

LUDC
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GARFIELD COUNTY, COLORADO

Article 6: Planned Unit Developments

ARTICLE 6 PLANNED UNIT DEVELOPMENTS

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DIVISION 1. GENERAL.

6-101. GENERAL PROVISIONS.

A. Purpose.

The general purpose of PUD zoning is to permit greater design flexibility than is allowed by the base zone district or Subdivision regulations, as those objectives are identified in the Planned Unit Development Act of 1972, C.R.S. § 24-67-101, *et seq.* PUDs must be in general conformance with the Comprehensive Plan.

B. Applicability.

1. Any single parcel of land or contiguous parcels of land comprising a minimum of 2 acres, sufficient to accommodate an integrally planned environment to be developed through a unified plan, is eligible for PUD zoning.
2. Applications for PUD zoning may be made for land located in any zone district.

C. Concurrent Subdivision Submittal.

Any area proposing separate ownership of parcels within a PUD will, at some time, be required to be reviewed per Article 5, Divisions of Land. The review of any proposed division of land may be applied for concurrently with the review of the PUD so long as any PUD zoning decision is made prior to the review of the Subdivision Preliminary Plan. If an Applicant chooses to process a PUD and Subdivision concurrently, the Applicant will forego the specified timeline for approval set forth in section 6-202.B.1.

D. Concurrent Comprehensive Plan Amendment and PUD Zoning Submittal.

A PUD zoning request may be processed simultaneously with a Comprehensive Plan amendment so long as the Planning Commission makes a final decision on the Comprehensive Plan Amendment prior to a making a recommendation to the BOCC on action to be taken on the proposed PUD zoning. If an Applicant chooses to process a PUD and Comprehensive Plan amendment concurrently, the Applicant will forego the specified timeline for approval set forth in section 6-202.B.1.

DIVISION 2. PUD ZONING AND AMENDMENTS.

6-201. APPLICABILITY OF COMMON REVIEW PROCEDURES.

The procedures in this Article shall be processed in accordance with the common review procedures identified in Table 6-201, Common Review Procedures and Required Notice. Additional requirements specific to a review procedure are identified by cross-reference in the left-hand column to the section that contains the requirements.

Table 6-201: Common Review Procedures and Required Notice

Section 4-101.		A	B	C	D	E	F	G	H	I	Required Notice			
		Pre-App. Conference	Completeness	Referral Agency	Evaluation by Director	Notice	Recommendation	Decision	Duration/Expiration	Extension	Published	Mailed	Posted	Additional Requirements
BOCC	Board of County Commissioners													
D	Director													
PC	Planning Commission													
6-202.	PUD Zoning	✓	✓	✓	✓	✓	PC	BOCC	✓	✓	✓	✓	✓	Notice to all property owners within 200 feet of the proposed PUD boundary. Notice required for PC and BOCC hearings.
6-203.B. 1.a	PUD Amendment (Minor)	✓	✓		✓	✓	✓	D				✓		Mailed notice to all property owners and mineral owners within the PUD
6-203.B. 1.b	PUD Amendment (Substantial)	✓	✓	✓	✓	✓	PC	BOCC	✓	✓	✓	✓	✓	Notice to all property owners and mineral owners within the PUD and all property owners within 200 feet of the PUD boundary. Notice required for PC and BOCC hearings

6-202. PUD ZONING.

A. Overview.

An application for PUD zoning is a type of rezoning.

B. Review Process.

Applications shall be processed according to Table 6-201, Common Review Procedures and Required Notice, with the following modifications:

1. Decision.

A PUD shall be approved, conditionally approved, or denied by the BOCC within 120 calendar days from the date the application was determined complete. Upon request by either the County or the Applicant, a different, mutually agreeable time period for review may be established.

- a. The BOCC may, at the time of zoning as a PUD, modify dimensional standards, uses, or other code requirements such as density, land dedications, and improvement standards that would otherwise be applicable in the parcel’s original zone district, if the modification furthers the objectives of this Code.
- b. The approval of a PUD constitutes a zone district amendment and shall be recorded on the Official Zoning Maps and recorded with the County Clerk and Recorder within 30 calendar days of BOCC

approval. The PUD Plan does not become effective until it is recorded with the County Clerk and Recorder

- c. The approved PUD zoning and the approved PUD Plan are inseparable. PUD zoning shall not be approved without the approval of the related PUD Plan documents. The PUD Plan shall be recorded at the same time as any approved PUD amendment to the Official Zoning Map.

