

ARTICLE XIII

Amendments to Land Use Code, Official Zoning Map and Planned Developments

Sec. 16-13-10. General.

The text of this Land Use Code and the boundaries of zone districts, as depicted on the Official Zoning Map, may be amended, supplemented or repealed pursuant to the procedures and standards of this Article. (Ord. 03, 2002 §9-15-1; Ord. 2005-07 §1)

Sec. 16-13-20. Initiation.

(a) Initiation of Text Amendment. An amendment to the text of this Land Use Code may be initiated by the City Council, the Planning Commission, the Administrator a resident of the City, an owner of a business within the City or any person who holds a recognized interest in real property within the City.

(b) Initiation of Map Amendment. An amendment to the Official Zoning Map may be initiated by the City Council, the Planning Commission, the Administrator or the owner of or holder of a recognized interest in that real property whose zoning is proposed to be amended. (Ord. 03, 2002 §9-15-2; Ord. 2005-07 §1)

Sec. 16-13-30. Procedure.

An applicant requesting an amendment shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit an application for an amendment to the text of this Land Use Code or the boundaries of zoning districts, as depicted on the Official Zoning Map.

(2) Submittal of Application. The applicant shall submit a complete development application to the Administrator which contains those materials listed in Section 16-10-30 of this Chapter. The Administrator shall be responsible for submitting the application materials for an amendment initiated by the City Council or Planning Commission.

(3) Staff review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the applicable review standards contained in Section 16-13-50 or Section 16-13-60 below, and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.

(4) Public Notice. Public notice that the Planning Commission will conduct a hearing to consider the application for an amendment to the text of this Chapter or the boundaries of zoning districts, as depicted on the Official Zoning Map, shall be provided as specified in Section 16-10-50 of this Chapter.

(5) Action by Commission. The Planning Commission shall hold a public hearing to review the conformance of the development application with all applicable provisions of this Chapter. The Commission shall make a recommendation that the City Council approve, approve with conditions or deny the application, or shall remand the application to the applicant with instructions for modification or additional information or action.

(6) Public Notice and Action by Council. The City Council shall consider the recommendations of the Planning Commission at a public hearing. Public notice that the City Council will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter. The City Council shall, by ordinance, approve or deny the proposed amendment or shall remand it to the applicant with instructions for modification or additional information or action.

(7) Actions Following Approval. Upon approval of the amendment and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall place the amendment on the Official Zoning Map or shall cause the amended text of this Chapter to be officially codified. Each amendment shall be noted on the Official Zoning Map, together with the ordinance number and date, date of correction and initials of the draftsman making the change. (Ord. 03, 2002 §9-15-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-40. Application contents.

An application for amendment to the text of this Chapter or the boundaries of zone districts, as depicted on the Official Zoning Map, shall contain the following:

(1) Minimum Contents. The minimum contents for all applications specified in Section 16-10-30 of this Chapter.

(2) Precise Wording of Text Amendment. If an amendment to the text of this Chapter is proposed, the precise amended wording shall be provided.

(3) Map Amendment. If the application requests an amendment to the Official Zoning Map, it shall include:

a. Zone districts. The present zone district designation of the property and the zoning of all adjacent properties.

b. Survey map. An accurate survey map of the property proposed for amendment, stating the area of the property proposed to be amended in square feet or acres.

c. Existing uses. A description of existing uses on the property and on all adjacent properties.

d. Statement of intended development. A written statement by the applicant identifying the intended use or development of the subject parcel and the timing of said development, describing the community need for the change in zoning, and explaining the effect the change in zoning would have on surrounding uses. (Ord. 03, 2002 §9-15-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-50. Review standards for text amendments.

An application for an amendment to the text of this Chapter shall comply with the following standards:

(1) Consistency With Purposes. The proposed amendment shall be consistent with the purposes of this Chapter.

(2) No Conflict With Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.

(3) Consistency With Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of this Land Use Code.

