

ARTICLE VII
Planned Developments

16-7-10. Purpose and objectives.

(a) Planned developments are intended to facilitate the purposes and objectives of this Land Use Code and the City's Comprehensive Plan and to permit the application of more innovative site planning and design concepts than may be possible under the application of standard zone districts. The purpose of a planned development (PD) is to encourage innovation and flexibility in the development of land so as to promote variety in the type, design and layout of buildings; improve the integration, character and quality of land uses; promote the more efficient use of land and infrastructure while achieving compatibility of land uses; achieve economy in the delivery and maintenance of public services, and promote the preservation of open space and natural and scenic areas.

(b) This Article is enacted pursuant to the authority contained in the Planned Unit Development Act of 1972, Sections 24-67-101, *et. seq.*, C.R.S., as amended.

16-7-20. Zoning classification.

A planned development constitutes a zoning classification and is established by overlaying the designation upon land within an existing or newly created zone district. Approval of a PD shall be illustrated and its land area defined on the City's Official Zone District Map. When an area that is already zoned is approved for a PD overlay, the underlying zone district's regulations shall remain intact; and in the event the PD is not completed or is terminated, the underlying zone district regulations shall apply to and govern land uses and development in the subject area.

16-7-30. Procedure.

Approval of a PD shall be subject to the submission of a full and complete application, the payment of all review and approval fees, and major impact review as described in Article III of this Chapter. Review and submission requirements for a PD incorporating the subdivision and resubdivision of land shall be construed and applied together with the subdivision processing requirements at Article VI of this Chapter. Whenever the PD, subdivision, and/or development permit application procedures or requirements overlap, the overlapping procedures or requirements shall not be applied cumulatively, and the procedure or requirement pertinent to the PD application shall supersede the development permit and/or subdivision procedure or requirement.

16-7-40. PD development plan evaluation criteria; general requirements.

(a) No land shall be designated PD in the absence of a PD Development Plan, which plan shall set forth the written and graphic materials as described in this Article. All PD Development Plans must conform to and be consistent with the City's Comprehensive Plan and other adopted plans. PD Development Plans shall be reviewed to ensure that the general public health, safety and welfare are safeguarded and for substantial conformance to the evaluation criteria described in subsection (b). The PD Development Plan may allow for the mixture of uses and greater diversity of building types, promote environmental protection, limit sprawl, improve design quality and offer a higher-quality living environment, encourage innovative design and a variety of housing types, preserve historic buildings and sites, promote bicycles and walking as an alternative to the automobile, and manage the increase in demand for public amenities as is feasible for the site and proposed use.

(b) The PD Development Plan shall meet the following criteria, depicted on a site plan furnished by the applicant, unless the applicant can demonstrate that one (1) or more of them is not applicable or that another practical solution has been otherwise achieved:

(1) Minimum Dimensional Standards. The PD is a negotiated zone district. While there may be no fixed lot size or lot widths, the Planning Commission and City Council require minimum dimensional standards, including setbacks and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light and air between buildings and to ensure that the PD is compatible with other developments in the area.

(2) Trails. Reasonable effort must be made to connect to nearby recreation trails, parks and public open space such that green corridors define and connect urbanized areas. Any trails identified for the area in the City's Comprehensive Plan or Parks Master Plan must be included in the PD.

(3) Ownership and Maintenance. No PD shall be approved unless the City Council is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives, parking or other common assets to ensure maintenance of such areas.

(4) Water and Sewer. The developer shall provide municipal water and sewer facilities within the PD as required by the City.

(5) Residential Density. Density shall be limited as required by the Planning Commission and City Council upon consideration of the overall development plan, individual characteristics of the subject land and surrounding uses. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas, encourage pedestrian access and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings. In high-density development, housing will be designed to provide adequate privacy between dwelling units.

(6) Relationship to the Subdivision Regulations. The provisions of these regulations concerning Planned Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the City.

(7) Improvement Standards. The PD may deviate from the Design Standards described in Article VIII of this Chapter, including specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards, only if the reasons for such deviations are well documented and are necessary for realizing the purposes described in the objectives of development. Deviations may be incorporated only with the approval of the Planning Commission and City Council as a part of its review of the Overall Development Plan for a PD and shall conform to acceptable engineering, architectural and planning principles and practices. If a deviation from the improvement standards is not specifically addressed and approved under the Overall Development Plan, the improvement shall comply with all improvement standards of this Chapter.

