

~~allow or permit to exist, or to otherwise let happen a violation of this Title on the land or in the structure to which the owner, lessee, occupant or agent has legal or equitable title or right of possession.~~

~~(e) Any person violating any provisions of this Title shall be punished by a fine not exceeding three hundred dollars (\$300.00) or imprisonment for a term not exceeding ninety (90) days or by both such fine and imprisonment.~~

~~(d) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of any provision of this Title, the City or any proper person may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. The remedies herein provided are cumulative and the imposition of any penalty under Subsection (e) above shall not preclude the City or any proper person from instituting any appropriate action or proceeding to require compliance with the provisions of this Title and with administrative orders and determinations made hereunder.~~

~~(e) It shall be unlawful and a municipal offense for any person served with an order issued by the Administrative Official pursuant to Section 17-5-1(b) to fail to comply with the order within the time specified in the order. Failure to comply with an order of the Administrative Official as herein provided constitutes a separate and independent violation in addition to and not in substitution of any other violation of the provisions of this Title. It shall be an affirmative defense to a violation of this Subsection (e) that the order has been duly and timely appealed to the Zoning Board of Appeals, and the Zoning Board of Appeals has reversed or modified the order after notice and hearing. (1957 Code, App. A, §18; Ord. No. 3176, 2-26-68; Ord. No. 5855, 2-14-94; Ord. No. 6325, 6-22-98)~~

CHAPTER 8

Planned Unit Development Zone District

Sec. 17-8-1. Purpose.

The purpose of this Planned Unit Development Zone District (PUD) is to encourage flexibility in the development of land to promote its most appropriate use; to improve the design, character and quality of new development and redevelopment; to facilitate the adequate and economical provisions of streets and utilities; to preserve natural and scenic features of open space; to permit the commingling of uses permitted within other zone districts within the City; and to grant diversification in the location of structures and other site qualifications while ensuring adequate standards relating to public health, safety, welfare, comfort and convenience. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-2. Definitions.

(a) *Areas of PUD* means a land unit showing general land use classes and which is generally bounded by the PUD Development Plan's collector street system unless implied otherwise by context.

The use of the term *area* as a land unit does not necessarily require a precise size measurement or legal description.

(b) *Minor revision* means a change in the approved PUD Site Plan to allow changes in the location, siting, height or character of buildings or structures, which are required by engineering or other circumstances not foreseen when approval of the Site Plan was given, and have no adverse impact on adjacent or surrounding land uses or plan elements. A minor revision may be approved for only the following: (1) change in the dimension of a building or structure which is ten percent (10%) or less; (2) change in the location of a building or structure which is five (5) feet or fewer in any direction; (3) change in the capacity of an off-street parking area of ten percent (10%) or less; or (4) change in the type of landscape materials if to be replaced by an ecologically equal or better variety. The Technical Advisory Committee may by majority vote of its members approve a minor revision.

(c) *Planned Unit Development* means an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, industrial or other uses, or any combination of the above.

(d) *PUD* means a Planned Unit Development.

(e) *PUD Development Guide* means a written document which establishes the standards, variations and requirements of the development which may be divergent from the standards of the City zoning regulations. Those conditions established by the development guide and approved by the City Council shall be recorded and utilized for development and review of the project.

(f) *Technical Advisory Committee* shall consist of five (5) members appointed by the City Manager. Three (3) shall be from the Subdivision Review Committee. The other two (2) shall be: a staff planner and one (1) shall be a representative from a utility operating in the City. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-3. Permitted uses.

The uses in a PUD shall be those permitted by right or by review as provided in the Development Guide. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-4. Scope.

(a) The provisions of this Chapter shall apply only to tracts of land which are five (5) or more contiguous acres in area. For separate parcels to be contiguous, they shall have a common boundary of at least one hundred (100) feet. The existence of a dedicated public right-of-way which divides or separates the parcel or parcels shall not affect contiguity, provided at least one hundred (100) feet of boundary would be contiguous if not for said right-of-way.

(b) *Single Development Plan*. The planned unit development shall be developed in accordance with a single unified plan, even though the property may be under single or multiple ownership. Each owner, both current and future, is responsible for the development of his or her portion of the project in accordance with the single unified plan and the approved Development Guide. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-5. Preapplication conference.