(4) Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City. (Ord. 03, 2002 §9-15-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-60. Review standards for map amendments.

An application for an amendment to the Official Zoning Map shall comply with the following standards:

(1) Consistency With Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan.

(2) Consistency With Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

(3) Compatibility With Surrounding Zone Districts and Uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.

(4) Changed Conditions or Errors. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Official Zoning Map have occurred. (Ord. 03, 2002 §9-15-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-70. Planned Development District (PD) purpose, conditions and standards.

(a) Purpose and Objectives. Planned Developments are intended to facilitate the purposes and objectives of this Chapter 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. Developments, however, must demonstrate that flexibility from the provisions of the existing zoning will result in higher quality development. A better quality of development shall be defined as one that furthers the purposes described in Section 24-67-102,

C.R.S., and an applicant for a PD zone district designation must demonstrate that the following purposes and objectives can be achieved where feasible:

(1) Energy and Resource Conservation. The development utilizes design and technology to provide a significant increase in the efficiency with which energy, water, land and natural resources are utilized, recycled and conserved.

(2) Livability and Community. The development utilizes innovative design to encourage social interaction, increase opportunities for walking and bicycling, provide play areas for children and adults, provide trails and open space and decrease dependency on the automobile with connections within and between residential and nonresidential uses.

(3) Diversity. The development provides for a diversity of nonresidential uses and a diverse range of housing types, densities and prices to accommodate a wide range of ages and incomes. It is the policy of the City to encourage development that contributes to solving the problem of affordable housing. If opportunities arise, it would be appropriate to use this planned development process to encourage such development.

(4) Preservation. The development provides for the preservation of buildings, sites and property that are a significant part of the history, heritage and natural environment of the community.

(5) Community Prosperity. The completed development shall contribute to the long-term economic well-being, security and prosperity of the community and increases the diversity of goods and services available to members of the community.

(6) Community Facilities. The development provides for significant open space, parks, trails, bike lanes, recreational facilities, school sites, community buildings, civic structures, public gathering places or infrastructure that shall be available for the use and benefit of the public.

(b) Conditions. The use of the PD provisions must meet the following conditions.

(1) Standards for Health, Safety and Fire Protection. No PD shall be approved that does not meet or exceed the minimum standards for health, safety and fire protection as required by the this Code. The technical comments and professional recommendations of other agencies, organizations and consultants shall be deemed an adequate finding concerning compliance with the applicable health, safety, fire protection and environmental protection codes.

(2) Planned Uses and Densities. The plans for the proposed PD shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages and permitted uses shall be detailed for all development areas within the PD zone district. A summary chart indicating development standards applicable to the entire PD and/or separate areas within the PD is required.

(3) Internal Compatibility of Land Use Elements. It is recognized that certain individual land uses, regardless of their adherence to all the development standards provided for in this Chapter, might not exist compatibly with one another. Therefore, a proposed PD shall be considered from the point of view of the relationship and

compatibility of the individual elements of the plan, and no PD shall be approved which contains incompatible elements.

(4) The parcel being considered for a PD must be a legal building lot.

(5) The request for PD approval is a voluntary act by the applicant and does not require or imply any acceptance or approval by the City. The proposed uses and densities may be deemed inappropriate after review by the City, and alternative action may be required of the applicant.

(6) Consent of Landowners Required. No planned development may be approved by the Planning Commission or City Council without written consent or a letter of authorization of the landowner or landowners whose properties are included within the PD. All owners of land within the proposed PD shall sign each application form requesting consideration or approval of any PD.

(7) No PD shall be approved without an Overall Development Plan setting forth the provisions for development of the PD.

(8) Upon approval, the Planned Development is as an amendment to the Official Zoning Map. (Ord. 2006-08 §16; Ord. 2006-20 §3)

Sec. 16-13-80. Overview of planned development procedure.

Planned Development Types. Two (2) types of planned development applications may be submitted to the City. An overview of these two (2) types of planned developments is provided herein. The overall plan and final plan review procedures, application contents and review standards as they may apply to each type of planned development are described in greater detail in the sections which follow this overview.