(8) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts. In no case shall a building exceed the maximum height requirement if the deviation shall result in:

- a. Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features.
- b. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.
- c. Inability to provide adequate fire protection using equipment currently in use by the Fire Department.

(9) Gross Building Floor Area. The gross building floor area of uses other than residential may be limited as required by the City Council upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses.

(10) Permitted Uses. A PD may include any permitted principal or accessory uses by right and conditional review uses allowed in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted. Uses within the PD will be permitted upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses. The PD shall be designed, insofar as practicable when considering the overall size of the PD, to provide commercial, recreational and educational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.

(11) Transportation design. The PD shall provide interconnected transportation networks designed to disperse and reduce the length of automobile trips, connect to adjacent roadways and enhance the greater transportation pattern of the City and surrounding area. The street design and circulation system must be adequate to support the anticipated traffic. The proposed land uses may not generate traffic volumes which exceed the capacity of existing transportation systems, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts. The internal street circulation system shall be designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained, access for maintaining public infrastructure within the right-of-way is explicit and provisions for using and maintaining such streets are imposed upon the private users and approved by the Planning Commission and City Council. Bicycle lanes, paths and sidewalks shall be provided for all residential uses, retail establishments and public buildings and amenities. Nonmotorized transportation ways shall be adequate in terms of safety, separation, convenience and access to points of destination and attractiveness.

(12) Development Standards. The PD may deviate from the Development Standards described in this Chapter only if the reasons for such deviations are well-documented and are necessary for realizing the purposes described in the objectives of development. Any variation from the development standards of this Chapter must be specifically addressed and approved in the Overall Development Plan. If an area of development (parking, landscaping, illumination, fences, signs, etc.) is not specifically addressed and approved under the Overall Development Plan, the area of development shall meet or exceed the standards of this Chapter applying to that area of development.

(13) The PD provides for design that is energy-efficient and reduces the amount of energy consumption and demand of typical development.

(14) Where residential uses are proposed, the PD shall provide for a variety in housing types and densities, other facilities and common open space.

(15) The fiscal impacts of the PD have been satisfactorily addressed and the City or special district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts.

(16) Higher levels of amenities than would be achieved by using established zone districts, including open spaces, parks, recreational areas, trails and school sites, will be provided to serve the projected population.

(17) There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

(18) The adjacent and nearby developments will not be detrimentally affected by the proposed PD and approval period.

(c) Evaluation Standards for Major Planned Developments. In addition to the above evaluation standards, the following standards or requirements shall govern the application of a major planned development and shall be utilized by the Planning Commission and the City Council in evaluating any major PD plan:

(1) Staging of Development. Each stage within a PD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD or its surroundings at any stage of the development.

(2) Parks, Trails and Open Space. Each major planned development shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces are developed and preserved as the community grows.

a. Dedication requirement. Land for parks, trails and open space shall be dedicated in the ratio of 0.02 acre per residential unit of the proposed development. When a development plan has not been determined for the property, the number of units shall be assumed as the maximum density permitted on the site. When a mix of residential and nonresidential uses is proposed on the site, the dedication shall still be provided for the residential units. All areas dedicated for parks, trails and open space must be shown on the plat. All dedications of land as required under this Section shall be dedicated in fee simple to the City as a condition of approval unless the City determines that the specific situation warrants consideration of an easement or designation rather than dedication.

b. Fee-in-lieu. For those planned developments where the dedication of land for parks, trails or open space is not practicable, such as developments involving inappropriate location, impractical geography, small land area or few lots, in its discretion, the City may

require a cash fee in lieu of dedication based upon Salida land values. The City Council shall set an in-lieu fee schedule from time to time by resolution. When possible, the requirement for cash in lieu of dedication shall be noted as a plat note on the final plat of the subdivision. Moneys collected in lieu of dedication of land for parks, trails or open space shall be collected at time of approval of the final development plan and placed into a City park development fund to be earmarked for future acquisition or improvement of parks, trails or open space.