A preapplication conference may be held with the Technical Advisory Committee to familiarize the applicant with PUD procedures and related City requirements. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-6. PUD Zone District application.

An application for rezoning of land to a PUD Zone District may be filed by the owners of all property contained in the proposed district, or an authorized agent thereof. All owners of property within the PUD Zone District must consent in writing to the inclusion of their land in the District. The application shall be accompanied by a PUD Development Plan, Development Guide and project narrative.

(1) Development Plan. A conceptual plan showing the major components of the proposed PUD at a scale of not greater than 1" = 200' shall be submitted in the detail necessary to evaluate the land planning; open space and recreational areas; transportation system; and social, ecological and public facilities impact. The Development Plan must contain, insofar as applicable, the following information:

- a. The existing topographic character of the land at a contour interval of not greater than ten (10) feet.
- b. The location and dimensions of all existing buildings, structures, rights-of-way, easements and improvements.
- c. The existing zone districts.
- d. The general location of existing and proposed schools, school sites, open spaces, recreation areas, public use areas, arterial and collector streets, indicating those to be dedicated to the City and the methods of control on the remainder.
- e. The location and general nature of each land use.
- f. A land use schedule listing the various land use categories, acreages and number of units.
- g. The approximate acreage, density, number and types of dwelling units for each residential area.
- h. Areas subject to the standard project flood and floods of greater frequency. The standard project flood shall also be shown if such has been determined by the U.S. Army Corps of Engineers.
- i. Areas containing commercial mineral deposits, if these deposits are to be developed within the plan.
- j. The staging of development if done in phases.

k. The exterior boundary lines of the PUD District, with distance and angle, to be prepared by a registered land surveyor. If under multiple ownership, the location of each owner's property shall also be shown.

l. A general location map at an appropriate scale which shows the PUD in relation to the transportation network, land use, City limits, zoning and open space of the surrounding area.

(2) Development Guide. The Development Guide shall reflect the variations in lot size, bulk, type of use or activity, density, lot coverage, open space or other regulations requested to be modified and approved by City Council upon the recommendation of the Planning and Zoning Commission. At a minimum, the Development Guide must contain the following:

a. A listing of uses permitted in each land use area.

b. Standards, variations and dimensional requirements for each land use area which may be different from the standards of the zoning regulations of the City, including but not limited to maximum and minimum height, floor area ratio, lot coverage, front setback, rear yard setback, side yard setback, lot depth, lot frontage and lot size regulations.

(3) Project narrative. The project narrative to be submitted with the PUD Zone District application shall contain the following information:

a. The name and address of each owner of property in the PUD District, as well as a legal description of their respective properties. The name and address of owners of all property within three hundred (300) feet of the exterior boundary of the PUD District accurate to within forty-five (45) days before the hearing.

b. If the applicant is other than the owner of all property within the PUD, a properly executed written instrument authorizing the applicant to act on behalf of all the owners.

c. A statement of the PUD's goals and objectives.

d. An assessment of the PUD's social, environmental and public facilities impact.

e. A development schedule indicating the approximate date of Development Plan submittal, commencement and completion for each phase.

f. Identification of any separation of mineral rights, water rights, air rights, development rights or other such rights which may directly or indirectly affect the land.

g. The applicant may submit other information pertinent to evaluating the PUD Zone District application; such information submitted shall not be considered part of the formal application unless agreed to by the applicant. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-7. PUD Site Plan.

A Site Plan for any land zoned PUD must be approved by the Planning and Zoning Commission before site development may begin. The Site Plan shall be in conformity with the approved PUD

Zone District Development Plan, Development Guide and project narrative. The Site Plan may be submitted for all or a portion of the PUD District area. The Site Plan application shall include a site plan and project narrative.

