

Division 3. Planned Unit Development

Sec. 16A-5-300. Purpose; overview; general restrictions.

(a) Purpose. The purpose of the planned unit development (PUD) process is to permit variations from the strict application of certain standards of the Town's zone districts in order to allow flexibility for landowners to creatively plan for the overall development of their land and thereby, to achieve a more desirable environment than would be possible through the strict application of the minimum standards of this Development Code. Specifically, it is the purpose of the planned unit development process to:

(1) Allow creativity. Allow a creative approach to the development and use of land and related physical facilities to produce better developments and to obtain amenities for residents of the PUD and the public in general.

(2) Allow variations. Allow a developer variations from certain requirements of the underlying zone district, provided such variations are consistent with the Comprehensive Plan, and will result in benefits for the community.

(3) Maximize choice. Maximize choice in the type of developments available to the public.

(4) Preserve natural features. Create patterns of development that preserve valued environmental resource lands and avoid the development of natural hazard areas.

(5) Create efficient land use patterns. Relate residential, commercial and community facilities in a manner that promotes cost effective transportation systems and population distribution, and enhances pedestrian access and movement that might not otherwise be achieved under the strict application of the requirements of underlying zoning.

(6) Ensure public input. Ensure appropriate levels of public input to the planning process, so that sensitive areas of the community can be developed in accordance with community goals and objectives.

(7) Increase community value. Allow flexibility for landowners to beneficially plan for the overall development of their land to the extent that the final product presents a net positive result for the community.

(b) Overview of PUD Procedure. A PUD application shall be reviewed pursuant to the procedures and standards of this Section.

(1) Major or minor PUD. The procedures applicable to a particular PUD are dependent on whether the project is classified as a minor or a major PUD. The criteria for classifying projects as major or minor are described in Table 5-3, Criteria for Classifying PUD's as Major or Minor. If a proposed development activity does not fit within the criteria listed in the table, then the Planning Director shall determine whether the proposal should be classified as a major or minor development, taking into consideration whether or not it would be beneficial for the Town to review a sketch plan of the proposed development.

Table 5-3
Criteria for Classifying PUD as Major or Minor

<i>Major PUD</i>	<i>Minor PUD</i>
A major PUD is a project that meets any of the following criteria:	A minor PUD is a project that meets all of the following criteria:
New Development	
Contains more than four (4) dwelling/hotel/lodge or other residential units. Contains more than four thousand (4,000) sq. ft. of nonresidential space.	Contains no more than four (4) dwelling/hotel/ lodge or other residential units. Contains no more than four thousand (4,000) sq. ft. of nonresidential space.
Additions/Re-Development	
Adds more than six (6) dwelling/hotel/lodge or other residential units. Increases the existing floor area or the footprint of a nonresidential building by more than ten percent (10%).	Adds no more than six (6) dwelling/hotel/lodge or other residential units. Increases the existing floor area or footprint of a nonresidential building by no than ten percent (10%).

(2) Steps in PUD review process. A major PUD shall be processed according to the following review steps, as further described herein:

- a. Sketch PUD plan review by the Planning Commission and Town Council.
- b. Preliminary PUD plan review by the Planning Commission.
- c. Preliminary PUD plan review by the Town Council.
- d. Final PUD plan review by the Town Council.

A minor PUD shall be processed according to the same review steps as a major PUD, except that a minor PUD shall not be required to proceed through sketch PUD plan review.

(3) One (1) major PUD under review. Unless otherwise authorized by resolution of the Town Council, there shall only be one (1) major PUD application under review by the Planning Commission and one (1) other major PUD application under review by the Town Council at any time. The Planning Director shall establish procedures to administer this policy, based on the following provisions:

a. Priority to first complete application. Scheduling priority shall be given to the first complete major PUD application received, provided that:

1. Any project that has received sketch plan approval shall receive scheduling priority upon submission of its preliminary and final plan applications; and

2. Any major PUD application that the Town Council determines serves a public purpose shall receive scheduling priority over all other development applications.

b. Requests for additional information. In order to allow for development review to proceed in a timely and fair manner, applicants who are requested by the Planning Commission or Town Council to submit additional information or to amend their application which are necessary for the uninterrupted continuous review shall submit a complete package of the requested materials to the Planning Director at least fourteen (14) days prior to the next scheduled meeting of that board. If an applicant does not submit the requested materials in a timely manner or if the applicant requests that the processing of their application be delayed, the next prioritized application will be scheduled before that review board. However,

once the applicant submits a complete package of the requested materials to the Planning Director or the applicant has requested that the review of their application recommence, the application shall receive the next available scheduling priority, as determined by the Planning Director, over all other development applications. The provisions of this paragraph shall also apply to a submission being processed under the provisions of Chapter 16.

c. Sketch plan review accommodation. If the processing status of an existing application with scheduling priority allows, the Planning Director may schedule a new sketch plan application for review before the Planning Commission or the Town Council at meetings that do not delay the processing of the existing application.

(c) General Restrictions. Although one (1) of the purposes of these PUD regulations is to provide flexibility in the land development process, this Section is intended to define the limits of that flexibility. The following restrictions shall apply to all PUDs:

(1) Minimum land area. There shall be no minimum land area qualification in order to be eligible to apply for a PUD, provided that PUD approval shall not be granted solely to permit variations to develop a single lot, building or use.

(2) Location. A PUD may be developed on any land located within the Town.

(3) Uses. The land uses permitted in a PUD shall be limited to those uses that are allowed, or are allowed by special review, in the underlying zone district.

(4) Maximum buildout. The Comprehensive Plan contains an analysis of future buildout of single-family subdivisions and other developments within the Town limits. It identifies the maximum number of future lots/units and commercial/other space that may be developed within each subdivision, parcel or other development. The Unit Equivalency Chart, found in Table 5-4, defines what constitutes a unit by distinguishing between the various dwelling types and sizes and specifying an equivalency factor to be utilized to establish the number of existing units within a currently developed parcel and/or the future buildout units that will be generated by the proposed new development. The buildout analysis, for the purpose of determining maximum buildout, shall be conducted as follows:

a. Undeveloped parcels. For undeveloped parcels containing no dwelling units, the Comprehensive Plan future buildout chart shall be used to establish the maximum number of future lots/units and commercial/other space that may be developed within the parcel, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

b. Partially developed parcels. For partially developed parcels, each existing dwelling unit or residential lot shall first be counted as one (1) unit. The total number shall then be subtracted from the future buildout number specified within the Comprehensive Plan buildout chart to establish the available buildout unit amount. The Unit Equivalency Chart shall then be used to evaluate the existing development and to establish the existing

buildout unit amount. The total of the available and existing unit/lot amounts shall then be considered as the future buildout unit amount used for determining maximum buildout, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

c. Fully developed parcels. For parcels where the total number of the existing dwelling units, where each dwelling unit or residential lot is counted as one (1) unit, equals the future buildout number specified within the Comprehensive Plan buildout chart, the Unit Equivalency Chart shall be used to evaluate the existing development and to establish the existing buildout unit amount. The existing buildout unit amount shall then be considered as the future buildout unit amount for determining maximum buildout, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