1. Residential planned developments or the residential portion of mixed use planned developments. For the square footage of required land not provided on the site the value of the fee shall be established by resolution of the City Council, as may be amended from time to time.

c. If the Planning Commission finds that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community, the Planning Commission may recommend a reduction of the overall dedication requirement as appropriate. Examples of extraordinary contributions may include public access to a waterway or important trail connections.

d. Dedication at alternate site. In lieu of dedicating land within the planned development, the applicant may dedicate an alternate parcel of land to the City, consisting of the same number of acres in another area if the City determines it is capable of use for recreational purposes and will serve the proposed development.

e. When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant or assigns to provide construction and/or maintenance of the park, trail or open space. Land for public use must be suitable for the type of development and/or use for which it is intended. Excessively steep land, land for utility easements or other types of unsuitable land may not be accepted as determined by the Planning Commission. Lands including floodplains, waterways and wetlands may be accepted. Drainage areas that also meet the purposes of this provision may be accepted.

f. Whenever a planned development includes land or areas identified in the Parks, Trails, Recreation and Open Space Plan, Comprehensive Plan or any other adopted community plan for the installation of, or connection to any part of a park, trail or open space, such land or areas shall be dedicated to the City and such dedication shall be credited against any required land dedication.

g. Lands for parks, trails or open space will not be counted towards the landscape area required for each lot in the planned development.

(3) Civic Engagement. Civic buildings and public gathering places should be provided to reinforce community identity and support civic engagement.

(d) Evaluation Standards for Minor Planned Developments. In addition to the above evaluation standards in Subsection (a) of this Section that apply to all PD applications, the following standards or requirements shall govern the application of a minor planned development and shall be utilized by the Planning Commission and the City Council in evaluating any minor PD plan:

(1) Staging of Development. There shall be no staging of development in a minor PD.

(2) Types of Uses. A minimum of twenty-five percent (25%) of the floor area of the project is recommended for nonresidential, commercial uses.

(3) Public Places. Public gathering places should be provided to reinforce community identity and support civic engagement.

(4) Economic Opportunity. The PD provides a unique economic opportunity or provides a service, industry or housing type that will benefit the City and would not be possible under the existing zone districts or dimensional standards of the City.

(5) Open Space. A minor PD is not expected to provide a dedication of open space on the site; however, it is required that any PD contribute to meeting the goals for open space through a negotiated fee in lieu of open space or other contribution. (Ord. 2006-08 §16; Ord. 2006-20 §5; Ord. 2007-23 §2)

16-7-50. Design standards.

(a) Design standards within the PD may deviate from the design standards described in Article VIII of this Chapter and the City of Salida Construction Standards and Specifications, including specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards, only if the reasons for such deviations are well documented and are necessary for realizing the purposes described in the objectives of development. Deviations may be incorporated only with the approval of the Planning Commission and City Council as a part of its review of a PD Development Plan and shall conform to acceptable engineering, architectural and planning principles and practices. If a deviation from the Article VIII design standards is not specifically addressed and approved as part of the PD Development Plan, the improvement shall comply with all design standards of this Chapter and the City of Salida Construction Standards and Specifications.

16-7-60. Maximum height and floor area.

(a) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts. In no case shall a building exceed the maximum height requirement if the deviation shall result in:

(1) Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features .

(2) Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.

(3) Inability to provide adequate fire protection using equipment currently in use by the Fire Department.

(b) The gross building floor area of uses other than residential may be limited as required by the City Council upon consideration of the PD Development Plan, individual characteristics of the subject land and surrounding uses.

16-7-70. Permitted uses.

A PD may include any permitted uses allowed in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted. Uses within the PD will be permitted upon consideration of the PD Development Plan, individual characteristics of the subject land and surrounding uses. The PD shall be designed, insofar as practicable when considering the overall size of the PD, to provide commercial, recreational and educational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.

16-7-80. Transportation design.

The PD shall provide interconnected transportation networks designed to disperse and reduce the length of automobile trips, connect to adjacent roadways, follow the recommendations of the Salida Regional Transportation Plan and enhance the greater transportation pattern of the City and surrounding area. The street design and circulation system must be adequate to support the anticipated traffic. The proposed land uses may not generate traffic volumes which exceed the capacity of existing transportation systems, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts. The internal street circulation system shall be designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained, access for maintaining public infrastructure within the right-of-way is explicit and adequate provisions for using and maintaining such streets are imposed upon the private users. Bicycle lanes, paths and sidewalks shall be provided for all residential uses, retail establishments and public buildings and amenities. Nonmotorized transportation ways shall be adequate in terms of safety, separation, convenience and access to points of destination and attractiveness.

16-7-90. Submittal requirements.

The PD process requires the preparation of a PD Development Plan, which application shall include the following components.

