
17.2.170 – Planned Development District.

Commented [BC1]: LAST DISTRICT IN ARTICLE 2 same location as existing code.

17.72.010. Description.

(a) Intent. The intent of the Planned Development (PD) district is to promote and improve the health, safety, and general welfare of the residents of the Town by allowing the negotiation of a specialized zoning district which accommodates innovative patterns of development. This district is intended to be used only when no district in this Code, and no combination of districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be required by this Code. nor is it intended to be used to approve variations from the standards and criteria in this Code. Since the Planned Development is a master planned development, development standards, dimensional requirements, and permitted uses are negotiated and shall be allowed as set forth in the Planned Development Plan (PDP) and Final Development Plan. Significant additional benefits to the Town must be demonstrated as provided by the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101 et seq.) as amended.

(Code 1973, § 17.52.010; Ord. No. 15-1973, § IV:1, 1973; Ord. No. 1-1991, § 3, 1991)

(b) The purpose of the planned unit development district is:

- (1) To encourage a unified approach to planning, design, and development of land that is consistent with the goals and objectives and comprehensive plan of the town.
- (2) To encourage flexibility, innovation of quality design and variety of development types in order to promote the most suitable and appropriate use of a site.
- (3) To facilitate the adequate and efficient provision of streets, utilities and municipal services.
- (4) To achieve a compatible land use relationship with the surrounding areas.
- (5) To preserve the unique, natural, scenic, historical and cultural features of a site.
- (6) To encourage energy efficiency and conservation of energy and natural resources.
- (7) To provide for usable open space and recreational areas in new development.
- (8) To permit a developer to propose a total development plan which can be considered as to its overall merits under a unified development plan.

(c) The planning commission and the Board of Trustees ~~town board~~ shall consider the purposes of this chapter in approving or denying any requests for a planned ~~unit~~ development district or and in review of for a planned ~~unit~~ development plan.

(d) This Chapter shall apply to and govern all PD applications submitted after the effective date hereof which relate to and include lands located within the legal boundaries of the town. The provisions of this section may also be applied to PD applications for lands which are located outside of the town but which are proposed to be annexed to the town, as permitted by Section [31-12-115](#), C.R.S.

(e) Coordination with other codes, regulations, and plans.

(Code 1973, § 17.52.020; Ord. No. 15-1973, § IV:1, 1973; Ord. No. 1-1991, § 4, 1991)

17.72.030.

(f) Establishment, coordination with other codes, regulations, plans and vesting of the PD zone designation

(1) A planned ~~unit~~ development district may be established upon any tract of land that is 5 acres or more and is held under single ownership or unified control, provided a zoning/rezoning application is submitted for the tract or lots in compliance with the provisions of this chapter and the application is reviewed by the planning commission and approved by the board of trustees, provided that the landowner or his agent in fact with the power to consent to the inclusion of the site within the planned ~~unit~~ development does so consent.

(2) No PD application shall be approved without the written consent of each landowner whose properties are included within the PD. The PD application shall be made by a person or entity having an interest in the property to be included in the PD and shall include the consent of all owners of interest in such property. Lienholder consent will consist of a written acknowledgment that the mortgaged title holders agree to the application for a PD in the town.

(3) Approval of a PD Planned Development Plan 1(hereinafter referred to as "PDP") by the Board of Trustees shall constitute an overlay district upon the base zone, the base zone being the zone district designation existing prior to the approval of said PDP. If the time limits, as spelled out in the development schedule expire and no time extensions for the Final Development Plan (hereinafter referred to as "FDP") are approved, then the Board of Trustees, in its sole discretion, may terminate the FDP and may record a resolution with the El Paso County Clerk and Recorder evidencing such termination. Upon such termination, the PDP shall be deemed to have been expired and cease to exist as it relates to all lands within the development for which a final plat and FDP have not been approved (undeveloped lands). Despite such expiration, the zoning of undeveloped lands shall remain the same as it existed under the PDP, except no further permits or approvals, including but not limited to FDP, final plat, or building permit approvals, shall be granted by the town in connection with the undeveloped lands unless and until the town has approved a new or amended development plan for the undeveloped lands or a portion thereof. The FDP shall continue to exist and apply to all parts of the development other than the undeveloped lands.²

² This provision has been successfully tested and used in Granby Colorado to the satisfaction of 3 large developers (5,000 acres PUD, 1500 PUD that went under and new buyers developed with an amended ODP and the PUD was also restructured after 2009 and then again in 2021. This creates an easy method to update the Overall Development Plan as market conditions change.