If the Town Council determines that the PUD complies with the applicable provisions of this Subsection (c), General Restrictions, the standards of Section 16A-5-310, Review Standards, and any other applicable provisions of this Code, then a PUD may develop up to, but not more than, sixty-five percent (65%) of the maximum number of future lots/units and commercial/other space identified for that subdivision or other development in the buildout analysis. The Town Council may approve a buildout that is less than or greater than sixty-five percent (65%), based on the following standards:

a. Lesser buildout. A lesser buildout may be approved by the Town if, during the evaluation of the compliance of the PUD with the applicable review standards,

it is determined that there are site specific physical constraints on the property that would limit its appropriateness for buildout (such as the presence of wetlands, flood plains, steep slopes or wildlife habitat), or the applicant has been unable to adequately provide public improvements or services necessary for the development, or the buildout would be incompatible with surrounding land uses or with the character of the community as described in Section 16A-4-340, Building Design Guidelines to Preserve Community Character, or if other pertinent limitations are identified.

b. Greater buildout. A greater buildout may be approved if the Town Council finds that the PUD achieves one (1) or more of the purposes described in Subsection (c)(6), Community Purposes for PUDs, and the PUD complies with the other applicable provisions of this Subsection (c), General Restrictions, the standards of Section 16A-5-310, Review Standards, and any other applicable provisions of this Code. No buildout may be permitted to exceed one hundred percent (100%) of the maximum number of future lots/units and commercial/other space listed for that subdivision, parcel or other development, except that under unique and exceptional circumstances where it can be sufficiently demonstrated by the applicant that the resulting development will, for good cause shown, exceed the PUD review criteria standards, a reconsideration and amendment of the future buildout analysis chart allocation for that subdivision, parcel or other development may be considered. The Town Council shall then adopt an ordinance, approved by at least three-quarters (¾) of the members of the Town Council present and voting, amending the future buildout analysis chart and identifying the reasons why the amendment is warranted.

TABLE 5-4 UNIT EQUIVALENCY		
CATEGORIES	SQUARE FOOTAGE	UNIT EQUIVALENT
MULTI-FAMILY I	Less Than 1,000 s.f.	0.5
MULTI-FAMILY II	1,000 s.f. - 1,500 s.f.	0.50 + .05 Per Each Additional 100 s.f. Above 1,000 s.f.
MULTI-FAMILY III	1,501 s.f. - 2,500 s.f.	0.75 + .10 Per Each Additional 100 s.f. Above 1,500 s.f.
MULTI-FAMILY IV	More Than 2,500 s.f.	1.75 + .25 Per Each Additional 100 s.f. Above 2,500 s.f.
SINGLE-FAMILY I	Less Than 2,500 s.f.	1
SINGLE-FAMILY II	2,500 s.f. - 4,500 s.f.	1.0 + .10 Per Each Additional 100 s.f. Above 2,500 s.f.
SINGLE-FAMILY III	More than 4,500 s.f.	3.0 + .50 Per Each Additional 100 s.f. Above 4,500 s.f.
HOTEL/LODGING I	Less Than 500 s.f.	0.25
HOTEL/LODGING II	500 s.f. - 1,000 s.f.	0.25 + .10 Per Each Additional 100 s.f. Above 500 s.f.
HOTEL/LODGING III	More than 1,000 s.f.	0.75 + .25 Per Each Additional 100 s.f. Above 1,000 s.f.

(5) Dimensional limitations. Certain dimensional limitations applicable to the property may be varied within a PUD. The limitations that may be varied are those of the underlying zone district; or, for properties for which a PUD or other development plan has previously been approved, the limitations set by that approval. For any property designated PUD or SPA without an underlying zone district, the applicant shall submit an application for an amendment to the Official Zone District Map to designate the underlying zone district for the property. This application shall be submitted in conjunction with the preliminary PUD application and shall be used to rezone the property at the time of final PUD approval to a zone district containing dimensional limitations in order to establish the applicable dimensional limitations for the property. Only the following dimensional limitations may be varied:

a. Maximum allowable height of any structure within the PUD;

b. Minimum open space requirement for the PUD;

c. Maximum allowable floor area of the PUD;

d. Minimum area of lots within the PUD; and

e. Minimum setbacks for buildings within the PUD.

A dimensional limitation may be varied when the Town Council finds that the PUD achieves one (1) or more of the applicable purposes listed in Subsection (c)(6), Community Purposes for PUDs, that granting of the variation is necessary for that purpose to be achieved, and that the resulting development will be consistent with the provisions of Subsection (c)(7), Standards for Granting of Variations, and Section 16A-5-310, Review Standards.

(6) Community purposes for PUDs. The Comprehensive Plan identifies certain purposes the community intends to achieve as it develops. The following purposes shall be used in determining whether the buildout for a PUD may exceed sixty-five percent (65%) of that identified in the buildout analysis and whether any of the parcel's dimensional limitations should be varied:

a. Provision of restricted housing. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to offer an incentive to applicants to provide more restricted housing within the PUD than would otherwise be required by this Development Code, particularly in those priority locations for such housing identified within the Comprehensive Plan.

b. Encourage sustainable development. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to encourage sustainable development within the Town that diversifies the mix of lodging, retail and dining uses and that is consistent with the intent of the Comprehensive Plan. Sustainable development may be of the type that creates a sense of place where one can live and work within a small defined service area as well as where recreation, public transportation, open space, personal services and shopping are within reasonable walking distance. It may also be where the development includes positive social, environmental or economic benefits that significantly contribute to, greatly enhance or are determined necessary for the sustainability of the community as a whole.

c. Provide open space and/or avoid wildlife habitat. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to provide necessary site planning flexibility to enable the development to provide more and higher quality open space or to conserve critical wildlife habitat lands. This shall be accomplished in such a way as to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas by development, unless the applicant demonstrates that this arrangement will result in the most suitable development pattern for the property, and that the lands providing valued open space or critical wildlife habitat have been protected. Where applicable, connections of such lands on the site to such lands on adjacent properties shall be accomplished.

d. Encourage better design. A parcel's dimensional limitations may be varied (but its maximum buildout may not be achieved) to allow for greater variety in the type, design and layout of buildings. Structures shall be designed to be compatible, in terms of height, mass, scale, orientation and configuration, with other buildings in the PUD and with surrounding uses, yet shall avoid uniformity of design. Various types of residential uses may be combined within the PUD (when allowed by the underlying zone district), to promote more efficient land use patterns and increased open space.

e. Develop necessary public facilities. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to provide an incentive for an applicant to develop, or contribute to the development of, necessary public facilities, such as public parking and transportation facilities, public recreation facilities and other public facilities consistent with the

intent of the Comprehensive Plan and the Town's goals and objectives. The facilities may be located within or outside of the PUD, but shall be facilities beyond the required mitigation for the project that meet the needs not only of project residents, but also of other residents of and visitors to the Town and shall promote, generally, the public health, safety and welfare.