(1) Minor Planned Development. A minor planned development is a form of rezoning in which certain zone district and improvement standards may be applied more flexibly in order to encourage certain innovative land planning practices and to achieve desired public purposes. A minor planned development is a rezoning that may be authorized for any property or contiguous assemblage of properties, within the City, which is five (5) acres in size or less.

a. Step One: Review of the Overall Development Plan by the Planning Commission at a public meeting as described in Section 16-13-100 below.

b. Step Two: Review of the Final Development Plan by the Planning Commission at a public meeting as described in Section 16-13-140 below is required unless waived by the Planning Commission during the Overall Development Plan review.

c. Step Three: Review of the Overall Development Plan and Final Development Plans concurrently by the City Council at a public hearing, as described in Section 16-13-140 below.

(2) Major Planned Development. A major planned development is a form of rezoning in which certain zone district and improvement standards may be applied more

flexibly in order to encourage certain innovative land planning practices and to achieve desired public purposes. A major planned development may be authorized for any property or contiguous assemblage of properties, within the City, which is greater than five (5) acres in size.

a. Step One: Review of the Overall Development Plan by the Planning Commission at a public meeting as described in Section 16-13-100 below.

b. Step Two: Review of the Overall Development Plan by the City Council at a public hearing as described in Section 16-13-100 below.

c. Step Three: Each phase of the planned development shall be reviewed as a Final Development Plan by the Planning Commission at a public meeting as described in Section 16-13-140 below.

d. Step Four: The City Council shall review each Final Development Plan at a public hearing as described in Section 16-13-140 below. (Ord. 2006-20 §4)

Sec. 16-13-90. Evaluation standards.

(a) Evaluation Standards for All Planned Developments. The following standards or requirements shall govern the application of all planned developments and shall be utilized by the Planning Commission and the City Council in evaluating any PD plan:

(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 Improvement Standards described in Article IX 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.

(b) 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 based upon the most recent available formula used by the Chaffee County Assessor's office for valuing vacant land in Salida subdivisions. Such fee shall not exceed a maximum fee of \$3,000 per new residential unit. Said maximum fee shall increase five percent (5%) from the preceding year effective on the first date of each year after January 1, 2008. This increase shall occur unless the City Council finds that the fee structure requires further amendment due to land value increases or decreases.

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.

(c) 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)

Sec. 16-13-100. General submittal and processing requirements; overall development plan.

(a) Application Process. The Planned Development process requires the preparation of an overall development plan for any project proposed for PD zone designation and the preparation of a final development plan for each phase of the PD. An applicant must enter the subdivision process, if necessary, at the time of final development plan preparation. An overall development plan is the first step in the PD process. This document establishes the permitted uses, siting restrictions and overall development controls and standards for the entire PD area. The overall development plan constitutes the overall zoning plan for the property. Following Planning Commission review and recommendation, the City Council may adjust overall development plans over time to reflect changing conditions through minor and major adjustments. See Section 16-13-110, Amendments, below.

(1) Preapplication Conference. The applicant is required to have a meeting with the Administrator. The meeting shall occur prior to submitting a zoning or rezoning application for a PD zone designation. The purpose of this meeting is:

- a. To review the general feasibility of the proposal.
- b. To inform the applicant about procedures, process and submittal requirements.
- c. To review applicable development standards and provide the applicant with any other information necessary to ensure the formal application furthers the intentions stated within the adopted Comprehensive Plan and meets the objectives and requirements of the City.
- d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal.
- e. To determine the coordination with any other applicable review procedures.

NOTE: City staff's opinions presented during the preapplication conference are intended to be informational only and do not represent a commitment on behalf of the City regarding the acceptability of the proposal.

