

ARTICLE VI
PLANNED UNIT DEVELOPMENT (PUD)

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ARTICLE VI PLANNED UNIT DEVELOPMENT (PUD)

DIVISION 1 GENERAL

Section 6-101 General Provisions of Planned Unit Development.

A. Purposes. The purpose of a PUD is to permit and encourage greater flexibility and innovation so that the development is compatible with the site's physical and environmental characteristics. The PUD provides an opportunity for a mixture of uses and housing types in a coordinated manner that may not be possible in a traditional zoning district. Regulatory provisions Article VI, PUD are pursuant to Title 24, Article 67, C.R.S.

B. Conformity with the County Comprehensive Plan and Intergovernmental Agreements. The PUD shall conform to the County's Comprehensive Plan and applicable intergovernmental agreements.

C. Relationship to Zoning and Subdivision.

- 1. Customized Zoning District.** The PUD is a type of customized zoning district. The PUD application submittal requirements, review procedures and approval standards are set forth in Article VI, Planned Unit Development (PUD), and shall apply to any PUD rezoning instead of the requirements and standards applicable to rezoning in the event of conflicting regulations, unless otherwise provided by these Regulations.
- 2. Waiver or Modification of Requirements.** The Board of County Commissioners may, at the time of zoning as a PUD, waive or modify specifications, standards and requirements such as density, setbacks, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of these regulations.
- 3. Application of Subdivision Regulation.** Where individual lots will be created within the boundaries of a PUD zone, the subdivision regulations in Division 3, *Subdivision Review Process* of Article V, Division of Land shall apply, and the PUD shall be reviewed together with the preliminary plat for the subdivision.
- 4. Permitted Uses.** All uses that are permitted in the underlying zone district where the PUD is located and any other uses that are consistent with the Comprehensive Plan may be permitted in a PUD.

5. Transit Area Planned Unit Development: (hereinafter a TPUD)

- a. Shall mean a single parcel of land or contiguous parcels of land meeting the above definition of a “Planned Unit Development” and which also is located within 2000 feet of a planned or developed mass transit terminal or station which has been approved pursuant to Article 14, Areas of State Interest, Areas Around Mass Transit Stations or Terminals of these regulations. If any portion of a property or parcel contained within a PUD is within 2000 feet of a planned or developed mass transit station or terminal the entire property, parcel or PUD shall be deemed to be included within a TPUD.
- b. A “planned” mass transit terminal or station, is herein defined as a facility identified in a bonafide and endorsed conceptual planning process by an agency or authority with legal standing to undertake alternatives analysis and conceptual design, and where that facility has been approved pursuant to Article 14, Areas of State Interest, Areas Around Mass Transit Stations or Terminals of these regulations. The 2000 foot radius, where the facility is not yet in place or designed, shall be deemed to be from the center point of a probable location. Where there may be several probable locations in a given area, the Applicant may show such alternatives and accommodate those in the conceptual design and Sketch Plan of a TPUD in consultation with the board and to assist in review by a Mass Transit Agency.

DIVISION 2 PLANNED UNIT DEVELOPMENT REVIEW PROCESS

Section 6-201 Review Procedures

- A. Pre-application Conference.** A Pre-Application Conference shall be held in accordance with the provisions of Section 4-103(A), Pre-Application Conference of Article IV. **1. Concept Narrative.** The applicant shall present a Concept Narrative of the proposed PUD in sufficient detail to accurately convey the general concept of the proposal. Detail shall include:
- a. **Concept Description.** Location of property; existing zoning, use and density; proposed zoning, use, densities and lot sizes;

existing zoning and use of surrounding property, including densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.

- b. Additional Information Required.** At the request of the Director, the applicant shall provide any reasonable additional conceptual information as needed to help clarify the proposal being made.

B. Rezoning. The process for Rezoning is set forth in Section 4-201, of Article IV, Application and Review Procedures.

C. Subdivision Review (if division of land is proposed within PUD). The process for subdivision review is set forth in Section 5-405 of Article V, Divisions of Land. Where a Preliminary Plan application is included with a PUD application, the subdivision regulations requirements will supersede the PUD requirements where the same information or more detailed information is required as part of a subdivision application.

D. PUD Plan Review. The following procedures shall apply to the PUD Plan Review (Resolution 2009-53).

- 1. Application.** The application materials required for PUD Plan Review are set forth in Section 6-301.
- 2. Determination of Completeness.** The Director shall review the application for determination of completeness in accordance with the provisions of Section 4-103(C).
- 3. Schedule Public Hearing.** Upon a determination of completeness, the Director shall schedule the PUD Plan for consideration by the Planning Commission.
 - a.** Public hearing by the Planning Commission shall be held within sixty (60) calendar days of the date of determination of completeness.
 - b.** Public notice of the hearing shall be made pursuant to Section 4-103(F).