(1) Site Plan. A detailed plan showing the proposed development of the PUD prepared at a scale of not greater than 1" = 100' and in detail necessary to evaluate the development. The Site Plan must contain, insofar as applicable, the following information:

- a. The existing and finished topographic character of the land at a contour interval of not greater than five (5) feet.
- b. The location and dimensions of all existing buildings, structures, rights-of-way, easements and improvements.
- c. The location and dimensions of all proposed public and private rights-of-way and easements.
- d. The location, dimension and proposed use of lands to be dedicated to the City.
- e. The maximum and minimum height, floor area ratio, lot coverage, front setback, rear yard setback, side yard setback, lot depth, lot frontage and lot size regulations in each parcel.
- f. The location of on- and off-street parking areas, parking lot landscape and design plans, loading areas and points of ingress and egress for each lot, parcel, building and structure.
- g. The placement, dimensions, architecture, landscaped areas, landscaping materials and signing of each building and structure.
- h. Areas subject to the standard project flood and floods of greater frequency. The standard project flood shall also be shown if such has been determined by the U.S. Army Corps of Engineers.
- i. The size, location and capacity of the proposed sanitary sewer and storm drainage systems.
- j. The dimensions, size and use of each parcel.
- k. The type, maximum and minimum number of dwelling units in each parcel.
- l. The exterior boundary lines, with distance and angle, of the PUD Site Plan to be certified by a registered land surveyor. If under multiple ownership, the location of each owner's property shall also be shown.

(2) Site Plan narrative. The site plan narrative to be submitted with the PUD Site Plan must also contain the following information:

- a. The name and address of each owner of property in the PUD Site Plan areas as well as a legal description of their respective properties. The name and address of owners of all property

within three hundred (300) feet to the exterior boundary of the PUD Site Plan area accurate to within forty-five (45) days before the hearing.

b. If the applicant is other than the owner of all property within the PUD, a properly executed written instrument authorizing the applicant to act on behalf of all the owners.

c. A statement of the PUD Site Plan's goals and objectives.

d. A statement of the PUD Site Plan's social, environmental and public facilities impact.

e. Copies of all covenants, restrictions, conveyances and special agreements which will govern the development, use, maintenance, open space, recreational facilities and continued protection of the Site Plan area, with particular attention to open space and recreation facilities.

f. A development schedule indicating the sequence and the anticipated dates for beginning and completing the Site Plan area.

(3) The applicant shall submit other information pertinent to evaluating the PUD Site Plan; such information submitted shall be considered part of the formal Site Plan as required by the Development Guide. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-8. Review and approval procedure.

(a) The City Council, after review and recommendations by the Planning and Zoning Commission, may approve or deny a PUD Zone District and Development Guide application or an amendment to an approved PUD Zone District and Development Guide. The applications and amendments shall be processed in accordance with the provisions of this Title relating to zoning map amendments. The City Council may impose such changes, restrictions or conditions upon the PUD Zone District and Development Guide as deemed necessary to protect the public health, safety and welfare.

(b) The Planning and Zoning Commission, after a public hearing and finding of fact, is empowered to approve a PUD Site Plan and major revisions thereto. The Planning and Zoning Commission may impose such changes, restrictions or conditions upon the Site Plan or major revision as deemed necessary to protect the public health, safety and welfare.

(c) The Technical Advisory Committee may approve minor revisions to an approved PUD Site Plan after making findings of fact. Approval or denial shall be in writing with a copy furnished to the applicant. A denial by the Technical Advisory Committee may be appealed to the Planning and Zoning Commission. An appeal must be filed within fifteen (15) days with the Director of Land Use Administration. The Planning and Zoning Commission shall hear and decide the appeal within sixty (60) days from the date of filing. A public hearing shall be held by the Planning and Zoning Commission after proper notice and payment of the required fee by the applicant.

(d) Whenever the area of land is to be subdivided and developed for one (1) dwelling unit per lot, and the strict application of the requirements contained in Section 17-8-7 would result in undue hardship or injustice to the future homeowner and so long as the general intent and spirit of this Chapter is preserved, the Planning and Zoning Commission, after public hearing, may waive or

modify all or specific portions of these requirements on designated areas of the site plan which result in such undue hardships. The Planning and Zoning Commission may require that covenants, deed restrictions or other regulatory controls govern the development and continued use of any lots or structures where such waiver or modification applies. (Ord. No. 3859, 5-13-74; Ord. No. 3965, 1-13-75; Ord. 7488 §1, 7-10-06)

Sec. 17-8-9. Reserved.

Sec. 17-8-10. Reserved.

Sec. 17-8-11. Findings of fact.

(a) The Planning and Zoning Commission, before recommending that any property be rezoned to a PUD District and the Development Guide therefor or that an existing PUD District or the Development Guide be amended, shall make findings concerning the following:

(1) The PUD and Development Guide are compatible with the surrounding neighborhood and the proposed uses are not incompatible to the uses to which the surrounding area is restricted.