Commented [BC2]: Ask Krob Law if this is the appropriate term— the regulations contained in this section have been on the books since 1991. However, based on our review of the PUD zones NOTHING was ever vested and there is no plan that contains the required vesting language. Scotty- do we need to add specific vesting language here since the rest of the Code has not been drafted?

Commented [BC3]: PC wants 5 acres

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- (4) Existing PDs shown on the Official Zoning Map. Planned Developments without a Planned Development Plan (PDP) or Final Development Plan (FDP) recorded at the El Paso County Clerk and Recorders Office are required to initiate a new planned development zoning application.
 - (5) Where an expired PD was an approved annexation, the base zone shall be the Residential Agricultural district (RA-5), unless the board expressly agrees otherwise.
 - (6) Upon approval of the PDP, the PD shall be given an ordinance number and its geographical area outlined on an overlay sheet constituting part of the Official Zoning Map of the town. This PD designation and ordinance number shall continue until the development schedule in the PDP expires as provided above or is extended or amended or completed. Upon completion of any PD project, the designation shall stand unless changed and all documents shall be kept on file for reference.
 - (7) Land use and development within any PD approved pursuant to these regulations shall be controlled by the provisions of the approved PDP and FDP. Specific maps and a written document detailing negotiated items and other matters related to these approved plans shall be recorded with the El Paso County Clerk and Recorder and duplicate files of said plans and documents kept on file for ready reference in the administrative offices of the Town Clerk.
 - (8) Subdivision Regulations. The provisions of these regulations concerning PD's are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in state statutes and the codes and regulations of the Town. The uniqueness of each PD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by the town, if the reasons for such exceptions are well documented. Modifications may be incorporated only with the approval of the Planning Commission and the Board of Trustees as a part of its review of the development agreement for a PD and shall conform to acceptable engineering, architectural, and planning principles and practices.³ It is the intent of this chapter that any subdivision review under the subdivision regulations be carried out either:⁴
 - a. Subsequent to the approval of an PDP; or
 - b. Simultaneously with the review of an FDP under this section; or
 - c. Within the time frame specified in the development schedule included in the approved FDP and FDP.

³ One of the most challenging issues when dealing with old Planned Developments is that the negotiated infrastructure requirements or the requirements in place by the municipality are dated and do not work after 15- 20 years. Both the developer and Town need a process to amend the Development Agreement without starting all over again. These provisions allow this to happen.

⁴ You do not have to do a PD and subdivision simultaneously- procedures for concurrent review are found in Article 6 (to be drafted)

(9) Permitted Uses. No PD shall be approved by the Planning Commission or the Board of Trustees unless the PD is found to be in substantial conformance with the adopted Comprehensive Plan (aka Community Master Plan).

Commented [BC4]: Placed here or below???

(10) Results of failure to meet schedule or record a final development plan. Failure by the developer to meet submit a final development plan or miss scheduled dates shall result in one of the following:

Commented [BC5]: Scotty- this seems to confuse two items- failure to record an FDP and then failure to meet schedule?

a. Stop orders (court orders stopping construction) or a freeze on the issuance of new development permits.

b. Extension of due dates if the extension is justified by the developer.

c. Suspension of approved PD or Final development plan, pending its reinstatement upon meeting the obligations required for the past due date and its resubmittal to the planning commission and town board.

d. Reversion of the PUD zone back to the conventional base zoning.

(11) ~~17.72.160.~~ Development time frame and appeals. From start of construction, the maximum time allowed is one year after approval of the final development plan (FDP). If development has not commenced, a new FDP shall be required. One or more extensions may be allowed for good reason by the planning commission and the town board. Board of Trustees

(Code 1973, § 17.52.160; Ord. No. 1 1991, § 18, 1991)

(Code 1973, § 17.52.150; Ord. No. 1 1991, § 17, 1991)

(Code 1973, § 17.52.030; Ord. No. 1 1991, § 5, 1991)

(g) Conditions and Standards

(1) One or more of the following shall be achieved to approve a Planned Development:

- a. The encouragement of innovations in residential, commercial, and limited industrial development through greater variety in the type, design, and lay-out of buildings that the Town's existing zone districts cannot accommodate and by the conservation and more efficient use of open space ancillary to said buildings.
- b. A better distribution of induced traffic on the streets and highways.
- c. Conservation of the value of the land.
- d. Preservation of the site's natural characteristics.