Achieving one (1) or more of the applicable purposes listed above does not, by itself, grant any development entitlement for the buildout of a PUD to exceed sixty-five percent (65%) of that identified in the buildout analysis or for any of the parcel's dimensional limitations to be varied.

(7) Standards for granting of variations. Any PUD dimensional limitation variation authorized in Subsection (c)(5), Dimensional limitations, may be granted by the Town Council, provided that it complies with the following standards:

a. Height. Variations to increase the maximum allowable height of structures may be obtained pursuant to the following provisions:

1. A request to grant a variation to increase the maximum allowable height for any individual structure may be granted by the Town Council, provided that at least fifty percent (50%) of the structure for which the variation is sought, as measured utilizing the structure's footprint, conforms to the height limits of the underlying zone district, provided further that no portion of the structure exceeds the height limit of the underlying zone district by more than seventy-five percent (75%).

2. In exceptional and special circumstances, a request to grant a variation to increase the maximum allowable height for individual structures may be permitted to exceed the fifty-percent or seventy-five-percent limitation described in the preceding paragraph, if the applicant is able to sufficiently demonstrate to the satisfaction of the Town Council that:

a) Views from surrounding properties, as determined through the use of detailed view plane analysis, which may include computer-generated visualizations, story poles and other methods acceptable to the Planning Director, will not be substantially adversely affected. The surrounding properties to be considered will include those immediately adjacent to the PUD and those that are identified by the Planning Commission and the Town Council during their respective review and public comment periods.

b) The proposed structure will be compatible, in terms of height, mass, scale, orientation and configuration, with other structures in the PUD and with adjacent structures.

If the variation exceeds the fifty-percent or seventy-five-percent limitations described in the preceding paragraph, the variation and the Preliminary PUD Plan resolution must be approved by at least three-quarters ($\frac{3}{4}$) of the Town Council members present and voting, for good cause shown and by identifying the reasons why the height variation is warranted.

3. For the purposes of administering paragraph (7)a, the Town Council may grant by simple majority vote, a height variation for certain structures, such as flagpoles, antennas and other similar structures which have only a nominal footprint. Ski-lift towers and related facilities are exempt from requiring height variation approval.

4. In circumstances where two (2) structures have been connected by an enclosed walkway, corridor, atrium or other enclosed space whose width or height is less than fifty percent (50%) of either the width or height of either of the otherwise separate structures measured from the side being connected, the provisions of paragraph (7) shall be applied to each structure separately rather than as one (1) structure.

b. Open space and minimum lot area. A variation to reduce the minimum open space requirement or to reduce minimum lot area (in order to cluster lots) may be permitted if:

1. Such variation will not be detrimental to the character of the proposed development or to surrounding properties;

2. The proposed development shall include open space for the mutual benefit of the entire development; and

3. The open space that is provided is accessible and available to at least all dwelling units and lots for which the open space is intended.

c. Minimum building setbacks. Minimum building setbacks shall be established by the PUD plan, provided adequate distance shall be left between buildings for

necessary access and fire protection, and to ensure proper ventilation, light, air and snowmelt between buildings, and to minimize the effects of transmission of noise between units and between buildings.

(8) Parking. The number of parking spaces in the PUD shall be that required for the underlying zone district, unless a reduction in that requirement is granted, pursuant to Section 16A-4-310(c), Reduction of Required Parking.

(9) Road standards. A PUD may be permitted to deviate from the Town's road standards, to enable the development to achieve greater efficiency of infrastructure design and installation through clustered or compact forms of development or to achieve greater sensitivity to environmental features, when the following minimum design principles are followed:

a. Safe, efficient access. The circulation system shall be designed to provide safe, convenient access to all areas of the proposed development using the minimum practical roadway length. Access shall be by a public right-of-way, private vehicular or pedestrian way or a commonly owned easement.

b. Internal pathways. Internal pathways shall be provided to form a logical, safe and convenient system for pedestrian access to dwelling units and common areas, with appropriate linkages off-site.

c. Emergency vehicles. Roadways shall be designed to permit access by emergency vehicles to all lots or units. An access easement shall be granted for emergency and utility vehicles, as applicable, to use private roadways in the development for the purpose of providing emergency services and for installation, maintenance and repair of utilities.

d. Principal access points. Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic. Where a PUD abuts a major collector, arterial road or highway, direct access to such road or highway from individual lots, units or buildings shall be prohibited when other reasonable access options are available.

e. Snow storage. Adequate areas shall be provided to store snow removed from the internal street network and from off-street parking areas. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1; Ord. 05-2004 §1; Ord. 08-2004 §1)

Sec. 16A-5-310. Review standards.

In addition to demonstrating compliance with the provisions of Section 16A-5-300(c), General Restrictions, and with all other applicable provisions of this Code, a proposed PUD shall also comply with the following review standards.

(1) Consistency with Comprehensive Plan. The PUD shall be consistent with the intent of the Town's Comprehensive Plan.

(2) Preservation of community character. The development proposed for the PUD shall be consistent with the standards of Section 16A-4-340, Building Design Guidelines to Preserve Community Character, shall be compatible with, or an enhancement of, the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

(3) Creative approach. The development proposed for the PUD represents a creative approach to the development and use of land

and related physical facilities to produce better developments and to provide amenities for residents of the PUD and the public in general.

(4) Landscaping. Proposed landscaping for the PUD shall provide sufficient buffering of uses from one another (both within the PUD and between the PUD and surrounding lands) to minimize noise, glare and other adverse impacts, shall create attractive streetscapes and parking areas and shall be consistent with the character of the Town.

(5) Comply with development evaluation standards. The PUD shall comply with all applicable provisions of Article IV of this Development Code, Development Evaluation Standards.

(6) Suitability for development. The property proposed for the PUD shall be suitable for development, considering its topography, environmental features and any natural or man-made hazards that affect its development potential.

(7) Adequate facilities. The applicant shall show that:

a. Adequate facilities will be provided to the PUD for water supply, sewage disposal, solid waste disposal, electrical supply, fire protection, roads and pedestrian circulation;

b. The PUD has been located so as to be reasonably convenient in relation to police and fire protection, emergency medical services and schools; and

c. The PUD will accommodate the efficient provision of transit facilities and services.

d. Principal access points. Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic. Where a PUD abuts a major collector, arterial road or highway, direct access to such road or highway from individual lots, units or buildings shall be prohibited when other reasonable access options are available.

e. Snow storage. Adequate areas shall be provided to store snow removed from the internal street network and from off-street parking areas.