(1) PD Development Plan. The plan document shall have an outer dimension of twenty-four (24) inches by thirty-six (36) inches, and shall also be duplicated in eleven-by-seventeen-inch reproducible size; along with an electronic file containing the following information:

(i) Parcel size stated as gross acres and square footage.

(ii) Existing topographical character of the land with elevation contours at ten-foot intervals or less, showing all water bodies and courses, wetlands, floodplains, unique natural features and existing vegetation and critical wildlife habitat as identified by existing habitat conservation plans and/or the Colorado Division of Wildlife.

(iii) Approximate acreage and gross density of each area proposed for residential and nonresidential uses; number and type of residential units and estimated floor area and types of nonresidential uses.

(iv) Total land area and proposed location and amount of land for parks, trails and/or open spaces. If land is not to be provided on site, the applicant must provide detailed information on how the parks, trails and open space requirement is to be met.

(v) Approximate alignment of proposed and existing streets and pedestrian, trail and bicycle routes, including major points of access.

(vi) Approximate location and number of acres of any public use such as parks, trails, school sites and other public or semi-public uses.

(vii) Height, yard, lot, setback, lot coverage, landscape area and other dimensional standards.

(viii) Location of existing and proposed primary utility lines.

(ix) An "existing conditions" map of the area surrounding the site to a distance of at least one-quarter (1/4) mile showing the following:

a. Zoning districts.

b. Traffic circulation systems.

c. Major public facilities.

d. Location of existing municipal boundaries, service and school district boundaries.

(2) Written Narrative. The applicant shall provide the following written information:

(i) A legal description of the total site, including any recorded easements proposed for development and a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners, developers, parties of interest and any lien holders.

(ii) Evidence of the present ownership or agents thereof of all lands included within the planned development in the form of a current commitment for title insurance or title insurance policy.

(iii) A statement of planning objectives.

(iv) A statement of proposed ownership, improvements and maintenance of parks, trails and open space.

(v) A proposed development phasing schedule.

(vi) Any general physiographic and environmental studies of the proposed site.

(vii) A statement of the proposed method for controlling architectural design throughout the development.

(viii) A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.

(ix) Water and sewer demand for projected uses.

(x) Letters from the City, appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.

(xi) A generalized trip generation study for the entire development and its subparts. Also, a statement of the general intent of the applicant as regards the designation of public versus private roads.

(xii) A statement explaining how the development shall be served and what measures have been taken to reduce the fiscal impacts of the development on the City.

(3) Information Required for Adequate Review. Any information or reports required by this Section may be postponed or waived by the Administrator on the basis that the information is not necessary for a review of the application. There may be additional information or reports required to evaluate the character and impact of the PD Development Plan

(4) Copies. The Administrator will determine the number of copies required for each item.

16-7-100. Phasing.

Based upon both development and planning considerations, it may be desirable to develop a PD in several phases. Accordingly, the applicant may elect to apply for development in any number of phases. Regardless of the proposed number of phases, the initial application shall be for a PD Development Plan that includes the entire site.

16-7-110. Development schedule.

(a) Unless otherwise provided in the PD Development Plan, the applicant must begin development of the PD within three (3) years from the time of its final approval by the City Council; provided, however, that the PD may be developed in stages or phases. The applicant must complete the development of each stage or phase of the PD as a whole substantially in conformity with the development schedule approved as part of the PD Development Plan.

(b) If the applicant does not comply with the time limits imposed by subsection (a) above, the City Council shall review the PD and extend the time for completion of the PD, may revoke approval for the uncompleted portion of the PD, or require that the PD be amended.

(c) Each stage a phase within a PD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PD or its surroundings.

(d) Each PD Development Plan must contain a detailed development schedule of public and private improvements. The Administrator shall monitor this schedule, and failure of the developer to substantially adhere to it shall be cause for a special review by the Planning Commission. The Planning Commission may extend for not more than two (2) periods of twelve (12) months each, the time for beginning the project. The Planning Commission special review shall be commenced if one (1) or more of the following situations arise:

(1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within eighteen (18) months of the scheduled starting date or extensions thereto.

(2) Inactivity or documented lack of progress as determined by either the Administrator or the Planning Commission on any stage of the project for more than two (2) years from the last completed benchmark in the approved development schedule.

(3) Request for extensions to the starting dates by the developer.

16-7-120. Public Hearings.

All public hearings required under this Article may be simultaneously noticed and conducted with any other public hearing as required or authorized under the City's subdivision and/or development permit regulations.

16-7-130. Form of PD approval.