(2) The PD shall be consistent with the intent of the Palmer Lake Community Master Plan including the Future Land Use Plan and goals and guiding objectives therein.

(3) The design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking, and loading spaces.

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- (4) The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the PD as well as the impact of the proposed development on Town services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development.
 - (5) While there may be no fixed dimensional requirements, the Planning Commission and Board of Trustees may require setbacks, lot widths, and space between buildings as necessary to provide adequate access and aid in fire protection, ensure proper ventilation, light, air, and snow melt between buildings, and to ensure that the PD is compatible with other developments in the area.
 - (6) Open space for the PD shall be planned to produce maximum usefulness to the residents of the development for purposes of recreation, preservation of scenic views and to maintain the rural character outlined in the adopted Community Master Plan. All areas designated as common or public open space pursuant to the requirements of this Chapter shall be accessible by proper physical and legal access ways.
 - (7) The development shall be designed with the necessary mix of commercial, recreational and educational institution facilities conveniently located adjacent to residential housing.
 - (8) All dimensional standards shall be established and documented on an approved written and graphic PD plan.
 - (9) The developer shall provide within the PD central water and sewer facilities as required by the Planning Commission, Board of Trustees, the Palmer Lake codified water requirements, the Palmer Lake Sanitation District, the State Department of Public Health, and the local health authorities.
 - (10) Clustered development is encouraged to promote maximum open space, economy of development and variety in the type, design and layout of buildings. 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 and to save street and utility construction and maintenance costs.
 - (11) The PD shall provide pedestrian ways adequate in terms of safety, separation, convenience, and access to points of destination.
 - (12) The PD shall provide parking areas in conformance with the minimum site development standards of this Title in terms of the number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation, and screening.
 - (13) The PD shall strive for optimum preservation of the natural features on the site.
 - (14) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zoning districts in relation to the following characteristics of the proposed building:
 - a. Its geographic location.
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- b. The probable effect on surrounding slopes and terrain.
 - c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity.
 - d. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view.
 - e. Influence on the general vicinity, with regard to vistas and open space.
 - f. Uses within the proposed building.
 - g. Fire protection needs.

(15) No PD shall be approved unless the Board of Trustees, after Planning Commission review and recommendation, 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 and parking.

(16) Maintenance Provisions. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after approval of the planned development, fail to maintain the common open space in reasonable order and condition, the applicable code enforcement procedures will be implemented.

(h) Conformance with purpose, conditions, and standards. Requests for a PD shall be reviewed for conformance with the purpose, conditions, and standards set forth in this Code. The request for PD approval is a voluntary act by the applicant and does not require or imply any acceptance or approval by the Town. The proposed uses and densities may be deemed inappropriate after review by the Town, and alternative action may be required of the applicant.

(i) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PD shall govern, except to the extent that the Planned Development Plan for residential, commercial, educational, recreational, or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space or other standards within the existing land use regulations, except those development standards that are not open to modification.

(j) 17.72.040. Principal permitted uses. This district is intended to be used only when no district in this Code, and no combination of districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be required by this Code. The following combination of principal permitted uses are allowed in a planned ~~unit~~ development districts as long as the PD intent statement can be satisfied.

(1) Mixed-use developments.

(2) Residential dwelling units in detached, attached, or multi-family structures or any combination thereof.

Commented [BC6]: This is in the intent statement but is critical- Scotty please review

(3) Nonresidential uses of a cultural, recreational, religious, nonprofit, or commercial character.

of subsections (1) and (2) of this section.

In determining the principal permitted uses, the planning commission and town board will review and consider those uses that are allowed under the current zone district of the tract or tracts of land being requested for rezoning to PUD.

(Code 1973, § 17.52.040; Ord. No. 1-1991, § 6, 1991)

(k) 17.72.050. Density.

The maximum density for any PUD residential development shall be 12 dwelling units per net acre (net of all publicly dedicated lands within the proposed development, e.g., street rights-of-way, parks, school sites, etc.) for attached dwelling units and eight dwelling units per net acre for detached dwelling units. Maximum permissible densities for each development proposal will be determined as part of the PUD plan approval for a PUD request. Densities will be determined in accordance with the following:

- (1) The density and/or intensity of the proposed development shall be based on the capacity of the land to support the PD as well as the impact of the development on Town services and facilities, and on neighboring property that will be impacted by the development. The capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the proposed development.
- (2) Comprehensive plan and approved zoning map. The density established on the approved comprehensive plan shall be considered the maximum allowed density unless the planning commission, based on the PUD plan or new evidence, finds that such density is not feasible or desirable.
- (3) For all PUDs for areas that are not currently included under the comprehensive plan, maximum allowed density will be established in accordance with the following criteria:
 - a. Land use (actual or planned) and character of the surrounding neighborhood and the impact of the proposed PUD on adjacent areas.
 - b. The ability of the existing municipal services and off-site streets, utilities, park and open space, and drainage systems (together with improvements proposed) to effectively handle the proposed PUD density.
 - c. The extent to which the proposed PUD contains unique or innovative design features or utilizes and incorporates special site conditions into its design in order to mitigate the impact of the proposed density on the site and adjacent areas.
 - d. The amount of on-site, usable open space and active recreation areas.
 - e. The density allowed under the current zoning of the tract or tracts being requested for rezoning will be considered in determining the density of the request.

(Code 1973, § 17.52.050; Ord. No. 1-1991, § 7, 1991)

Commented [BC7]: Should we change all existing references to 'Comprehensive Plan to Community Master Plan' ?

(l) ~~47.72.060~~ Open space requirements.

- (1) **Amount of open space required.** The total usable open space within a PUD development shall be at least 30 percent of the gross acreage of the development. No more than ~~25~~ 15 percent of the required percentage of usable open space shall be in the form of water surfaces, floodplains, drainage ways, or slopes over 15 percent grade, steep slopes or storm water detention areas. At least 25 percent of the usable open space shall be developed for active recreation which may include, but not be limited to: playing fields (tennis, volleyball, and basketball courts), playground areas, picnic sites; ~~boating areas;~~ or similar active recreation areas. ~~The requirement for active recreation areas is encouraged, but not required, in single family detached residential developments.~~ For the purpose of this section, usable open space shall not include land to be dedicated for parks or schools without the consent of the ~~town board~~ Board of Trustees.
- (2) **Usable open space defined.** Usable open space shall include common open space, or any portion of the development not occupied by buildings, structures, parking areas, driveways, streets, alleys, or service areas.
- (3) **Open Space Negotiations.** PDs are negotiated zone districts and open space dedication is one of the special benefits. The location, type and size of the required open space dedication shall be carried out to ensure the maximum benefit to the residents of the PD and to the general public.

~~not developed or intended as public dedicated open space such as: schools or parks; or building pads; storage areas; streets; driveways; service areas; and parking areas.~~ Usable open space shall be devoted to landscaping, patios, courts, walkways, trails, recreational areas and facilities (including enclosed buildings), and preservation of natural features such as mature vegetation, steep slopes, rock outcroppings, etc. ~~For single family detached residential areas developed within the PUD zone district, private yards of individual lots, not covered by building pads and driveways, shall be considered usable open space for the purpose of satisfying the 30 percent usable open space requirement of the PUD district.~~

- (4) **Open space location and access.** Usable open space, as defined in this section, shall be so located as to provide for convenient use by residents. Insofar as reasonably practical, open space shall form an interconnected system with access to dwelling units.
- (5) **Open space maintenance.** Provision shall be made through covenants, homeowners' associations or other means acceptable to the board of trustees for the continuing maintenance of any common open space and private walkways not intended to be dedicated to the town.
- (6) **Homeowners' association.** When the board of trustees deems it appropriate, a nonprofit, incorporated homeowners' association, maintenance district, or other suitable mechanism shall be required for the purpose of improving and maintaining common facilities and amenities. In addition, the board may require approved protective covenants to run with the land. Prior to approval of the PUD development, agreements shall be provided which reflect suitable guarantees for the maintenance of common facilities and amenities.

(Code 1973, § 17.52.060; Ord. No. 1-1991, § 8, 1991)

(m) ~~47.72.070~~ Buffering, screening, clustered development, and setbacks.

Commented [BC8]: 25% means you could only have 5% useable open space! BUT the #' don't make sense.

Steep slopes have been quantified.

Commented [BC9]: Do you want to allow storm water detention areas to count toward open space?

Commented [BC10]: Simply reworded, also the concept that private yards can be useable open space is contrary to the concept.

Uses, buildings or structures on the perimeter of the PUD district shall be set back, arranged, and adequately buffered and/or screened to ensure their appearance and use will be compatible with adjacent land uses. Development shall be clustered to facilitate the conservation of open space. Building setbacks along the perimeter of the PUD zone district shall be a minimum of 25 feet. Building setbacks shall be a minimum of 200 feet along the frontage of State Highway 105 and Spruce Mountain Road.