(10) Adequate public facilities. A final plan shall not be approved unless the Town Council determines that public facilities will be adequate to support and service the area of the proposed development or that needed public facilities and services will be made available concurrently to offset the potential impacts of such development. Public facilities and services to be examined will include, but not be limited to: storm drainage, roads and their maintenance, public transportation service and facilities, pedestrian circulation, sewerage and sanitary facilities, water availability and serviceability, solid waste disposal, fire and emergency medical services and electrical service. The applicant shall show that:

a. Adequate facilities and carrying capacity exist at the time of development or will be provided to the PUD and affected areas prior to completion of each building or phase of the development necessitating the demand for said facilities or capacity;

b. The PUD has been located so as to be reasonably convenient in relation to police and fire protection, emergency medical services and schools;

c. The PUD will accommodate the efficient provision of local and regional transit facilities and services. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1; Ord. 05-2004 §1; Ord. 08-2004 §1; Ord. 16-2010 §1)

Sec. 16A-5-310. Review standards.

In addition to demonstrating compliance with the provisions of Section 16A-5-300(c), General Restrictions, and with all other applicable provisions of this Code, a proposed PUD shall also comply with the following review standards.

(1) Consistency with Comprehensive Plan. The PUD shall be consistent with the intent of the Town's Comprehensive Plan.

(2) Preservation of community character. The development proposed for the PUD shall be consistent with the standards of Section 16A-4-340, Building Design Guidelines to Preserve Community Character, shall be compatible with, or an enhancement of, the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

(3) Creative approach. The development proposed for the PUD represents a creative approach to the development and use of land and related physical facilities to produce better developments and to provide amenities for residents of the PUD and the public in general.

(4) Landscaping. Proposed landscaping for the PUD shall provide sufficient buffering of uses from one another (both within the PUD and between the PUD and surrounding lands) to minimize noise, glare and other adverse impacts, shall create attractive streetscapes and parking areas and shall be consistent with the character of the Town.

(5) Comply with development evaluation standards. The PUD shall comply with all applicable provisions of Article IV of this Development Code, Development Evaluation Standards.

(6) Suitability for development. The property proposed for the PUD shall be suitable for development, considering its topography, environmental features and any natural or man-made hazards that affect its development potential.

(7) Spatial pattern shall be efficient. The PUD shall be located to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or that require duplication or premature extension of public facilities.

a. Roads. Any new road developed to serve the PUD shall be continuous and in alignment with existing platted streets to which the street is to be connected. Where appropriate, new streets shall be planned so that they can create an interconnected Town road network, with provision for adequate road and utility easements. Where cul-de-sacs are used in the development, the applicant is encouraged to provide a trail or similar pedestrian link between them.

b. Water and sewer lines. Any water or sewer line extension necessary to serve the PUD shall be consistent with the Snowmass Water and Sanitation District's service plan and the Town's Comprehensive Plan.

(8) Phasing. If the PUD is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping and other public facilities or improvements that are necessary and desirable for residents of the project. If the PUD incorporates any amenities for the benefit of the Town, such as trail connections, these shall be constructed within the first phase of the project, or, if this is not possible, then as early in the project as is reasonable. The pace and phasing shall be evaluated with regard to construction impacts along with possible interruption of construction as it would affect the community as a whole.

(9) Construction interruptions. The development application shall provide a reasonable restoration and/or remediation contingency plan to mitigate impacts resulting from any potential extended interruption of construction affecting the community as a whole. Surety or security may be necessary to ensure implementation of the plan. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)

Sec. 16A-5-320. Sketch plan.

(a) Purpose. The sketch plan review is an opportunity for the Town and the applicant to engage in an exploratory discussion of a development proposal, to raise issues and concerns and to examine alternative approaches to development of the property. The applicant is encouraged to provide a written or graphic description of any alternative ideas that were considered as the sketch plan was being prepared. It should be expected that the development proposal may evolve during the course of sketch plan review.

(b) Sketch Plan Review Intent and Issues. To encourage the consideration of alternatives and to allow the sketch plan to evolve, overly detailed preliminary plan level sketch plans will not be considered. The questions the Planning

Commission and Town Council should consider in a conceptual manner during review of the sketch plan (depending upon the size and complexity of the proposal) include the following:

(1) Use. Is the use proposed for the property generally appropriate in this location? Is it consistent with the intent of the underlying zone district and the character of surrounding uses?

(2) Comprehensive Plan. Is the proposed development generally consistent with the Town's Comprehensive Plan? Is the proposed buildout within the range anticipated for the property? If the applicant proposes a buildout in excess of sixty-five percent (65%) of that identified in the Comprehensive Plan, then are the community purposes the applicant proposes to achieve the appropriate ones for this development to accomplish?

(3) Architecture and landscaping. Are the buildings proposed to be developed in appropriate locations? Is the mass, scale and density of the buildings generally compatible with the character of the community and that of surrounding buildings? How much of the site is proposed to be common or dedicated open space? Is this an adequate amount of open space and does it appear to be in the appropriate locations?

(4) Natural resource and hazard areas. What are the natural resource and hazard areas on the property? Is mitigation appropriate?

(5) Access and circulation. Is the conceptual location, alignment and type of entry roads and the primary on-site roads acceptable? Should the applicant provide transportation options for residents, visitors, guests and employees and, if so, what type of options may be most appropriate?

(6) Parking. Should the applicant provide on-site parking for the development in compliance with the standards of this Code, or should the applicant reduce parking below these standards, as provided in Section 16A-4-310, Off-Street Parking Standards?

(7) Timetable. What is the proposed timetable for the development? Is it most appropriate for the development to occur all at once or in phases? If phasing is appropriate, then which portions of the project should proceed first?

(8) Community welfare. Do the concepts contained in the proposed development promote the public health, safety and welfare?

(c) Sketch Plan Review Procedure. The following procedures shall apply to an application for review of a sketch PUD plan. These procedures are illustrated in Figure 5-3, Sketch PUD Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for sketch PUD plan review.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

a. Minimum contents. The minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents.

b. Location map. A scale map showing the location and size of the site, and existing land uses, zone districts and major roads within three hundred (300) feet of the

site. The name, location and boundaries of any subdivisions that are part of the larger tract shall also be shown.

c. Statement of objectives. A written description of the proposed development. This shall include a statement of the objectives to be achieved by the planned unit development and a conceptual description of any proposed variations from the standards of the underlying zone district that are being requested.

d. Sketch plan. A sketch development plan, which shall include the following:

1. General. The property boundaries of the site, title of the proposed development, date of preparation, bar-type or graphic scale and north arrow (designated as true north).

2. Site characteristics. Existing site characteristics, showing existing groves of trees and other major types of vegetation, structures within the site, the location of roads and structures within three hundred (300) feet of the site, wildfire hazard areas, wildlife habitat areas, streams, flood plains, drainage ways, topography (depicted at a minimum of ten-foot contour intervals), areas of natural and disturbed slopes in excess of thirty-percent grade, prominent ridgelines, avalanche areas and any other prominent geologic hazards or features.

3. Utilities. Approximate locations of existing major utility lines and easements, irrigation ditches, bridges and similar physical features, and existing development on adjacent property. Conceptual plans for water supply, sewage disposal, fire protection and drainage facilities shall also be provided, which plans may be in a prose format.

