



FRUITA
COLORADO

**COUNCIL WORKSHOP
AGENDA ITEM COVER SHEET**

TO: Mayor and City Council

FROM: Planning & Development Department

DATE: July 23, 2024

AGENDA TEXT: Land Use Code Amendments communication and discussion

BACKGROUND

The purpose of this discussion is for staff to present an overview on a few Land Use Code amendments. Following the City Council February 20th, 2024, public hearing staff received direction to modify the Land Use Code regarding Conditional Use Permits for fueling stations. The Planning Commission met in a workshop on July 7th, 2024, to discuss proposed changes. Their reaction to the Code amendments was positive, with a few questions regarding how the “Call-Up” procedures would work for subdivision applications.

The Code amendments proposed include Conditional Use’s in the DMU Zone, Call-Up Provisions, Appeals, and the Sign Code.

Conditional Use Permits:

The proposed amendment shows a change from Fuel Sales as an Allowed land use to a Conditionally Allowed Use in the DMU zone. This means that if a Fuel Sales business is proposed in the DMU zone, a Conditional Use Permit would be required. This amendment is proposed for Section 17.05.090.

Call-Up Provisions:

This code language needs to be relocated from Section 17.21.030(2) to Section 17.07.040 (G). The reason for relocating the language from the Subdivisions chapter to the Standard Review Procedures chapter is because the language now includes Site Design Review as a project subject to call up. These call-up provisions will allow the Community Development Director to decide whether a project or application should be called up. The call-up provisions would likely not be used for every single project.

Appeals:

The proposed changes will ensure that if an application for appeal of a decision that the application is not reheard, but otherwise, is appealed based on whether or not a decision or determination shall not be reversed or modified unless there is a finding that there was a denial of due process or the administrative body has acted arbitrarily and capriciously, exceeded its jurisdiction or abused its discretion.

Sign Code:

The proposed amendments to the Sign Code are directly related to supreme court rulings regarding

compliance with the First Amendment to the United States Constitution regarding municipal regulation of signs across the nation. With this ruling, municipalities are not allowed to regulate signage based on what the sign says. However, municipalities still can regulate signage location, size, height, brightness, and quantity. The proposed changes are to Section 17.15.040 Exempt Signs section of the Land Use Code. The Exempt Sign regulations explain the types of signage which do not require a Sign Permit.

Attachments:

1. Draft code amendments and summaries.
 - a. Conditional Use Permits
 - b. Call Up Provisions
 - c. Appeals
 - d. Sign Code