(Code 1973, § 17.52.070; Ord. No. 1-1991, § 9, 1991)

Commented [BC11]: The adopted Master Plan states 100 to 300 ft.

17.72.080. Modification of subdivision regulations.

(n) Coordinate with other codes, regulations, and plans.

(1) Land use and development within any PD approved pursuant to these regulations shall be controlled by the provisions of the approved PD Plan (PDP) and the Final Development Plan (FDP). Specific maps and documents detailing negotiated items and other matters related to these approved plans shall be recorded with the El Paso County Clerk and Recorder and duplicate files of said plans and documents kept in the administrative offices of the Town Clerk.

(2) Subdivision regulations. When the situation so warrants, the following requirements of the subdivision regulations may be waived or modified after review and recommendation from the Town Engineer, followed by a review by the planning commission and approval of the board of trustees of the town based on the PDP or the FDP: right-of-way and driving surface widths, access and alleyways, location of utility easements or lines, lot and block design standards, and requirement for street lights and storm drainage treatment, off street parking requirements, signs requirements and building height limitations. The planning commission or board of trustees may find that such requirements are not necessary for the general health, safety and welfare of the citizens. If a waiver based on a PUD plan or final PUD development plan has been approved, approval of the same waiver is not required at time of platting. A waiver Modifications may be approved if the modifications would result in at least one of the following:

Commented [BC12]: The items that are crossed out are items of negotiation that can be outlined in the written PD Plan. Storm drainage is not subject to modification per the 2021 Stormwater Quality Control Ordinance.

1. Preservation of natural features.
2. Provision of a more livable environment.
3. Provision of a more efficient vehicle and pedestrian circulation system.
4. Provision of additional open space or active recreation area.
5. Provision of innovative drainage treatment or facilities.

(Code 1973, § 17.52.080; Ord. No. 1-1991, § 10, 1991)

(3) Building permits. No building permits shall be applied for or granted on any portion of property which is currently zoned PUD district until and unless the property is platted in accordance with the town subdivision ordinance as amended ~~or until~~ and unless a final

PUD development plan in conformance with this chapter is reviewed by the planning commission and approved by the town board.

(Code 1973, § 17.52.120; Ord. No. 1-1991, § 14, 1991)

DRAFTING NOTE- SECTIONS 17.72.90 THROUGH X HAVE BEEN MOVED TO ARTICLE 6- PROCEDURES

17.72.090. Procedure and sketch plan.

17.72.100. PUD plan.

17.72.110. Final Development Plan

17.6.500- this assumes that this will be placed in Article 6

The application for a PD in the Town of Palmer Lake shall be subject to a three-faceted review process composed of the following:

- (a) Preapplication conference pursuant to Section 17-6-XXX.
- (b) A Planned Development Plan (PDP); and
- (c) A Final Development Plan (FDP).
 - (1) If the applicant seeks to develop the project in phases, the Planning Commission and Board of Trustees may, in their discretion, postpone the obligation of the applicant to fulfill any of the submission requirements set forth in this article for any delayed phase of the project.
 - (2) These regulations are intended to be applicable to large as well as small project sites. Applicants are encouraged to combine subdivision with the PD process where appropriate and after conferring with Town staff.

17.6.510. General Preapplication Conference.

Prior to actual submission of the Planned Development Plan application, the applicant shall participate in a preapplication conference pursuant to Section 17-6-205.

17.6.520. Planned Development Plan.

- (a) The complete application packet in accordance with 17-6-205 shall be submitted with detailed information to provide adequate review by decision-making bodies and the general public. The completed application shall be known as the PD Planned Development Plan. In addition to the requirements in 17-6-205, the application shall include the following:
 - (1) A legal description of the total site.
 - (2) Proof of ownership of all lands included in the Planned Development Plan area.