(2) The PUD and Development Guide are in accord and in harmony with the comprehensive land use plan and is done for the public good; that is, to serve one (1) or more of the goals of the comprehensive plan and enabling legislation and thereby bear a relationship to the public health, safety or general welfare.

(3) The PUD and Development Guide would encourage an appropriate use of the land.

(4) The PUD and Development Guide would not be so injurious to surrounding properties to the extent of depriving neighboring property owners of any reasonable use of their property.

(5) All land contained in the PUD District is within the City, proper notice was sent to surrounding property owners, and the required public hearing was held.

(b) The Planning and Zoning Commission, before a PUD Site Plan may be approved, shall make findings concerning the following:

(1) The Site Plan conforms to the concepts of the approved PUD Zone District and meets the Design Standards and Guidelines for PUDs adopted by the City Council.

(2) Areas designated as recreation, parks and open space are accessible, available and usable for the purpose to which they are intended.

(3) The continued use, maintenance, protection and development of all park, recreation, open space and common areas are assured. The City Attorney's office shall, in writing to the Planning and Zoning Commission, attest that the proposed covenants, restrictions, conveyances, special agreements, homeowner association contracts and other proposed documents will secure the continued use, maintenance, protection and development of all park, recreation, open space and common areas.

(4) Proper notification to adjacent property owners within three hundred (300) feet of the exterior boundary of the PUD Site Plan has been sent and the required public hearing has been held.

(c) The Planning and Zoning Commission, before a major revision may be approved, shall make findings concerning the following:

- (1) The change is within the limitations of a major revision.
- (2) The change conforms to the concepts of the PUD Zone District.
- (3) The change does not adversely affect the Development Plan.

(4) Proper notification to adjacent property owners within three hundred (300) feet of the exterior boundary of the PUD Development Plan has been sent and the required public hearing has been held.

(d) The Technical Advisory Committee before a minor revision may be approved shall make findings concerning the following:

- (1) The change is within the limitations of a minor revision.
- (2) The change will not adversely affect the Development Plan. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-12. Inactive developments.

Any land in an approved PUD Zone District which is not developed as required in the PUD Site Plan within three (3) years of the date of approval by City Council shall not thereafter be developed until a new or amended Development Plan for such land has been approved. Such new or amended Development Plan shall comply with all of the requirements of this Code in effect when the amended or new Development Plan is submitted. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-13. Fees.

The fee schedules for PUDs shall be established by resolution of the City Council. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-14. Subdivision of a PUD.

(a) The subdivision or resubdivision of lands designated as PUD shall be in conformance with the Development Plan and Guide before a building permit may be issued. The City Council, upon recommendation of the Planning and Zoning Commission, may vary or modify such subdivision requirements to permit the subdivider to develop his or her property in conformity with the PUD Development Plan and Guide, provided the provisions of Section 12-4-10 are met.

(b) All private and public improvements shall be constructed with materials and construction methods which meet or exceed the City standards and codes in effect at the time of construction. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-15. Maintenance of common areas.

The applicant shall provide and establish an organization for the ownership and maintenance of any common open space, private streets or private parking area or shall make other adequate arrangements for the ownership and maintenance thereof as a condition of subdivision approval. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

Sec. 17-8-16. Applicability.

The City Council hereby declares that the creation of a PUD Zone District or Development Plan is a local and municipal matter and that it has enacted the ordinance codified herein with the intention of superseding, within the territorial limits and other jurisdictions of the City, the Planned Unit Development Act of 1972, Article 67 of Title 24, C.R.S. (Ord. No. 3859, 5-13-74; Ord. 7488 §1, 7-10-06)

~~CHAPTER 9~~

~~Flood Damage Prevention~~

~~Sec. 17-9-1. Definitions.~~

~~Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.~~

~~(1) *Appeal* means a request for a review of the interpretation by the Director of the Department of Stormwater Utility of any provision of this Chapter or a request for a variance.~~

~~(2) *Area of special flood hazard* means the land in the flood plain within the City subject to a one percent chance of flooding in any given year.~~

~~(3) *Base flood* means the flood having a one percent chance of occurring in any given year.~~

~~(4) *Critical Feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.~~

~~(5) *Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.~~

~~(6) *Existing manufactured home park or manufactured home subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for serving the lot on which the manufactured home is to be~~