2. Duration of Approval and Expiration.

- a. The Applicant must begin development of the PUD within 1 year from the date of approval unless:

- (1) The PUD is to be developed in phases and the BOCC has approved the commencement of development activity beyond 1 year, or
- (2) The BOCC has otherwise approved a different development schedule.

- b. The Applicant must complete the development of each phase of the PUD as a whole in compliance with the development schedule approved by the BOCC.

- c. If the Applicant does not comply with the time limits imposed by the preceding subsection:

- (1) The BOCC shall review the PUD in a noticed Public Hearing and may revoke approval for the incomplete portion(s) of the PUD, or require that the PUD be amended, or extend the time for completion of the PUD; the BOCC must provide notice in the forms described in Section 4-101.E., or
- (2) The Applicant may request extension, revocation, or amendment prior to any expiration of approval.

- d. 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.

3. Subsequent Action. The PUD Plan and all associated documents must be recorded within 30 days of an approval by the BOCC.

C. Review Criteria.

An application for PUD Zoning shall meet the following criteria:

- 1. Purpose and Applicability. The PUD meets the purpose and applicability of this Code, as provided in section 6-101.A. and B.
- 2. Development Standards. The PUD meets the Development Standards as provided in section 6-401.
- 3. Standards, Article 7. The PUD meets the standards within Article 7, Division 1, excluding 7-101.
- 4. Rezoning Criteria. The PUD meets the Rezoning Review Criteria in section 4-113.C.
- 5. Established Zoning Standards. The PUD Plan adequately establishes uses and standards governing the development, density, and intensity of land use by means of dimensional or other standards.

6-203. PUD ZONING AMENDMENT.

A. Overview.

Applications for an amendment to an approved PUD shall be reviewed by the Director who shall determine whether the amendment is a Minor (nonsubstantial) or Substantial Modification. In all cases, the following will be deemed a Substantial Modification:

1. Modifications to the approved phasing plan.
2. Removal or release of a plan provision as stated in C.R.S. § 24-67-106(3)

B. Review Process.

Applications for amendment to a PUD shall be processed pursuant to the following:

1. Pre-Application Conference. Applicant must come to the pre-application conference prepared to discuss the proposed amendment and how it does or does not comply with the criteria in section 6-203.C. After the pre-application conference and within 10 business days of receiving all necessary information, the Director shall make 1 of the following 3 determinations:
 - a. Minor Modification. The Director shall apply the criteria in section 6-203.C. to determine if the proposed amendment is minor in nature. Upon finding the amendment is a Minor Modification, the Director shall provide written notice of this finding to the Applicant and the Applicant may then submit an application for a PUD amendment, subject to the following process:
 - (1) Determination of Completeness. Upon performing a completeness review, if the application materials deviate from the information provided during the pre-application conference and indicate that the minor modification finding was in error, the Director may revoke that finding and treat the request as a Substantial Modification.
 - (2) Once the application is deemed technically complete, the Director will send a letter to the Applicant that indicates:
 - i. The additional number of copies to be delivered to the County
 - ii. The date the Director will render a decision; and
 - iii. The notice form that the Applicant is required to mail all property owners and mineral owners within the PUD.
 - (3) Notice. The Applicant shall mail written notice certified mail to all property owners of record within the PUD. All owners of mineral interest shall be mailed written notice consistent with section 4-101.E.1.b(4). Notice shall be mailed at least 15 days prior to the date of the Director's decision and shall include a vicinity map, a PUD map, a short narrative describing the proposed PUD amendment, the contact information for the Community Development Department and the date that the Director will make a decision.
 - (4) Decision. The Director will inform the Applicant and the BOCC of the approval, or basis for denial, in writing within 10 days of the date of decision.