Commented [BC13]: Scotty- The entire code is being reorganized— We are wasting time and a thin budget by taking this piece by piece. I have included the code organization in the attached overview and response to the Planning Commission dated 9/13/24

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- (3) A description of the character of the proposed development, the goals and objectives of the project, an explanation of how the development incorporates innovative design, the rationale behind the assumptions and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to the adopted Comprehensive Plan.
 - (4) Statements clearly outlining the proposed maximum (up to and including) limits or amounts of all design standards (Article III of this Chapter) to be included, or alternate development standards requested to be applied to the PD.
 - (5) A general description of the proposed open space for the development and an explanation of how said open space shall be integrated with surrounding developments, both existing and proposed.
 - (6) A development schedule for the Planned Development Plan and submission of subdivision applications.
 - (7) Quantitative data for the following:
 - a. Total number and type of dwelling units.
 - b. Approximate parcel size.
 - c. Proposed lot coverage ratios of buildings and structures.
 - d. Proposed gross and net residential, and non-residential densities.
 - e. Amount of required land dedication (parks, open space wetlands, trails, recreation sites, etc.).
 - f. Water and sewer demand for projected uses.
 - g. The proposed maximum height(s) of buildings, setbacks, and related dimensional standards within the PD.
 - (8) If residential units are proposed, a letter from the school district stating their ability to accommodate the projected number of students generated by the development.
 - (9) Graphic Documents. Supporting maps, plans, and drawings that portray the basic concepts proposed in the application. The documents shall include, at a minimum, the following information.
 - a. A vicinity map at a legible scale.
 - b. The existing site conditions including topographic contours and watercourses, floodplains (i.e., 100-year), wetlands, unique natural features, and vegetation cover.
 - c. Proposed subdivision boundary lines and site designs in specific or prototypical form. The general location of all existing buildings and improvements. Preliminary architectural standards, elevations, and planned construction materials of proposed buildings and structures.
 - d. General location and size in acres or square feet of areas to be conveyed, dedicated, or reserved as common and private open spaces, public open

spaces or parks, recreational areas, school sites, and similar public and quasi-public uses.

- e. Existing and proposed circulation system of arterial and collector-type streets and major points of access to public rights-of-way for vehicle, pedestrian, and bicycle traffic. Notations of proposed ownership, public or private, shall be included. The locations of local streets may be required at the discretion of the Planning Commission.
 - f. A generalized grading plan for streets requiring substantial cuts and fills.
 - g. Description and lot layout showing how **17.68 Hillside Overlay District and Stormwater Quality Control** requirements impact site development.
 - h. The proposed concept and general off-site connection methods for utility service including sanitary sewers, storm sewers, water, electric, gas, cable, and telephone lines.
 - i. Preliminary drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
 - j. A preliminary lighting plan indicating proposed on-site streetlight location, height, and fixture type.
- (10) Additional Information. The Planning Commission may require additional information from the applicant to evaluate the character and impact of the proposed PUD on the Town, including fiscal impacts over the period of the generalized development schedule.

(b) Approval Procedure.

- (1) Step 1: The completed application packet and supplementary submittal materials shall be filed with the Town Clerk at least 30 days in advance of the regular meeting date of the Planning Commission at which the Planned Development Plan will be heard.
- (2) Step 2: Within a reasonable time, the Town Administrator or designee shall review the application and determine it is complete or send notice to the applicant of deficiencies. The applicant shall address the deficiencies and provide missing or updated information to the Town Administrator.
- (3) Step 3: Upon determination that the application is complete, the Town Administrator or designee shall refer the application to appropriate review agencies in accordance with [17-6-210](#).
- (4) Step 4: The Planning Commission shall hold a public hearing on the FDP in accordance with [17.6.220](#) and [17.6.230](#)
- (5) Step 5: The Planning Commission shall either recommend approval, approve with conditions, disapproval, or continue the hearing for 30 days. Consent of the applicant(s) is required for any continuance beyond 30 days. Lack of consent to

Commented [BC14]: This will be moving to Article 3!!!

Commented [BC15]: We are roughing out these chapters as we move forward- but only at the organizational level

continue or failure to reach agreement on negotiated items shall be deemed a recommendation of denial.