(2) Application Form and Application Fee Schedule. The Administrator, shall provide land use application forms and an application fee schedule to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the City as well as the City's cost for notification and publication. The amount to be paid shall be determined based on the current City Fee Schedule. The applicant shall include the following information with the application form:

- a. Applicable fees.
- b. Letter of intent explaining the uses, type of development proposed and reasons for the requested PD zone classification.

c. Public notice addresses. A written list of property owners and two (2) sets of addressed envelopes shall be provided per Subparagraph 16-10-50(b)(2)b of this Chapter.

d. Title insurance. A commitment for title insurance showing the ownership to all property in the proposed PD.

(b) Overall 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:

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

(2) 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.

(3) 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.

(4) 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.

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

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

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

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

(9) An "existing conditions" map of the area surrounding the site to a distance of at least one-quarter ($\frac{1}{4}$) 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.

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

(1) 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.

(2) 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.

(3) A statement of planning objectives.

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

(5) A proposed development phasing schedule.

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

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

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

(9) Water and sewer demand for projected uses.

(10) 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.

(11) 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.

(12) 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.

(d) 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 by the Administrator, Planning Commission or City Council to evaluate the character and impact of the overall development plan.

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

(f) Review Criteria Used by Planning Commission and City Council. Overall development plans shall be reviewed to ensure that the general public health, safety and welfare are safeguarded and for substantial conformance to the following applicable review criteria:

(1) The overall development plan is consistent with the City's Comprehensive Plan and other adopted plans.

(2) The overall development plan achieves the stated purpose of the Planned Development District by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher-quality living environment, encouraging innovative design and a variety of housing types, preserving historic buildings and sites, promoting bicycles and walking as an alternative to the automobile and managing the increase in demand for public amenities as is feasible for the site and proposed use.

(3) The overall development plan meets the conditions for use of the PD provisions.

(4) The overall development plan satisfies the evaluation criteria of Section 16-13-90 above, or provides reasonable justification for alternative standards.

(5) The overall development plan shall include mechanisms to coordinate the provision and improvement of open space, recreational facilities and common amenities with the construction of dwelling units and other land uses.

(g) Planning Commission Approval of the Overall Development Plan. An overall development plan is an amendment to the Official Zoning Map and shall follow the same procedures outlined in Article X of this Chapter. The Planning Commission shall hold a public hearing to review the conformance of the overall development plan application with all applicable provisions of this Chapter. The Planning Commission shall, within forty (40) days of the overall development plan review meeting, make to the City Council at least one (1) of the following recommendations:

(1) Approve the overall development plan as submitted, with certain conditions as stated, if any;

(2) Deny the overall development plan, or certain portions thereof, with all the reasons clearly stated; or

(3) The Planning Commission may table the overall development plan for a period not more than ninety-five (95) days for additional study, to obtain additional necessary information or to have the applicant make major revisions to the plan.

(h) Overall Development Plan; City Council Action. For major PD applications, the City Council shall consider the recommendations of the Planning Commission at a public hearing. For minor PD applications, the City Council will review the overall development plan and final development plan concurrently. The applications may be combined at this time. Public notice that the City Council will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter. The City Council shall, by ordinance:

(1) Approve the overall development plan as submitted, with certain conditions as stated, if any;

(2) Deny the overall development plan as submitted, or certain portions thereof, with all reasons clearly stated. Denial means that application for an overall development plan shall not be accepted;

(3) Table the overall development plan for a period of not more than thirty (30) days, for additional study, to obtain additional necessary information, to have the applicant make major revisions to the plan or for any of the stated reasons; or

(4) Refer the overall development plan back to the Planning Commission with specific instructions for additional study and recommendations, for a period not to exceed forty (40) days.

(i) Filing, Recording and Vesting of an Approved Overall Development Plan.