4. Proposed land use. General location and configuration of proposed land use types, including setbacks and common and public open space. The plan shall show the proposed lots or development tracts and street layout, indicating the approximate area of individual lots or tracts, access to the property, connection of proposed streets to existing streets and plans for pedestrian circulation and trails. If the applicant intends to develop the PUD in phases, then the sketch plan shall provide a land use master plan for the applicant's entire land ownership, unless the applicant shall demonstrate to the Town Council, at its sole discretion, that preparation of a land use master plan for the entire ownership would place an unreasonable burden on the applicant or would be premature at this time. Following approval of the sketch plan, the applicant may, if so authorized by the Town Council, submit the preliminary plan in phases and need not submit detailed land use information for the entire ownership in order to be deemed to have submitted a complete preliminary plan.

5. Landscaping. A simple conceptual depiction and/or narrative description of the intended revegetation and landscaping components of the plan.

e. Simple sketches. Simple sketches, massing diagrams or models, that are not required to show detailed fenestration or architectural details, which show building

mass, scale and height in a conceptual manner in relation to natural features, and the relationship of the various development components to their respective sites, the surrounding area and each other. A sketch or narrative description should be included that adequately expresses the typical or overall intended architectural theme, character and fenestration for the project.

f. Summary. A sketch plan summary containing the following:

1. Type. A description of the type of dwelling units and other buildings or structures.

2. Size. The average square footage of all dwelling units, buildings and other structures proposed by type of unit, the total square footage of all structures by type, the approximate number of bedrooms and the gross residential density in units per acre.

3. Floor area. The ratio of the total floor area of all proposed structures, by type, to the area of land within the development.

4. Population. The anticipated population to be generated by the development (permanent residents, employees and tourists).

5. Market. A general statement of the target market and form of ownership for the dwelling units.

6. Open space. The amount of common and/or public dedicated open space.

7. Height. The maximum and average height of all buildings and structures, by type.

8. Employees. The number of employees required to operate the proposed development, together with a calculation of employee housing requirements and a conceptual proposal for how required employee housing will be provided.

9. Water supply and sewage disposal. Source of domestic water supply and general means of sewage disposal.

10. Access and easements. Evidence of the existence of legal access to the property, together with a description of any existing easements and covenants affecting any land within the subject property.

11. Parking, circulation and transit. The anticipated number of parking spaces, the proposed locations of these spaces and a statement of whether the project will comply with the underlying zone district standards or is requesting a variance from those standards. Additionally, a conceptual plan setting forth on- and off-site circulation patterns and any transit facilities associated with the project.

12. Timetable. The proposed timetable and phasings for the development, identifying the number of anticipated PUD filings.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information, or

within ten (10) days of the staff meeting, whichever occurs first, a public notice that the Planning Commission and Town Council will hold a joint hearing to consider the application shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

(4) Joint meeting. A complete copy of the application shall be forwarded to the Planning Commission and Town Council, together with a copy of the staff review. The Planning Commission and Town Council shall hold one (1) joint meeting to hear the initial presentation of the application by the applicant. Thereafter, the Planning Commission shall conduct its review of the application.

(5) Resolution. Upon completion of its review of the application, the Planning Commission shall, by resolution, provide direction to the applicant on the sketch plan. The resolution shall either authorize the applicant to submit a preliminary plan or shall state that the applicant must submit a new sketch plan prior to proceeding to preliminary plan review. When preparing the resolution, the Planning Commission shall consider all relevant materials and testimony, and whether the application is generally consistent with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards.

a. Resolution authorizing preliminary plan. If the resolution authorizes the applicant to submit a preliminary plan, then the resolution shall identify any aspects of the sketch plan that should be modified for the preliminary plan to be acceptable to the Town, and the types of modifications the applicant should consider. The resolution shall also identify any other issues the applicant should consider when preparing the preliminary plan, the materials the applicant will be required to submit and the studies the applicant will be required to conduct.

b. Resolution requiring new sketch plan. If the resolution states that the applicant must submit a new sketch plan prior to proceeding to preliminary plan review, then the resolution shall identify any areas of disagreement between the Town and the applicant, including those standards of the Development Code or elements of the Comprehensive Plan with which the sketch plan failed to comply.

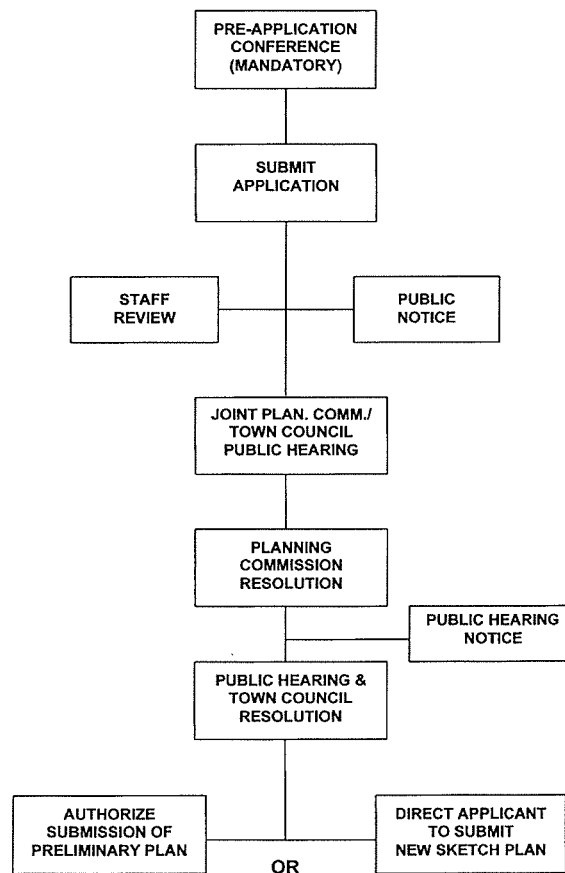
(6) Town Council action. The Planning Commission's resolution shall be forwarded to the Town Council. The Town Council shall hold a public hearing to consider the application and the Planning Commission's resolution. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall prepare its own resolution taking action on the application that may accept the Planning Commission's resolution, or that may modify any aspect of said resolution. When preparing the resolution, the Town Council shall consider all relevant materials and testimony, and whether the application is generally consistent with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards.

(7) Effect of resolution. Adoption of the sketch plan resolution by the Town shall not constitute approval of a PUD, or permission to proceed with construction of any aspect of the development. Such action shall only constitute authorization for the applicant to submit a preliminary PUD, in accordance with the representations made by the applicant and in response to the direction on the sketch plan provided by the Town in the resolution.

(8) Expiration. The applicant shall be required to submit the preliminary plan application within twelve (12) months after the date of approval of the resolution. Failure to submit the application within this time period shall

render the resolution null and void, and require the applicant to submit a new sketch plan for review by the Town. The Town Council may, at its sole discretion and for good cause shown, grant an extension of the deadline to submit a preliminary plan application, provided that the applicant requests the extension in writing no less than thirty (30) days prior to such lapse and said extension is approved by at least three-quarters (¾) of the Town Council members of the Town Council present and voting.

FIGURE 5-3
SKETCH PUD APPLICATION PROCEDURES



(Ord. 4-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1)

Sec. 16A-5-340. Preliminary plan.