- (6) Step 6: A Public Hearing before Board of Trustees shall be scheduled pursuant to Section 17.6.220 and 17.6.230 of this Article.
- (7) Step 7: If the application is approved as presented, conditionally approved, or denied, the Board of Trustees shall, by resolution, either approve the necessary PUD designation, or disapprove said application. If approved, the PDP documents shall be recorded with the El Paso County Clerk and Recorder.
- (8) Step 8: Within one year following the approval of the Planned Development Plan, the applicant shall file an application packet for a Final Development Plan (FDP). For phased developments, an FDP must be filed for the first phase within six (6) months of approval of the PDP.
- (9) Step 9: If the applicant fails to apply for an FDP or the extensions of deadlines described above, then the Board of Trustees in its sole discretion may terminate the PDP. Subsequent action by the developer or their assignees to revive the MDP after it has been allowed to expire will require a new application and subsequent review and public hearings pursuant to 17.6.200. 205. 210. 220 and 230 of this Article.
- (10) Step 10: Minor Amendment to the Planned Development Plan. Minor changes of not more than 10% in development standards shall be processed by the Town Administrator and Development Review Team. Any minor amendments beyond 10% but still considered minor by the Town Administrator shall be subject to review and consideration by the Planning Commission. Upon consideration of said changes, the Planning Commission shall take formal action in writing, either approving or disapproving the changes. This section shall serve as the mechanism for reviewing and approving changes and a substitute for the variance procedures provided elsewhere in these zoning regulations.
- (11) Step 11: Major amendments to the Master Development Plan include without limitation:
 - a. A change in land use or development concept;
 - b. An increase in density or building coverage;
 - c. An increase in the maximum allowed height of structures;
 - d. A realignment of major circulation patterns or a change in functional classification of the street network;
 - e. A reduction in approved open space or common amenities;
 - f. A reduction of off-street parking.

Commented [BC16]: 1 year or 6 months?

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- (12) Step 12: Major amendments to the PDP must be approved by the Board of Trustees. An application to amend the PDP shall be submitted for consideration and review according to the process outlined above.

17.6.530. - Final Development Plan ("FDP").

- (a) The FDP application is intended to specify design components of the PD or portions thereof and provide for the review of additional items not required by the Final Development Plan. An FDP application may be made for all or a portion of the entire PD district as previously approved at the Planned Development Plan stage. All FDP's must include building locations and footprint dimensions and the location of the required open space dedication. In any PD, an approved FDP for all or portions of the district must be subdivided before any building permits are issued for the construction of buildings and structures. The completed application shall be known as the FDP.
- (b) Submission Requirements. The FDP shall include all of the information required in the Planned Development Plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.
- (c) Written Documents. The applicant shall submit a written statement which shall include the following additional information:
- (1) A final development schedule indicating the approximate date(s) when construction of the PUD or phases of said development can be expected to begin and to be completed.
 - (2) A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; the total amount of open space (including a separate figure for the usable amount of open space); a statement explaining the anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.
 - (3) Copies of proposed development standards, final covenants, declarations, architectural design standards, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings, and other structures within the development.
 - (4) Final environmental studies of the proposed site(s) prepared and attested to by qualified professionals in the fields of soil quality, slope, topography, geology, water rights and availability, groundwater conditions, and impact on wildlife.
 - (5) Any required dedication, documentation and/or improvement agreements and bonds plus a title insurance commitment dated not older than 30 days prior to application.
 - (6) Any new items not submitted with the Planned Development Plan.
 - (7) Quantitative data for the following: final number of dwelling units, total amount of non-residential square footage by use type, densities, calculations for previously

agreed upon design and development standards, and footprint sizes of all proposed buildings.

- (8) A statement that integrates pertinent elements of any pre-annexation and development agreements and contracts negotiated with the Town.
- (9) Final traffic impact study.
- (10) Final utility and water plans.

(d) Graphic Documents. The applicant shall submit finalized graphics which shall include the following information:

- (1) Final Site Plan and plan maps that have been revised since the Planned Development Plan approval.
- (2) Final landscape plan.
- (3) The planned pedestrian, bicycle, and vehicular circulation system including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict.
- (4) An erosion control and stormwater plan, including evidence that the FDP complies with the Town's adopted Stormwater Quality Control ordinance.
- (5) The proposed treatment of the perimeter of the PD including materials and techniques used such as screens, fences, walls, illustrated on a landscape plan.
- (6) Final drainage plan stamped by a licensed Colorado engineer.
- (7) Final engineering and construction plans for public improvements and private streets.
- (8) A phasing plan if the development is approved for phased development.
- (9) A detailed lighting plan depicting on-site streetlight location, height, and fixture type, with supplemental specifications.
- (10) Such additional information as may be required by the Planning Commission or Board of Trustees necessary to evaluate the character and impact of the proposed PD.

(e) Approval Procedure.

- (1) Applications for a Final Development Plan shall be submitted in accordance with Section 17.6.205. The FDP must be in conformance with the Planned Development Plan as approved or amended.
- (2) The completed application packet and supplementary submittal materials shall be filed with the Town Administrator at least 30 days in advance of the regular meeting date of the Planning Commission at which the Final Development Plan will be heard.