4. Evaluation by Director/Staff Review. Upon determination of completeness, the Director shall review the application for compliance with the applicable standards set forth in Section 6-202, PUD Approval Standards, and prepare a staff report pursuant to Section 4-103(E) of Article IV.

a. Review by Referral Agencies. The Director's evaluation of the application shall include comment by referral agencies received under Section 4-103(D).

5. Review and Recommendation by the Planning Commission. An application for a PUD Plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-103(G).

a. Recommendation by Planning Commission. The Planning Commission shall recommend approval, approval with conditions or denial of the application based upon compliance with the standards set forth in Section 6-202.

(1) Recommendation of Approval. If the application satisfies all of the applicable standards, the Planning Commission shall recommend that the application be approved. The Planning Commission may recommend approval with conditions determined necessary for compliance with applicable standards.

(2) Recommendation of Denial. If the application fails to satisfy all of the applicable standards the Planning Commission shall recommend that the application be denied.

6. Schedule Public Hearing. The Director shall schedule the application for consideration by the Board of County Commissioners.

a. Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of the Planning Commission recommendation.

b. Public notice of the hearing shall be made pursuant to Section 4-103(F).

7. Review and Action by the Board of County Commissioners. The final decision to approve, approve with conditions or deny an

application for a PUD Plan shall be made by the Board of County Commissioners at a public hearing.

a. Decision by Board. The Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in Section 6-202 as well as any other applicable requirements of this Resolution.

(1) Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. The Board may approve the application with conditions determined necessary for compliance with applicable standards.

(2) Denial of Application. If the application fails to satisfy any one of the applicable standards, the application shall be denied.

8. Revisions to Zoning District Maps. Approval of a PUD Plan shall be recorded on the Official Zoning Maps filed in the Planning Department as soon as practicable after the PUD becomes effective.

9. Expiration of Approval. Unless otherwise stated in action by the Board of County Commissioners, the Board's decision to approve or conditionally approve the PUD plan shall be effective for a period of one year. The applicant may request an extension of one year.

10. Extension of Approval. A request for extension of approval shall be considered by the Board of County Commissioners at a regularly scheduled public meeting.

a. The request for extension shall include the following information.

(1) The reasons for the applicant's inability to comply with the specified deadlines.

(2) Changes in the character of the neighborhood or changes in the Land Use Code or Comprehensive Plan which have occurred since approval of the preliminary plan, and the effect of such changes on the proposed development.

b. The Board may grant an extension based upon the following criteria.

(1) The applicant has applied for an extension prior to the date of expiration of approval.

(2) There has been no change or proposed change in the Code, the Comprehensive Plan, or the surrounding neighborhood which would substantially affect the proposed development.

E. Recordation

1. **Completion of Conditions of Approval.** The applicant must complete all conditions of the PUD Plan approval prior to recording the PUD Plan and associated documents.

2. **Approval of PUD Development Guide.** The PUD Plan may not be filed for recording until the Board has approved a PUD Development Guide.

3. **Effective Upon Recording.** The PUD Plan does not become effective until it is properly filed for recording with the County Clerk and Recorder.

4. **Public Sale of Lots.** A PUD becomes complete and eligible for public sale of lots and development only after the PUD Plan and associated documents are recorded.

F. **Amendment to an Approved PUD** All amendments to an approved PUD shall be processed as a Rezoning as set forth in Section 4-201, of Article IV, Application and Review Procedures.

1. **Pre-Application Conference.** A Pre-Application Conference shall be held in accordance with the provisions of Section 4-103(A), Pre-Application Conference.

2. **Application.** The application materials required for a PUD approval are set forth in Section 6-301(B). Within thirty (30) working days of the date of the Pre-Application Conference, the Director shall make a determination as to whether the proposed change(s) constitutes a substantial modification to the approved PUD or conditions of approval contained in the Resolution of Approval.

a. **No Substantial Modification.** If the Director determines that the change does not constitute a substantial

modification to the approved PUD, the application shall follow the Administrative Process in Section 4-104 of this Resolution. The Director shall determine the applicable submittal materials (Resolution 2010-26).