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- (5) Subsequent Action. The amended PUD Plan and all associated documents are recorded within 30 days from an approval by the Director.
 - b. Substantial Modification.
 - (1) If the Director determines that the proposed amendment constitutes a Substantial Modification, the change shall require a new application for a PUD.
 - i. The Director shall determine the contents of the application submission requirements for a Substantial Modification request and provide this information in writing to the Applicant.
 - ii. Notice shall be provided pursuant to section 4-101.E.(2)-(4) and shall include notice to all property owners of record within the PUD.
 - (2) Should the Applicant contest the decision made by the Director that the proposed amendment constitutes a Substantial Modification, the Applicant may request the decision be called-up to the BOCC pursuant to section 4-112.B and C.
 - c. Determination by the BOCC. The Director shall have the discretion to request the BOCC decide, in a Public Meeting, whether a modification is Minor or Substantial.

C. Review Criteria.

Minor Modifications to a PUD are those that deviate from previously-approved standards or rearrange/reconfigure elevations, structures, parking areas, landscape areas, utilities, or other site improvements in an approved PUD, and that meet all of the following criteria as applicable:

1. Conform to the Comprehensive Plan;
2. Is consistent with the efficient development and the preservation of the character of the development;
3. Do not increase the density;
4. Do not decrease the amount of dedicated Open Space;
5. Do not affect, in a substantially adverse manner, either the enjoyment of the land abutting upon or across the road from the PUD or the public interest;
6. Do not change the use category of the PUD between residential, commercial, or industrial uses; and
7. Will not be granted solely to confer a special benefit upon any person; and
8. Shall not affect the rights of the residents, occupants, and owners of the PUD to maintain and enforce those provisions at law or in equity.

DIVISION 3. SUBMITTAL REQUIREMENTS.

6-301. APPLICATION MATERIALS.

The following are the application materials for PUDs and PUD Amendments. Sections 4-203 and 6-302 provide detailed descriptions of each submittal requirement.

Table 6-301: Application Submittal Requirements												
Section 4-203.		B	C	D	G	H	J	L	O	A	B	Section 6-302.
Application Type		General Application Materials	Vicinity Map	Site Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Traffic Study	Floodplain Analysis	PUD Plan	Amendment Justification Report	
Planned Unit Development												
6-202	PUD Zoning	✓	✓	✓	✓	✓	✓	✓	✓	✓		
6-203	PUD Amendment	✓	✓							✓	✓	May require a new application if determined to be a Substantial Modification.

6-302. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. PUD Plan.

1. PUD General Descriptions. A written description of the proposal shall include the following information:
 - a. General project concept and purpose of the request;
 - b. Explanation of how the PUD is in general conformance with the Comprehensive Plan;
 - c. Description of how the proposed development departs from the otherwise applicable standards of this Code but meets the intent and purpose of this Article;
 - d. Relationship of the proposed PUD development to the existing land uses and adjacent property land uses; and
 - e. Phasing and timing for the proposed development including the start and completion date of construction of each phase.
2. PUD Technical Descriptions. A written description of the proposal shall include the following information:
 - a. Method and calculation used to determine overall project and specific use type densities;
 - b. The PUD shall demonstrate how common wastewater facilities will be controlled or governed by the future owners within the PUD;

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- c. The PUD shall demonstrate how common water facilities will be controlled or governed by the future owners within the PUD;
 - d. Method of adequately providing other necessary public utilities;
 - e. Type or method of fire protection;
 - f. Description of whom or what entity shall be responsible for the provision of and payment for any facilities available to the community, including but not limited to open space, common areas, and structures;
 - g. 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 and methods for mitigation; and
 - h. Documentation showing legal access or documentation demonstrating the likelihood of achieving legal access.
 3. PUD Plan Map. The map of the PUD Plan shall be drawn at a scale of 1 inch equals 100 feet or a scale approved by the Director which clearly shows the entire proposal.
 - a. Legal description;
 - b. Vicinity map to scale;
 - c. Location, acreage and type of all land uses and proposed densities;
 - d. Location, acreage and type of land to be held in common, Open Space devoted to community use, and land to be dedicated for public use, including school sites;
 - e. Location and acreage of all rights of way, accesses and easements including the names and dimensions of each road;
 - f. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension;
 - g. Location and description of monuments;
 - h. 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;
 - i. Gross and net acreage of individual lots or sites;
 - j. Designation of any Building Envelopes;
 - k. Designation of any flood or other Hazard Area;.
 - l. Certification of title showing the Applicant is the land owner or option-holder;
 - m. Lienholder consent, if applicable;
 - n. Certification by the project surveyor certifying to the accuracy of the survey and Plat;
 - o. Certification for approval of the BOCC; and
 - p. Certification for the County Clerk and Recorder.
 4. PUD Plan Guide. The PUD Plan Guide shall propose reasonable standards and requirements for the PUD development and shall include, at a minimum:
 - a. Regulations and standards such as height limits, access requirements, Floor Area Ratios, allowable uses minimum lot