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- (3) Within a reasonable time, the Town Administrator or designee shall review the application and determine it is complete or send notice to the applicant of deficiencies. The applicant shall address the deficiencies and provide missing or updated information to the Town Administrator.
 - (4) Upon determination that the application is complete, the Town Administrator shall refer the application to appropriate reviewing agencies in accordance with 17.6.210.
 - (5) The Planning Commission shall hold a public hearing on the FDP in accordance with 17.6.220 and 17.6.230.
 - (6) The Planning Commission shall either recommend approval, approval with conditions, disapproval, or continue the hearing for 30 days. Consent of the applicant(s) is required for any continuance beyond 30 days. Lack of consent to continue or failure to reach agreement on negotiated items shall be deemed a recommendation of denial.
 - (7) A Public Hearing before the Board of Trustees shall be scheduled pursuant to 17.6.220 and 230 of this Article. The Board of Trustees may approve, approve with conditions by resolution, or deny the application. If approved, the applicant shall provide two (2) signed mylars of graphic documents, and two (2) 24"x26" paper copies with original signatures.
- (f) No building permits shall be issued on land within the PD until an FDP for that land has been approved by the Planning Commission and Board of Trustees.
- (g) Amendments to the Final Development Plan. Minor changes of 10% or less in the location, siting, and height of buildings and structures may be authorized by the Town Administrator or designee.
- (h) Approval for Amendments to the Final Development Plan. The following changes will require review and approval by the Planning Commission and Board of Trustees at a duly noticed public hearing:
- (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 spaces.
 - (6) A reduction in required pavement widths.
 - (7) An increase in height over what was originally approved.

(8) 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 Board of Trustees after a report is prepared by the Town Administrator or designee, and upon 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 FDP was approved or by changes in the Planned Development Plan.

(9) Any changes which are approved for the FDP must be recorded as amendments in accordance with the procedure established for the recording of the initial FDP documents with the exception that prior to making its recommendation to the Board of Trustees, the Planning Commission shall hold at least one public hearing with published notice of the general description of said hearing in the official publication of the Town at least 15 days in advance of the hearing.

(i) Review of Development Schedule. Each approved FDP must contain a detailed development schedule of public and private improvements. Town staff shall monitor the development schedule. Failure of the developer to substantially adhere to the approved schedule shall be cause for an FDP special review by the Planning Commission. Special review shall be conducted as a result of one or more of the following:

- (1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within 18 months of the scheduled starting date or extensions thereto.
- (2) Inactivity or documented lack of progress on any stage of the project for more than two years from the last completed benchmark in the approved development schedule, as determined by either the staff or Planning Commission.

(j) FDP Special Review process. The FDP special review by the Planning Commission shall determine if the original assumptions and plans of the PD are still appropriate. During the review, the developer may request that the development schedule be formally amended. If no amendment is granted, the Planning Commission shall forward a recommendation to the Board of Trustees that the FDP be declared null and void, in whole or in part.

(k) Request for extensions to the starting dates by the developer. The Planning Commission may extend, for not more than two periods of 12 months each, the time for beginning the project.

(l) The Board of Trustees shall hold a public hearing to amend or void the FDP. Said hearing shall be conducted in conformance 17.6.220 and 230 of this Article.

17.6.540. Periodic Reviews of All Planned Development Districts.

The Planning Commission will conduct a review of each project on a biennial schedule commencing on or about the anniversary date of the FDP approval. No fees will be charged to the owner of record for these reviews. The owner of record of PD projects may be asked by

the Planning Commission or staff to appear at this review and make a progress report. The Planning Commission will decide and so note in the minutes as to whether adequate or no progress has been made by the owner of record.

17.6.550 Common Improvements and Common Open Space

(a) The FDP shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the FDP. No such instrument shall be accepted until approved by the Town attorney as to legal form and effect, and by the Board of Trustees. Such documentation shall conform to Section 24-67-105(6), C.R.S.

(b) The common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, open space, or recreational facilities are conveyed to a private association, the developer shall file, as a part of the aforementioned instruments, a declaration of covenants and restrictions, bylaws, and articles of incorporation that will govern the association.

17. 6.560. - Other Provisions and Standards.

(a) Enforcement. The provisions of the approved FDP may be enforced by the Town and/or by the occupants, residents, and owners of the PD to the extent and in the manner provided by Section 24-67-106, C.R.S., as may be amended. In addition to and without limitation on such powers of enforcement, the approved PDP or the FDP of the development may provide for additional rights and remedies as against the landowner in the event of any violation of the provisions of the plan.