(a) Purpose. The purpose of preliminary plan review is for the applicant to formulate detailed, properly designed/engineered solutions to the issues and concerns identified during sketch plan review, and to address, in a detailed manner, all other issues that are relevant to the preliminary plan. For minor PUD applications, where no sketch plan was submitted, the purpose of the preliminary plan is to present detailed, properly designed/engineered plans for consideration by the Town and the public. The burden at the preliminary plan stage is on the applicant to provide detailed information and mitigation proposals to be evaluated by the Town and the public. For any PUD application that also involves subdivision or that requires approval of an amendment of the Official Zone District Map, the application for subdivision or rezoning shall be submitted with, and considered at the same time as, the preliminary PUD plan review.

(b) Preliminary Plan Review Intent and Issues. The questions the Planning Commission and Town Council should consider in a detailed manner during review of the preliminary plan (depending upon the size and complexity of the proposal) include the following:

(1) Response to sketch plan issues and concerns. Has the applicant provided detailed, sufficient and appropriate responses to each of the issues and concerns identified during the sketch plan review?

(2) Zone district limitations. Does the proposed development comply with all of the limitations of the underlying zone district? If the applicant proposes to vary any of the property's dimensional limitations, then does the application comply with all of the applicable standards for granting of the variation?

(3) Comprehensive Plan. Is the proposed development consistent with all relevant policies and recommendations of the Town's Comprehensive Plan? If the applicant proposes a buildout in excess of sixty-

five percent (65%) of that identified in the Comprehensive Plan, then will the community purposes that are most appropriate to be accomplished by the proposed development be achieved?

(4) Architectural plans. Are the proposed mass, scale, height, density, volume, materials, colors and detailed design elements of the buildings compatible with, appropriate for or an enhancement of the character of the community and with surrounding buildings?

(5) Landscaping and open space. Is the type, amount, size, species and location of proposed landscaping adequate and suitable for the development? Has adequate landscaping been provided as a buffer between uses and around the perimeter of the development? Has the applicant demonstrated that existing vegetation and trees on the site that should be protected will be so protected? Which specific areas of the site will be designated as open space; what is the proposed size, use and landscaping of each area? What are the preliminary plans for the homeowner's association or condominium association to maintain said open space?

(6) Natural hazard areas. What is the site specific location and characteristics of any geologic hazards, steep slopes, flood plains and similar hazards on the property? Will any of these natural areas pose a potential threat to life or property? If so, what specific measures will be employed to avoid, minimize or mitigate these dangers?

(7) Natural resource areas. What is the site specific location and characteristics of any wildlife habitat areas, riparian areas, wetlands and other valued natural features on the property? What are the anticipated impacts of the proposed development on these features? Has the proposed development been designed so it will comply with the standards of this Development Code that apply to these natural resource areas?

(8) Grading and drainage. What is the extent of soil and vegetation disturbance planned for the site? How will disturbed areas be stabilized both during construction and following completion of the project? Where will excavated materials be stockpiled? Will any retaining structures be employed and, if so, what will be their design specifications and materials? How will storm water be handled both during construction and following completion of the project?

(9) Transportation impact. How many vehicle trips will be generated, and what is the anticipated public transportation ridership from the proposed development? What is the capacity of the intersections that the proposed development will impact? What will be the impacts of the proposed development on the Town's public transportation system, road capacities and parking facilities and how will these impacts be mitigated? What measures will the project employ to ensure that following development roadways within the Town will continue to function at the adopted level of service standard? Have roads on- and off-site been designed in a safe and efficient manner, to connect the site to other activity areas and destination points?

(10) Necessary facilities. Has the applicant provided detailed engineering plans and reports demonstrating the type, location and capacity of the water supply, sewage disposal, solid waste disposal, fire protection and other necessary facilities that will be constructed to serve the project? Will needed public facilities and services be made available concurrently to offset the potential impacts of such development?

(11) Pace and phasing. Has the applicant provided a sufficiently detailed phasing proposal to ensure that the development

phasing will occur in an efficient and orderly manner with consideration given to construction and other impacts to the community? Have all phases, including the initial phase, been designed to sustain itself and function as a complete development not reliant on subsequent phases to operate in an efficient and orderly manner? Has the applicant provided a reasonable contingency plan to mitigate impacts resulting from any possible interruption of construction as it would affect the community as a whole?

(12) Restricted housing. What is the specific mix and configuration of housing that will be provided to meet the Town's restricted housing requirements? What guarantees has the applicant agreed to provide to ensure that such housing will be available at the time it has been required by the Town?

(13) Fiscal impact. Will the proposed development have a positive or negative fiscal impact upon the Town and other taxing districts that provide services to it? If the proposal is shown to have a negative fiscal impact, then what measures will the applicant employ to mitigate those costs?

(14) Energy conservation. What will be the energy utilization of the significant energy-consuming elements of the project (such as heating systems, swimming pools, saunas, Jacuzzis, etc.). What specific active and passive techniques will the development employ to promote energy conservation and take advantage of solar and alternative energy source opportunities?

(15) Air quality. What will be the primary sources of air pollution from the project? What will be the quantity and composition of pollutants that will be discharged on a daily and seasonal basis and what are the dispersal qualities of the site that will affect

the pollutants that are generated? What geographic area will be impacted by these pollutants? What techniques will the development employ to reduce the impacts of these pollutants?

(16) Construction management plan. What is the proposed plan for phasing of the project? What is its construction schedule? What measures will be employed to mitigate construction impacts?

(17) Community welfare. Does the proposed development in its totality promote the public health, safety and welfare?

(c) Preliminary Plan Review Procedure. The following procedure shall apply to an application for review of a preliminary PUD plan. This procedure is illustrated in Figure 5-4, Preliminary PUD Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for PUD preliminary plan review.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

a. Minimum contents. The minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents.

b. Preliminary development plan. A preliminary development plan, which shall include the following:

1. General. The property boundaries of the site, title of the proposed development, date of preparation, bar-type or graphic scale, north arrow (designated as true north) and legal description of the property.

2. Proposed development. The preliminary plan shall show the proposed dimensions and locations of all buildings, public and private roadways, existing and proposed utility lines and fire hydrants, service areas, emergency vehicle access areas, parking facilities, pedestrian pathways, trails and use areas, common open areas, public open spaces, public transportation facilities, drainage facilities and detention areas, snow storage/removal areas, trash storage areas and other information necessary to allow detailed review of the project design. Existing and proposed contours shall be shown at two-foot intervals, or less.

3. Surrounding structures. The preliminary plan shall depict structures and landmarks within three hundred (300) feet of the site, so as to show the relationship of the proposed development to its surroundings.