(1) Filing and Recording of an Approved Overall Development Plan. Upon approval by the City Council after Planning Commission review and recommendation, the applicant shall have one hundred eighty (180) days to submit a final Mylar of the overall development plan and an electronic file to the Administrator for the Mayor's signature. In its discretion and for good cause shown by the applicant, the Planning Commission may extend the time a maximum of sixty (60) days. Upon lapse of the one-hundred-eighty-day period and any time extension, the approval of the overall development plan shall be void. An overall development plan is valid for a period not to exceed three (3) years from the effective date of the ordinance unless the applicant proceeds to a final development plan for any portion or phase of the subject property.

(2) Minor Overall Development Plan. Upon approval by the Planning Commission, the applicant shall have one hundred eighty (180) days to submit an application for a final development plan. In its discretion and for good cause shown by the applicant, the Planning Commission may extend the time a maximum of sixty (60) days. Upon lapse of the one-hundred-eighty-day period and any time extension, the approval of the minor overall development plan by the Planning Commission shall be void. (Ord. 2006-08 §16; Ord. 2006-20 §§6-9; Ord. 2007-23 §§3, 4)

Sec. 16-13-110. Amendments to an overall development plan.

(a) Intent. From initial concept and approval to final construction, unforeseen changes and ordinary refinements occur which may require changes to the approved overall development plan. In order to streamline the review process and to eliminate unnecessary delays, the intent of this Section is to establish a procedure for approving minor revisions to an overall development plan. It is also the intent of this Section to establish a procedure to review and approve significant changes to the approved overall development plan.

(b) Minor Amendments. Minor amendments to an approved overall development plan may be approved administratively by the Administrator.

(1) Minor amendments shall not represent more than a ten-percent change in the location, height, yard, lot and other development standards, and can only be granted if required by engineering or other circumstances not foreseen at the time the overall development plan was approved, so long as no modification violates any standard or regulation set forth in this Chapter.

(2) The applicant shall make a written request to the Administrator justifying the proposed minor amendment and clearly showing on the overall development plan and accompanying written narrative that portion which is proposed for amendment. A record of such approved minor amendment shall be filed and recorded in the same manner as the original.

(c) Major Amendments. Major amendments to an approved overall development plan shall be processed in the same manner as the original overall development plan. Approval of a major amendment to an approved overall development plan shall be by ordinance. Major plan amendments include, but are not limited to the following:

(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) A request for a major amendment shall be accompanied by the same type and quality of information as was necessary for the original final approval and passage of the overall development plan, in addition to the following:

(1) A map of the entire overall development plan area, which clearly defines that portion which is proposed for amendment.

(2) A justification of the proposed amendment, including a discussion of any changes in impact, which would result from the amendment.

(e) Amendments to an Overall Development Plan Following Final Development Plan Approval. For an area with an approved final development plan, amendments to the overall development plan will void that final development plan approval and approval of a new final development plan must be sought. Amendments to the overall development plan for an area with an approved final development plan shall not be permitted once development of the final development plan has commenced. (Ord. 2006-08 §16; Ord. 2006-20 §§10, 11)

Sec. 16-13-120. Obsolete overall development plan.

(a) Findings Necessary to Declare an Overall Development Plan Obsolete. If the project has not been completed, an overall development plan may be considered obsolete if the Planning Commission finds that any of the following conditions exist:

(1) The original development concept has not been followed and is deemed a zoning violation.

(2) The overall development plan has been inactive and no final development plans have been approved and filed for the past three (3) years, or no building permits have been issued for the past five (5) years.

(3) In the event an overall development plan is found to be obsolete, a new overall development plan shall be required subject to the submission and approval process of this Section.

(b) The City may withdraw or rescind approval of any overall development plan deemed obsolete. (Ord. 2006-08 §16; Ord. 2006-20 §12)

Sec. 16-13-130. Phasing of a planned development.

(a) Election to Phase Development. Based upon both development and planning considerations, it may be desirable to develop the major 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 an overall development plan that includes the entire site.

(b) Rezoning. Approval of an overall development plan constitutes rezoning to the Planned Development Zone District, and in the consideration of the subsequent phases, the Planning Commission and City Council shall require compliance with the approved uses and development standards of the overall development plan unless amended. (Ord. 2006-08 §16; Ord. 2006-20 §13)

Sec. 16-13-140. General submittal and processing requirements; final development plan.

