan Review fee specified in the Land Use and Development Review Fee Schedule in Section 11-1-6, W.M.C. Such Concept Plan shall be made available for review and comment by the City Council for a minimum of twenty (20)

days. It is intended that the City Council will identify any significant concerns about the Concept Plan through submittal of written comments. No official action is taken at this stage by the City Council. Any comment, suggestion, or recommendation made by any City Council member on any Concept Plan is gratuitous and neither binds nor otherwise obligates City staff or the City Council to any course of conduct or decision after an applicant makes an official submittal of a plan to the City.

(C) Application for Concept Plan Review shall be made to the Planning Manager in a format specified by the Community Development Department. If the applicant is not the owner of the property or lot, the applicant shall submit proper evidence of the applicant's authority to act on the property/lot owner's behalf. Such evidence is not required if the property or lot is owned by the City, the Westminster Housing Authority, or the Westminster Economic Development Authority.

(D) Concept Plan Review shall consider the following criteria:

- (1) The proposed plan complies with applicable development standards enacted by the City and other regulatory agencies with jurisdiction over the proposed plan.
- (2) Adequate facilities and municipal services exist, or are planned through the application, to serve the development at the time of building permit issuance.
- (3) Compatibility with the surrounding area is demonstrated through creative site design and proposed improvements, including screening, buffering, setbacks and height limits, to minimize impacts on adjacent properties.

Section 3. Sections 11-5-7(A), W.M.C., is hereby AMENDED to read as follows:

#### **11-5-7: Format and Approval Process for Preliminary Development Plans (PDPs):**

**(A) Application Procedures for PDPs:**

- (1) Pre-application meeting. No PDP application shall be accepted before the applicant attends a pre-application meeting with City staff. The purpose of the meeting is for the applicant to gather information regarding City policies, codes, standards and procedures and receive comments made as a result of Concept Plan Review. A pre-application meeting shall be scheduled by the Planning Manager upon receipt of a pre-application request in a format specified by the Community Development Department. Any opinions expressed by City staff or through Concept Plan Review comments during pre-application meetings are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the development proposal.
- (2) Following the pre-application meeting, Community Development staff will furnish to the applicant direction on how to proceed with future submittals to the City. A complete development application may be submitted at any time after the date of the pre-application meeting; however, in the event that a development application is not submitted within 180 days of the pre-application meeting, then a new pre-application review, including Concept Plan, is required. New comments and/or submittal requirements may be added at that time.
- (3) Upon completion of the pre-application process, the applicant shall prepare an application for a PDP in the form and with such information as may be required by the Community Development Director. The application may be provided to reviewing entities for comment and feedback. Any comments and feedback received shall be compiled and provided to the applicant. Additional submittals may be required at the option of the City. Any comments or opinions expressed during application review are informational only and do not represent a

commitment on behalf of the City regarding the acceptability or approval of the development proposal.

- (4) Following the initial application review, and prior to commencing any additional review of a proposed PDP, the applicant shall complete a neighborhood notification process as specified by the Community Development Department. The City Manager or their designee may waive this requirement for neighborhood notification, if they determine, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.
- (5) Prior to any review of a proposed PDP, the applicant shall provide:
  - (a) Written consent of all owners of the property within the proposed PDP;
  - (b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;
  - (c) A non-refundable application fee as specified in the Land Use and Development Review Fee Schedule set forth in Section 11-1-6, W.M.C., shall be paid at the time of application for any proposed ODP.

Section 4. Section 11-5-8(A), W.M.C is hereby AMENDED to read as follows:

**11-5-8: Format and Approval Process for Official Development Plans (ODPs):**

**(A) Application Procedures for ODPs:**

- (1) Pre-application meeting. No ODP application shall be accepted before the applicant attends a pre-application meeting with City staff. The purpose of the meeting is for the applicant to discuss the project concept and to gather information regarding City policies, codes, standards and procedures and receive comments made as a result of Concept Plan Review. A pre-application meeting shall be scheduled by the Planning Manager upon receipt of a pre-application request in a format specified by the Community Development Department. Any opinions expressed by City staff during pre-application meetings or through Concept Plan Review comments are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the development proposal.
- (2) Following the pre-application meeting, Community Development staff will furnish to the applicant direction on how to proceed with future submittals to the City. A complete development application may be submitted at any time after the date of the pre-application meeting. However, in the event that a development application is not submitted within 180 days of the pre-application meeting, then a new pre-application review, including Concept Plan, is required, and new comments and/or submittals requirements may be added at that time.
- (3) Upon completion of the pre-application process the applicant shall prepare an application for an ODP in the form with such information as may be required by the Community Development Director. The application may be provided to reviewing entities for comment and feedback. Any comments and feedback received shall be compiled and provided to the applicant. Additional submittals may be required at the option of the City. Any comments or opinions expressed during application review are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the development proposal.
- (4) Following the initial application review, and prior to commencing any additional review of a proposed ODP, the applicant shall complete the neighborhood notification process as specified by the Community Development Department. The City Manager or their designee may waive

this requirement for neighborhood notification if they determine, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.

- (5) Prior to any review of a proposed ODP, the applicant shall provide:
- (a) Either the written consent of all owners of the property in the proposed ODP or evidence otherwise satisfactory to the Planning Manager of the applicant's authority to represent the owners of the property;
  - (b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;
  - (c) A non-refundable application fee as specified in the Land Use and Development Review Fee Schedule set forth in Section 11-1-6, W.M.C., shall be paid at the time of application for any proposed ODP.
- (6) All recording fees shall be paid for all plans and plats that have been approved by the City prior to their recording.

Section 5. Section 11-5-10(A), W.M.C is hereby AMENDED to read as follows:

**11-5-10: Format and Approval Process for Amendments to Official Development Plans (ODPs):**

(A) Application Procedures for ODP Amendments:

- (1) Pre-application meeting. No ODP amendment application shall be accepted before the applicant attends a pre-application meeting with City staff. The purpose of the meeting is for the applicant to discuss the project concept and to gather information regarding City policies, codes, standards and procedures and receive comments made as a result of Concept Plan Review. Applicants may propose an amendment to an ODP for all or only a portion of the entire land area within the previously approved ODP, except that an amendment to a residential ODP for an individual single-family lot within a detached single-family housing development that does not meet a criteria for administrative approval described in subsection (B)(1) below, shall proceed under the variance process set forth in Section 2-2-8, W.M.C. A pre-application meeting shall be scheduled by the Planning Manager upon receipt of a pre-application request in a format specified by the Community Development Department. Any opinions expressed by City staff during pre-application meetings or through Concept Plan Review comments are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the development proposal.
- (2) Following the pre-application meeting, the Community Development staff will furnish to the applicant direction on how to proceed with future submittals to the City. A complete development application may be submitted at any time after the date of the pre-application meeting. However, in the event that a development application is not submitted within 180 days of the pre-application meeting, then a new pre-application review, including Concept Plan, is required, and new comments and/or submittal requirements may be added at that time.
- (3) Upon completion of pre-application meeting, the applicant shall prepare an application for an ODP amendment in the form and with such information as may be required by the Community Development Director. The application may be provided to reviewing entities for comment and feedback. Any comments and feedback received shall be compiled and provided to the applicant. Additional submittals may be required at the option of the City. Staff review and feedback concerning an ODP amendment shall not be construed as a type of approval or pre-approval of any aspect of the submittal.

- (4) Following the initial application review, and prior to commencing any additional review of a proposed ODP amendment, the applicant shall complete the neighborhood notification process as specified by the Community Development Department. The City Manager or the Manager's designee may waive this requirement for neighborhood notification, if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.
- (5) Prior to any review of a proposed ODP amendment, the applicant shall provide:
- (a) Either the written consent of the owner(s) of the property in the area proposed for ODP amendment or evidence otherwise satisfactory to the Planning Manager of the applicant's authority to represent the owner(s) of such property;
  - (b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development; and
  - (c) A non-refundable application fee, as specified in the Land Use and Development Review Fee Schedule set forth in Section 11-1-6, W.M.C., shall be paid at the time of application for any proposed ODP amendment.
- (6) All recording fees shall be paid for all plans and plats that have been approved by the City prior to their recording.

Section 6. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 10th day of October, 2022.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 24th day of October, 2022.

ATTEST:

\_\_\_\_\_  
City Clerk

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Mayor

APPROVED AS TO LEGAL FORM:

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City Attorney's Office