- b. Substantial Modification.** If the Director determines that the change constitutes a substantial modification, the PUD amendment shall be considered a new application and submit the required materials identified in Section 6-301.
- 3. Written Notice of Decision.** The Director shall inform the applicant of the determination in writing within five (5) working days of the date of decision. Notice of the Director's decision shall also be provided to the Board of County Commissioners.
- 4. Request by Applicant for Reconsideration of Decision.** An applicant may request review of the Director's decision by the Board of County Commissioners by filing a written request within ten (10) calendar days of the date of receipt of written notice of the decision by the Director.
 - a. Schedule Public Hearing.** The Director shall schedule the request for review by the Board of County Commissioners.
 - (1)** Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of receipt of the request for review.
 - (2)** Public notice of the hearing shall be made pursuant to Section 4-103(F), Notice of Public Hearing.
 - b. Decision by Board.** Following a public hearing conducted pursuant to Section 4-103(G), Conduct of Public Hearing, the Board of County Commissioners may uphold the Director's decision, modify the decision, or reverse the decision.

Section 6-202 PUD Approval Standards. In addition to the standards set forth in Divisions 1, 2 and 3 of Article VII, Standards, the following standards shall apply to PUD applications.

A. Compliance with Rezoning Standards. The PUD complies with the approval criteria in Section 4-201(C), Rezoning Criteria.

B. Relationship to Surrounding Area. The PUD will not have an adverse impact on the surrounding area. The PUD is compatible with the scale, intensity and type of uses located on adjacent property.

C. Visual Impacts. The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design shall be compatible with the surrounding natural environment.

D. Street Circulation System. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained. Bicycle traffic shall be provided for when the site is used for residential purposes.

E. Pedestrian Circulation. The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.

F. Open Space. The PUD shall preserve at least twenty-five (25) percent of the area as open space.

G. Housing Variety. The PUD shall provide for variety in housing types, price and ownership forms.

H. Affordable Housing. The PUD shall comply with affordable housing requirements applicable pursuant to Section 8-102 of Article VIII, Affordable Housing.

I. Fire Hazards. Fire hazards will not be created or increased;

J. Recreation Amenities. The PUD shall provide recreational opportunities and amenities to residents of the PUD.

K. Adequacy of Supporting Materials. The Final PUD Plan meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

L. Taxes. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

M. Adequate Water Supply. An Adequate Water Supply will be demonstrated in compliance with the standards in Section 7-105.

DIVISION 3 PLANNED UNIT DEVELOPMENT (PUD) SUBMITTAL REQUIREMENTS

Section 6-301 General Submittal Requirements.

A. Professional Qualifications. The professional qualifications for preparation and certification of documents required by these PUD regulations are set forth in Section 4-502(A), of Article IV, Application and Review Procedures.

B. Application Materials. Following are the application materials required for a PUD. The Director may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

1. Application Form and Fees
2. Vicinity Map
3. Application Materials required for Rezoning Request
4. Application Materials required for Subdivision (if land division is proposed within the PUD)
5. PUD Plan
 - a. Site Plan
 - b. Written Description
 - c. Land Suitability Analysis
 - d. Impact Analysis
 - e. Erosion Control and Drainage Report
 - f. PUD Development Guide, proposed
4. Final PUD Plan
 - a. Site Plan
 - b. Streets/Roads Plans and Profiles
 - c. Covenants, Conditions, Restrictions
 - d. PUD Development Guide, approved

C. Description of Submittal Requirements

1. **Rezoning Request.** The application materials for Rezoning Request are set forth in Section 4-501(G) of Article IV, Application and Review Procedures.
2. **Subdivision.** The application materials for Subdivision are set forth in Section 5-501(F) of Article V, Divisions of Land.

- 3. Application Form.** Application forms for a land use change application proposing PUD development shall be obtained from the Planning Department. Completed application forms and accompanying materials shall be submitted to the Director by the owner, or any other person having a recognized fee title interest in the land for which a land use change is proposed, or their authorized agent.
- a. Applicant is not the owner.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - b. Applicant is not the sole owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application.
 - c. Land subject to a conservation easement.** If land is subject to a conservation easement, the applicant shall:
 - (1)** Submit a letter signed by the holder of the conservation easement stating that the Application is consistent with the terms of the conservation easement;
 - (2)** Submit a letter signed by the holder of the conservation easement stating that the Application is not consistent with or is prohibited by the terms of the conservation easement;
 - (3)** Submit a letter signed by the holder of the Conservation Easement waiving the right to comment on or participate in the Application process; or
 - (4)** Submit evidence satisfactory to the County showing that the holder of the conservation easement has no right to consent to or join in the application.

A copy of the conservation easement shall be submitted with other documentation of ownership (Resolution 2010-26).