Application Process. Upon approval of an overall development plan, the applicant may submit a final development plan for any portion of the approved major PD or for an entire minor PD. The final development plan application is intended to specify design components of the Planned Development District or portions thereof and provide for the review of additional items not required by the overall development plan. All final development plans must have accompanying them appropriate subdivision plats which have either been approved or are undergoing the approval process if they are integral to the proposed development. Final development plans must include structure locations and footprint dimensions for any use other than residential units that are three (3) dwelling units or less or as part of the required design standards for final development plan submittals. In any Planned Development District, an approved final development plan for all or portions of the District must be in effect before any building permits may be issued for the construction of structures in the approved portions of the District. The completed application shall be known as the final development plan.

(1) Preapplication Conference. The applicant is required to have a meeting with the Administrator. The meeting shall occur prior to submitting a final development plan application. The purpose of this meeting is:

- a. To review the general feasibility of the proposal.
- b. To inform the applicant about procedures, process and submittal requirements.

c. To review applicable development standards and provide the applicant with any other information necessary to ensure the formal application furthers the intentions stated within the adopted overall development plan.

d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal.

e. To determine the coordination with any other applicable subdivision and review procedures.

NOTE: City staff's opinions presented during the preapplication conference are intended to be informational only and do not represent a commitment on behalf of the City regarding the acceptability of the proposal.

(2) Application Form and Application Fee Schedule. The Administrator shall provide land use application forms and an application fee schedule to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the City as well as the City's cost for notification and publication. The amount to be paid shall be determined based on the current City Fee Schedule. The applicant shall include the following information with the application form:

a. Applicable fees.

b. Letter of intent explaining how the final development plan fulfills the overall development plan.

c. Public notice addresses. A written list of property owners and addressed envelopes shall be provided per Subparagraph 16-10-50(b)(2)b of this Chapter.

d. Title insurance. A commitment for title insurance showing the ownership to all property in the proposed PD.

(3) Submission Requirements. The final development plan shall include all of the information required in the overall development plan in its finalized, detailed form, plus any additional items included below. Omissions are cause to continue or deny the application.

(4) Written Documents. The applicant shall submit a written statement which shall include the following information:

a. A final development schedule indicating the approximate dates when construction of the planned development or phases of said development can be expected to begin and to be completed.

b. A description of the proposed parks, trails and/or open spaces to be provided at each stage of development; an explanation of how such parks, trails and/or open spaces shall be coordinated with surrounding developments; total amount of land for parks, trails and/or open spaces; and a statement explaining anticipated legal treatment of ownership, construction of improvements and maintenance of parks, trails and/or open spaces. If a fee in lieu of dedication is required, a complete explanation of the calculation of the fee shall be provided.

c. Copies of proposed final covenants, declarations, architectural design standards, grant of easements or other restrictions to be imposed on the use of the land, including parks, trails and open space, buildings and other structures within the development.

d. Physiographic and environmental studies of the proposed sites prepared and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, groundwater conditions and impact on wildlife.

e. Any required dedication documentation and/or improvement agreements and bonds.

f. An updated title insurance commitment.

g. Any new items or studies not submitted with the overall planned development plan.

h. Quantitative data for the following: final number of dwelling units, number of bedrooms in multi-family residential units, final figures for previously agreed upon design or development standards, any other negotiated items and footprint sizes of all proposed buildings, except detached and attached residential units that are less than three (3) units.

i. A statement that integrates pertinent elements of any preannexation and development agreements, and contracts previously negotiated with the City.

j. A detailed study of the traffic impact of the planned development on the City and regional street system.

k. Any written documents associated with providing utility service and the number of sewer and water equivalent units required.

l. Approved access permit from the Colorado Department of Transportation, if applicable.