All decisions of the City approving a PD shall be in the form of a written ordinance and contain, at a minimum, the information set forth below. No building permit may issue and no development activity may commence within the PD area until the PD approval and the plat have been duly executed and recorded along with any necessary PD agreement.

- (1) The density allocated to the property by type and number of units;
- (2) The approved uses, including by right, conditional, and other, on each development parcel or use areas within the PD site;
- (3) Approved densities in total numbers of units for each development parcel identified;
- (4) Approved density transfers from one (1) parcel to another, if any;
- (5) The phasing and general timetable of development that shall permit the logical and efficient provision of municipal services;
- (6) Specific conditions applied to the development of any parcels that, by their nature, are subject to special development constraints; and
- (7) Variations in any dimensional limitations expressed as either an allowable maximum or a specific maximum.

16-7-140. PD Agreement.

Appropriate terms and conditions for development of a PD in accordance with this Chapter shall be established in a Development Agreement and/or Subdivision Improvements Agreement, as appropriate, described in Section 16-2-70 of this Code.

16-7-150. Modifications.

(a) All provisions of the PD Development Plan authorized to be enforced by the City may be modified, removed or released by the City subject to the following:

- (1) No modification, removal or release of the provisions of the PD Development Plan by the City shall affect the rights of the residents, occupants and owners of the PD to maintain and enforce those provisions in law or in equity; and

(2) No substantial modification removal or release of the provisions of a PD Development Plan by the City shall be permitted except upon a finding by the City Council, following a public hearing upon notice as required by this Chapter, that the modification, removal or release is:

- (i) Consistent with the efficient development and preservation of the entire PD;
- (ii) Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PD or the public interest; and
- (iii) Is not granted solely to can for a special benefit upon any person.

(b) Residents and owners of land in the PD, may to the extent and in the manner expressly authorized by the provisions of the PD Development Plan, modify, remove or release their rights to enforce the provisions of the plan; but no such action shall affect the right of the City to enforce the provisions of the plan.

(c) An insubstantial modification to an approved PD Development Plan may be authorized by the Administrator. However, insubstantial modifications may only be approved if they promote the terms, purposes and conditions of the original PD Development Plan and approval. The applicant shall make a written request to the Administrator justifying the proposed modification and clearly showing on the PD Development Plan and accompanying written narrative that portion which is proposed for modification. A record of such approved insubstantial modification shall be filed and recorded in the same manner as the original. The following shall NOT be considered an insubstantial modification:

- (1) A change in land use or development concept.
- (2) An increase in residential density levels or building coverage of nonresidential uses.
- (3) An increase in the permitted height.
- (4) A realignment of major circulation patterns or a change in functional classification of the street network.
- (5) A reduction in approved open space or common amenities.
- (6) Other significant changes which involve policy questions or issues of overriding importance to the community.

(d) During the review of any proposed substantial modification to the PD, the City Council may require such new conditions of approval as are necessary to ensure that the development will be compatible with the current community standards and regulations. This shall include, but not be limited to, applying the portions of the PD which have not obtained building permits, or are subject to the proposed amendment, any new community policies or regulations which have been implemented since the PD was originally approved. An applicant may withdraw a proposed modification at any time during the review process. A request for a substantial modification shall be accompanied by the same type and quality of information as was necessary for the original PD Development Plan approval and shall include a map of the entire PD Development Plan area which clearly defines that portion which is proposed for

modification and a written justification of the proposed modification, including a discussion of any changes in impact which would result from the modification.

16-7-160. Enforcement.

(a) Development of the area within a PD shall be limited to the uses, densities, configuration and terms, elements and conditions contained within the approved PD Development Plan and PD Agreement, and may be enforced by the City at law or equity. The configuration and mix of the units may be modified as provided for in this Chapter or the PD Agreement, but no portion of the density allocation may be transferred to land not included in the PD Development Plan.

(b) In addition to any and all other remedies as available to the City under law, the City Administrator may serve a written notice on the PD developer, or any landowner within the PD, to appear before the City Council when reasonable grounds exist to believe that the PD Development Plan and PD Agreement, or any part thereof, is not being adhered to. The City Council shall conduct a public hearing to determine the existence of any alleged failure or violation of the PD approval, and may enter orders directing the correction of same.

(c) All provisions of the PD Development Plan as finally approved run in favor of the residents, occupants and owners of the PD, but only to the extent expressly provided in the PD Development Plan and in accordance with the terms of the PD Development Plan; and to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.