4. Chart. The preliminary plan shall contain a chart of proposed land uses by acreage, including the percentage of land coverage by each type of use, together with a detailed listing of the following development parameters:

a) Dimensions. Proposed square footage and height of buildings.

b) Dwelling units. Proposed number of bedrooms; square footage of dwelling units by type of unit; proposed number of dwelling units per acre.

c) Size of commercial space. Proposed square footage of commercial space.

d) Floor area. Proposed maximum allowable floor area (FAR).

e) Parking. Proposed number of parking spaces.

f) Open space. Proposed amount of open space.

g) Restricted housing. Proposed number of restricted housing units, with number of bedrooms and amount of square footage.

c. Comparison to sketch plan. When applicable, a statement shall be provided comparing the preliminary plan to the sketch plan, noting any changes, including those made in response to comments provided by the Town in its review of the sketch plan.

d. Listing of proposed variations. A statement identifying each proposed variation from the underlying zone district standards, describing how the variations conform with those authorized for a PUD.

e. Architectural plans. Preliminary architectural plans for all multiple-family and single-family attached dwellings, hotels and lodges, and other nonresidential buildings. These plans shall include:

1. Elevations. Elevations at a vertical scale of not less than one-eighth inch equals one foot ($1/8" = 1'$) or larger of all significant facades of the proposed buildings. Building elevations shall be of sufficient detail to indicate building openings, alternate materials proposed for the roof and exterior of the buildings, decks and other architectural features of the buildings, including chimneys and mechanical areas and features affecting the roof lines of all proposed buildings.

2. Floor plans. Proposed floor plans drawn at a scale of one-eighth inch equals one foot ($1/8" = 1'$) or larger of all floors of the proposed buildings showing all living, sleeping, cooking, bathroom and storage areas. Typical floor plans with a floor layout plan may be substituted.

3. Block model. A block model illustrating the cubic volume and design of the aboveground portion of all proposed major structures included in the development. The descriptive materials shall also be sufficient to demonstrate the relationship, in terms of cubic volume, between such proposed structures in the development and other major structures encompassing a significant portion of existing development surrounding the development. The Planning Director may accept computer-generated three-dimensional or other visual imagery in place of the block model if it is felt that it would better aid the public and reviewing bodies to visually understand the spatial, mass, scale and visual relationships of the development to surrounding properties. A model may still be required during the course of the review process if determined necessary to adequately evaluate the development proposal. Before preparing the block model or visual imagery, the applicant shall confer with the Planning Director to determine the contextual boundary needed and level of detail required for properties surrounding the subject property in order to provide a neighborhood context for the proposed development. The visual imagery and/or model shall roughly depict the building colors and materials proposed for the development.

4. Color and materials. A color and materials sample board or sufficiently detailed visual imagery to represent the materials and colors for the buildings and other architectural features being proposed.

f. Landscape plan. A detailed landscape plan, depicting the type, amount, size, species and location of all plant materials, with a planting schedule. The plan shall also include conceptual irrigation plans for landscaped areas if applicable. The plan shall show the location of all existing trees with a trunk circumference of fourteen (14) inches or more measured four and one-half (4½) feet above the ground and shall indicate which trees are proposed to be removed. Where large groves of trees are to remain undisturbed, single trees need not be located.

g. Fiscal impact report. A report analyzing the anticipated fiscal impacts of the proposed development upon the Town, school district and other taxing districts that provide services to the development. This report shall be based on criteria and assumptions established in advance by the Town, as provided to the applicant by the Planning Department prior to the submission.

h. Solid waste disposal plan. A proposed solid waste disposal plan, including the anticipated volume (cubic yards) of solid waste that will be generated by the development, proposed trash container size and location of said facilities.

i. Energy conservation plan. A comprehensive energy conservation plan demonstrating how the development will comply with the provisions of Section 16A-4-330, Energy Conservation, together with a

detailed description of the use of solar and other alternative energy resources, including an energy utilization analysis in relation to heating systems, swimming pools, saunas, Jacuzzis and other significant energy-consuming project elements.

j. Development in proximity to ski lift. A report, plan or other documentation showing that any development located in proximity to any existing or proposed ski lift complies with all appropriate rules and regulations governing said lifts, including those of the Colorado Tramway Board.

k. Open space map. A map shall be submitted showing all areas to be designated as common open space and the proposed use of each common open space area, including size of each area in acres and the size of the total common open space in acres and as a percentage of the total site. In addition, the type, size and general location of the planting and other screening techniques to be used in the perimeter buffer area shall be shown on this map and the landscape plan.

l. Homeowner's or condominium association documents. Whenever there is common open space within a proposed development, the following documents shall be submitted in a preliminary form, describing how the homeowner's or condominium association will maintain said open space.

1. Articles of incorporation. The form of articles of incorporation of any homeowner's association or other organization to maintain common open space within the development.

2. Bylaws. The form of bylaws of any such organization, defining its rights, duties and responsibilities.

3. Master deed. A copy of the master deed detailing the rights and privileges of individual owners in the common open space areas.

4. Covenants. The language of covenants or easements restricting the use of common open space, together with the language of covenants or agreements requiring homeowners or residents to pay any organization for maintenance of common space, and the language of deed restrictions or other covenants running with the land which provide for the maintenance of common space.

m. Water supply and sewage disposal. Detailed plans and reports, prepared by a registered professional engineer or water supply expert acceptable to the Snowmass Water and Sanitation District, describing the location, type and timing of proposed water supply and sewage disposal facilities and lines to be constructed. The report shall describe water conservation methods to be employed and shall provide a detailed estimate of the project's average daily and maximum water requirements and sewer impacts. This report shall be based on criteria and assumptions established and provided by the District prior to the submission of the report. The applicant shall then obtain from the District a confirmation that, based upon the data submitted for this review, the assumptions, conclusions and calculations remain valid. In the alternative, the District shall identify those changes or revisions to the conceptual water and sewer reports required as a result of the District's analysis of the preliminary submission.

n. Clearing, grading and drainage plans. A detailed report identifying plans for clearing, grading and drainage including:

1. Limits of clearing. The location and defined limits of all clearing and/or removal of vegetation cover.

2. Grading plan. Existing and proposed grades at a contour interval of two (2) feet or less, based on field survey controls, including location with proposed grades and elevations for all buildings, roads, walks, storm sewers and other drainage structures and devices, retaining walls and other landscape features. The plan shall provide designs for sediment control devices to be employed, including specifications of how graded areas will be stabilized and revegetated after construction is completed. Any changes from the grading and drainage plan submitted with the sketch plan shall be described.

o. Transportation impact analysis. All development proposals shall analyze the impact of the proposal on the Town's transportation system, road capacities and parking facilities. The Planning Director may, however, waive this requirement for proposed development that contains less than five (5) dwelling units, or less than two thousand (2,000) square feet of non-residential space, or an addition to a ski area if it is determined that the transportation impacts generated by the development are negligible and that requiring a detailed analysis is not warranted. If required, the applicant shall submit the following information in a manner that permits the Town to evaluate the impacts of the proposed development:

1. Daily traffic counts. All total daily traffic counts shall be actual machine counts and not based on factored peak hour sampling. All raw traffic count data, including average daily volumes and peak hour turning movements, shall be provided in the appendices of the report.