(5) Graphic Documents. The applicant shall submit finalized site plan graphics, which shall include the following information:

a. Any plan maps that have been revised since the overall planned development plan approval.

b. A landscape plan indicating the treatment, materials, design and improvements for parking lots, parks, trails and open spaces and a revegetation plan showing treatment of disturbed areas.

c. Information on land areas adjacent to the proposed planned development to indicate integration of circulation systems, public facilities and utility systems and open space.

d. The planned pedestrian trail, bicycle and vehicular circulation system, including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict.

e. An explanation of the pricing of the housing types being proposed and what percentage of the area median income is targeted.

f. A soil erosion and prevention plan.

g. The proposed treatment of the perimeter of the subject area, including materials and techniques used such as screens, fences, walls and landscape plan.

h. A detailed engineered drainage plan indicating general on-site and required off-site facilities and proposed treatment and abatement of runoff drainage.

i. Preliminary or final subdivision plats required and prepared as per the requirements of the City Subdivision Regulations.

j. Preliminary or final engineering plans for public roads within the development, points of access and designs for intersections with and modifications of existing public rights-of-way and designs for any off-site road improvements to connect the planned development to the existing street system. Final plans for private roads are to be included for any portions of the site undergoing final review.

k. A site map that depicts the development phases thereof, sites and building footprint sizes and locations outlined in the development schedule.

l. Engineering schematic plans that depict general line sizes and proposed points of connection to existing utility systems, both on and off site; final engineered plans and specifications will be required by the respective utility districts at their discretion.

m. A detailed lighting plan depicting on-site street light location, height and fixture type, with supplemental specifications.

n. Such additional information as may be required by the Planning Commission or City Council necessary to evaluate the character and impact of the proposed planned development.

(6) Graphic Plan Format. Various maps will need to be recorded with the County Clerk and Recorder as part of the approval of the final development plan. These maps shall be drawn up using the following format unless determined otherwise by the Administrator or Planning Commission in coordination with the developer.

a. Said maps shall be in the form of a Mylar or sepia that is capable of reproducing clear and sharp reproductions of all details, signatures and seals.

b. All signatures on the plan are to be in black permanent ink.

c. The plan sheet shall have outer dimensions of twenty-four (24) inches by thirty-six (36) inches unless another size is approved by the Planning Commission or Administrator.

d. Applicants are encouraged to use more than one (1) sheet in order to avoid crowding of information on the sheet. Sheets are to be designated as "Sheet x of y Sheets."

e. The scale of the plan drawing shall be, at a minimum, fifty (50) feet equal to one (1) inch. Other scales may be used with the permission of the Planning Commission or the Administrator.

f. Format for plan drafter's, owner's, lien holder's, Planning Commission Chairperson's and Mayor's signature blocks and dedication blocks can be obtained from the Administrator, and a release of liens on open space areas may be required.

(7) Review Procedure.

a. Copies. The Administrator will determine the number of copies required for each required item.

b. Upon receipt of the application for Planning Commission approval, the Administrator shall schedule the project on the next Planning Commission agenda, but no sooner than thirty (30) days, as a public meeting. The Administrator shall make any written comments in advance of this meeting.

c. Public notice. Public notice that an application for final development plan approval is being considered by the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter.

d. The final development plan must be in conformance with the overall development plan as approved or amended. Should any unapproved modifications to the overall development plan be presented for review at this final development plan stage, then these changes must be approved before the final development plan can be approved as a whole. Should this be the case, these modifications may not involve one (1) or more of the following unless formal public hearings are conducted on each change:

1. Violation of any provision of this Chapter.
2. Varying the original lot area requirement by more than ten percent (10%).
3. A reduction of the original areas reserved for the open space.
4. Increasing the original floor areas proposed for nonresidential use by more than ten percent (10%).
5. Increasing the original total ground area covered by buildings.
6. Increasing the original density.