4. **Fees.** The application must be accompanied by the appropriate fees. A schedule of fees is available through the Planning Department.
 - a. **Payment of Consultant Fees.** Pursuant to Section 4-102, Consultants, the cost of consultant and referral agency review are the responsibility of the applicant.
 - (1) The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
 - (2) The County may suspend the application review process pending payment of consultant costs.
5. **General Requirements for Maps and Plans.** The following are general requirements for the maps and plans submitted under these application and review procedures.
 - a. Name or identifying title of the proposed development or use.
 - b. Total area of the site, in acres.
 - c. Name, address and telephone number of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant.
 - d. Date of preparation, revision box, written scale, graphic scale, and north arrow.
6. **Vicinity Map.** An 8 ½ x 11 inch vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a 3-mile radius of the subject property.
7. **Site Plan, Preliminary PUD Plan.** The site plan for a Preliminary PUD Plan shall include the following information.
 - a. Prepared on standard 24 x 36 sheets

- b. Adjacent land owned by the applicant that is not part of the proposed request and the current and intended use of the land.
- c. Topography at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.
- d. Public access to site, and internal circulation. The widths, lines, and names of all existing and proposed streets, drives alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.
- e. Existing land uses and zoning on adjoining properties.
- f. Public or private sources of utility services and facilities.
- g. Areas for landscaping.
- h. Location of all land uses and proposed densities, where applicable.
- i. Proposed use and gross square footage of structures and anticipated number of employees if commercial or industrial uses.
- j. Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
- k. Land to be held in common, open space devoted to community use, and land to be dedicated to County.
- l. Environmental impact study and assessment including, but not be limited to, drainage studies, wildlife habitats, soils, vegetation and slope analysis, County services, town services, transportation, schools, climate, air quality, geology and minerals, topography, water, recreation, visual resources, economics and sociology and noise.

- m. Water supply plan approved by the State Division of Water Resources.
 - n. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff
 - o. Signature block.
- 8. Final PUD Plan.** The Final PUD Plan shall conform to the following requirements.
- a. Location or vicinity map to scale.
 - b. Drawing at a scale of 1 inch equals 100 feet or a scale approved by the Director which clearly shows the entire proposal. Photo Mylar shall be used with outer dimensions of 24 x 36.
 - c. Legal description.
 - d. Primary control points, or descriptions and “ties” to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - e. Location and description of monuments.
 - f. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.
 - g. Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility.
 - h. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
 - i. Statement by owner dedicating streets, rights-of-way, and any sites for public use.

- j. Number to identify each lot or site, such as lot and block numbers.
- k. Purposes of sites other than residential lots that are dedicated or reserved.
- l. Gross and net acreage of individual lots or sites, calculated to two decimal places.
- m. Flood plains and building envelopes.
- n. Certification of title showing the applicant is the land owner or option-holder.
- o. Certification by the project surveyor certifying to the accuracy of the survey and plat.
- o. Certification of Planning Department.
- p. Certification for approval of the Board of County Commissioners.
- q. Certification for the County Clerk and Recorder.
- r. Additional Materials.
 - (1) Streets/roads plans and profiles.
 - (2) Covenants, Conditions, Restrictions.
 - (3) Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.
 - (4) Development Guide
 - (5) Erosion control and drainage report.
 - (6) Mechanism for maintaining and preserving open space and common areas.
 - (7) Certification of taxes paid.

- 9. PUD Written Description.** A written description of the proposal shall include the following information.
- a. The names and addresses of owner, applicant and representative.
 - b. General project concept and purpose of the request.
 - c. Relationship of the proposed PUD development to the existing land uses and adjacent property land uses
 - d. The staging and timing for the proposed development.
 - e. Compliance with the Comprehensive Plan.
 - f. Source of and legal right to water. Written confirmation of service availability from a water and sanitation district if the property lies within the district boundaries.
 - g. Method of wastewater treatment and disposal.
 - h. Type or method of fire protection.
 - i. The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.
 - j. Description of natural and manmade hazards
 - k. Discussion of impacts on County services, schools, town services and any other unique operation that may be pertinent to a review of the proposed zone change
 - l. Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction
- 10. PUD Development Guide.** Any PUD must submit a PUD Development Guide prior to approval of the PUD rezoning.
- a. Provisions established by the PUD Development Guide shall comply with goals and policies of the Comprehensive Plan and any intergovernmental agreement affecting land use or development.

- b. The PUD Development Guide shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.
 - c. The PUD Development Guide shall propose reasonable standards and requirements for the PUD development. Appropriateness of standards and requirements for development shall be evaluated on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded PUD Plan. The County zoning regulations shall be applicable to any conditions not provided for by the approved Development Guide.
11. **Impact Analysis.** The requirements for an Impact Analysis are set forth in Section 4-502(E) of Article IV, Application and Review Procedures.
12. **Land Suitability Analysis** The requirements for a Land Suitability Analysis are set forth in Section 4-502(D) of Article IV, Application and Review Procedures.