area, maximum Lot Coverage, minimum setbacks, maximum height of buildings, and all other uses and restrictions applicable to the area proposed to be zoned as PUD written in a form, the same as or similar to, the Zone District Regulations in Article 3.

- b. Landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways, and all other land held in common, if applicable.
- c. Signage standards such as height, lighting, placement, and quantity, as applicable.
- d. The County zoning regulations shall be applicable to any conditions not provided for by the approved PUD Plan Guide.

B. Amendment Justification Report.

- 1. General description of the amendment and any supporting information such as the proposed amendments to the PUD General Description, PUD Technical Descriptions, PUD Plan Map, and/or PUD Plan Guide.
- 2. Evaluation of how the PUD either is complies with the criteria in section 6-203.C. for a Minor Modification or how it does not comply with the criteria.

DIVISION 4. PUD STANDARDS.

6-401. DEVELOPMENT STANDARDS.

At the time of zoning as a PUD, the Applicant may request that the BOCC modify the specifications, standards, and requirements to which the parcel(s) would be otherwise subject based on the zone district requirements set forth in Article 3. The BOCC may grant a modification if the Applicant demonstrates that the proposed specifications, standards, and requirements meet support the purpose of the PUD. In addition, the PUD Plan shall meet the following criteria:

A. Permitted Uses.

- 1. Permitted uses within the PUD are all uses that are either permitted in the underlying zone district or are in general conformance with the Comprehensive Plan.
- 2. Upon approval, the uses that shall be permitted in any particular PUD shall be those permitted by the PUD Guide.

B. Off-Street Parking.

The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation, and screening.

C. Density.

- 1. Nonresidential Density. The density of nonresidential development allowed within a PUD shall comply with the Comprehensive Plan and shall not exceed the level that can be adequately served by public facilities.
- 2. Residential Density.
 - a. Residential density shall be no greater than 2 dwelling units per gross acre within the PUD; provided, that the BOCC may allow an increase to a maximum of 15 dwelling units per gross acre in areas where public water and sewer systems, owned and operated by a municipal government or special district, pursuant to C.R.S. § 32-1-103(20) are readily available.

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- b. Residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within the boundary of the PUD. Averaging and transferring of densities within the PUD shall be allowed upon a showing of conformance with the purposes of this section through appropriate design features within the PUD that will achieve high standards of design and livability.

D. Housing Types.

For PUDs proposing residential uses:

- 1. The PUD shall provide for variety in housing types and densities; and
- 2. The PUD shall comply with Article 8, in regards to the provision of Affordable Housing.

E. Transportation and Circulation System.

The PUD shall provide a safe, convenient, and adequate circulation system designed to accommodate emergency vehicles and other vehicular, pedestrian, and bicycle traffic.

F. Recreational Amenities.

The PUD shall provide recreational opportunities and amenities to residents of the PUD, if applicable.

G. Building Height.

The maximum height of buildings may be increased above the maximum allowed in the zone district so long as the height does not result in unreasonable adverse effect on adjacent sites or other areas in the immediate vicinity in regard to shadows, loss of air circulation, or loss of view.

H. Lots.

- 1. The minimum Lot Size, the minimum setback, and the maximum Lot Coverage may be modified from the zone district.
- 2. Each lot shall contain an acceptable building site, unless the lot is specifically reserved for use that does not allow for a structure.

I. Phasing.

Each phase within a PUD shall be planned and related to existing surrounding and available facilities and services so that failure to proceed to a subsequent phase will not have a substantially adverse impact on the prior and future phases of the PUD or its surroundings.