7. Any other items where changes amount to greater than ten percent (10%) of originally negotiated amounts.

(8) Approval Procedure.

a. Planning Commission approval of the final development plan. Final development plans shall be reviewed by the Planning Commission and shall be reviewed by the City Council at a public hearing. For minor planned developments, this step may be waived by the Planning Commission during overall development plan review. The Planning Commission shall determine the application's compliance with the provisions of this Chapter and the overall development plan for final development plans for planned developments. After consideration of the application, the Planning Commission shall recommend approval of said application as presented, approval of said application subject to specified conditions or disapproval of it.

b. Final development plan; City Council action. For minor planned development applications, the City Council will review the overall development plan and final development plan concurrently. The applications may be combined at this time. For major planned developments, the Planning Commission shall forward said recommendation, together with the reasons for the recommendation, to the City Council. The application and accompanying recommendations shall be submitted for review at the next regularly scheduled City Council meeting no sooner than twenty (20) days after the Planning Commission's decision or after the minor final development plan application is received.

c. Upon receipt of the final development plan, the City Council may approve or deny it. The City Council shall not approve any new major change or addition in the final development plan recommended by the applicant until the proposed major change or addition has been referred to the Planning Commission for recommendations and a copy of said recommendations has been filed with the City Council. Final development plans shall be approved by resolution.

(9) The Planning Commission shall forward said resolution, together with the reasons for the recommendation, to the City Council. The application and accompanying resolution shall be submitted for review at the next regularly scheduled City Council meeting no sooner than twenty (20) days after the Planning Commission's decision.

(10) Upon receipt of the final development plan, the City Council may approve or deny it. The City Council shall not approve any new major change or addition in the final development plan recommended by the applicant until the proposed major change or addition has been referred to the Planning Commission for recommendations and a copy of said recommendations has been filed with the City Council.

(11) Failure of the Planning Commission to file said recommendations with the City Council within forty-five (45) days after reference shall be deemed to be approval of the proposed changes or additions. It shall be necessary for the Planning Commission to hold a public hearing on any major change or addition.

(12) If the final development plan is approved subject to conditions, the formal acceptance and recording of such approval shall not be made until the applicant has

obtained the signature of the Mayor on the plan face. All conditions must be satisfied before any official City signatures are fixed thereto.

(13) The City Council shall direct the City Clerk to record the pertinent written and graphic documents of the final development plan with the County Clerk and Recorder. All recording and duplicating costs are to be paid in advance by the applicant. Copies of all records are to be kept in the City Hall. (Ord. 2006-08 §16; Ord. 2006-20 §§14, 15; Ord. 2007-23 §§5, 6)

Sec. 16-13-150. Amendments to the final development plan.

(a) This Section shall serve as the mechanism for reviewing and approving changes to the final development plan. Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this Subsection may cause any of the following:

- (1) A change in the use or character of the development.
- (2) An increase in the overall land coverage of structures.
- (3) An increase in the intensity and density of use.
- (4) A reduction in approved open space.
- (5) A reduction of off-street parking and loading space.
- (6) A reduction in required pavement widths.
- (7) An increase in height that is more than five (5) feet.

(b) All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces may be made by the City Council after a report is prepared by the responsible administrative staff and recommendation by the Planning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the overall development plan. Any changes which are approved for the final development plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final development plan documents, with the exception that, prior to making its recommendation to the City Council, the Planning Commission shall hold at least one (1) public hearing following the provision of public notice as specified in Section 16-10-50 of this Chapter. (Ord. 2006-08 §16; Ord. 2006-20 §16)

Sec. 16-13-160. Failure to begin development or to show substantial progress.

(a) Each approved Planned Development District final 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 final development plan special review by the Planning Commission. 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.

(b) The Planning Commission may extend for not more than two (2) periods of twelve (12) months each, the time for beginning the project. (Ord. 2006-08 §16; Ord. 2006-20 §17)

Sec. 16-13-170. Enforcement.

These regulations shall be enforced as outlined in Article II of this Chapter. (Ord. 2006-08 §16; Ord. 2006-20 §18)