2. Trip generation rates. The applicant shall use the following vehicular trip generation rates to calculate the development's impact on the Town road network:

Single-family detached dwelling	8.0 trips/dwelling
Two-family dwelling	8.0 trips/dwelling
Multi-family dwelling	5.0 trips/dwelling
Hotel/lodge	4.0 trips/dwelling
Commercial	40.0 trips/1,000 net sq. ft.
Ski area	To be determined during PUD review
Uses Not Listed Above	To be determined by Planning Director

The Planning Director shall determine the trip generation rates for uses not listed above by consulting recognized professional publications, or studies completed for resort communities similar to the Town.

The Town Council may, upon request by the applicant, accept different trip generation rates than those listed above, considering whether any special transit features are planned for the development, or if there are unusual land use, occupancy or other features of the development.

3. Existing conditions. The report shall identify the exact limits of the study area, which should be determined based on engineering judgment and an understanding of existing traffic conditions at the site. Within the study area, the applicant shall describe existing roadways and intersections, including geometry and traffic control. The report shall describe existing traffic volumes and the existing level of service at intersections and roadway segments. Daily

and peak hour traffic counts shall be obtained by the applicant at locations determined by the Town.

4. Anticipated ridership. A determination of the anticipated public transportation ridership, using data supplied by the Town's Transportation Department for similar projects with the Town, and the potential cost to the Town for providing public transportation services to the development. The report shall also analyze the proposal's impact on the Town's transportation system and provide a description of shuttle stop improvements that may be necessary to safely and effectively provide service to the development.

5. Trip generation and design hour volumes. A summary table shall be provided listing each type of land use, the number of units or the amount of nonresidential square footage involved, the average trip generation for each use (total daily traffic and a.m. and p.m. peaks) and the resultant total trips generated.

6. Trip distribution. The direction of approach for site-generated traffic shall be presented in the report. The technical analysis steps, basic methods and assumptions used shall be clearly stated.

7. Trip assignments. Internal trips shall not exceed ten percent (10%) without analytical support to demonstrate how the larger figures were determined. Nongenerated passerby traffic reductions in generation volumes may be considered if applicable. The trip assignment shall include filling out a copy of the Trip Table (provided by the Planning Department) for links in the transportation network.

8. Existing and projected traffic volumes. The report shall include the following illustrations:

a) Peak hour traffic. Illustrations of current a.m. and p.m. peak hour site traffic (in and out), including turning movements.

b) Future peak hour traffic. Illustrations of future a.m. and p.m. peak hour site traffic (in and out), including turning movements for current conditions and future build-out of the project, with background traffic projected five (5) years into the future.

c) Other peak hours. Illustrations of other peak hours that may be critical to site traffic and the road system in the study area. Other peak hours will be mutually agreed upon by the Town and the applicant.

9. Capacity analysis. The report shall include a capacity analysis for all public street intersections impacted by the proposed development and for all private property access points to streets adjacent to the proposed development identified in the previously defined study area. The a.m., p.m. and any other possible peak periods shall be tested to determine which peak hours need to be analyzed. Capacity calculations (intersection and roadway segments) shall be based upon the techniques described in the "1985 Highway Capacity Manual," Transportation

Research Board, Special Report 209. All capacity analysis work sheets shall be included in the appendices of the report.

10. Level of service. Level of service "C" or better on all but the ten (10) peak traffic days of the year has been determined to be the acceptable design standard for all intersection and roadway segment operations. The applicant shall propose mitigation measures that are consistent with the Comprehensive Plan, including illustrations of each improvement showing the length, width and other pertinent geometric features for any operation in the transportation network that is caused to exceed a level of service "C" by the proposed development.

11. Traffic accidents. Traffic accident data for affected street corridors may be required for the study. The study period will normally be three (3) years. Such locations will be specified by the Town. Where this is necessary, estimates of increased or decreased accident potential shall be evaluated for the development, particularly if the proposed development might impact existing traffic safety problems in the study area. Safety improvements shall be proposed where necessary.

12. Conclusions. The report shall contain a clear and concise executive summary, describing the study's findings. If the analysis indicates unsatisfactory levels of service, a description of proposed improvements to remedy deficiencies shall be included in the executive summary.

p. Air quality analysis. All development proposals shall conduct an analysis of the proposed development's impacts on

air quality. The Planning Director may, however, waive this requirement for proposed development that contains less than five (5) dwelling units, or less than two thousand (2,000) square feet of nonresidential space if it is determined that the air quality impacts generated by the development are negligible and that requiring a detailed analysis is not warranted. If required, analysis shall be prepared by a recognized expert in air pollution and shall include examinations and recommendations concerning those characteristics of the site and the proposed development that could affect air quality, including, but not necessarily limited to, the following:

1. Dispersal qualities. Dispersal qualities of the site and the extent to which those qualities are expected to provide for the efficient dispersal of air pollutants generated directly by on-site activities, including such sources as space heating, fireplaces, restaurants, etc., or indirectly by traffic within and around the proposed development site.

2. Pollutants to be discharged. Quantity and composition of pollutants expected to be discharged within the site and daily (including peak period portions thereof) or seasonal variation in these characteristics.

3. Trip generation and impacts. Estimated current and future trip characteristics, including average daily traffic and peak volumes for each mode on each route linking the site to significant related destinations within the relevant air shed and implied pollutant emissions. Dispersal qualities of routes related to the proposed development site and anticipated effects of any added traffic on air quality on and along such routes or their damages.

4. Construction impacts. Anticipated air pollution caused by construction of the proposed project, including impacts caused by machinery, clearing of vegetation, rock and earth moving, paving operations, preparation of materials such as gravel, hot mix and cement, and any methods proposed to mitigate such pollution and its effect.

5. Special mitigation techniques. A statement regarding any special mitigation related to design, construction methods, operating policies or public or private improvements that would reduce the quantitative or qualitative impacts of pollutants produced by the proposed development and use of the proposed site and their estimated effectiveness and costs to proponents and the public.

6. Improvement of site characteristics. A statement regarding any special design construction methods, operating policies or public or private improvements that could improve the proposed development site characteristics relative to air quality of the site and of the estimated effectiveness and costs to the applicant and the public.

7. Conform with regulations. A statement regarding the extent to which the proposal and resultant air quality levels (on the proposed development site and other portions of the relevant air sheds) will conform with existing federal, state and local air quality regulations and standards with and without any special design features, construction methods, operating policies or public or private improvements.

8. Description of area to be impacted. A geographic description of the area expected to be most signifi-

cantly impacted by air pollutants generated on the proposed development site or generated by increased transportation and other activities related to its development and use.

q. Geologic report. A report evaluating geologic and soils conditions, including:

1. Potential geologic hazards. A site specific analysis of the geologic characteristics on, or in the vicinity of, the site that could have a significant impact on the proposed development shall be conducted. It shall be prepared by a geologist or engineer who is qualified to map and evaluate geologic hazards and to assess their potential impacts on the development. It shall discuss any recent activity associated with the geologic hazards and shall provide an expert opinion as to the degree of severity of the potential geologic hazards. It shall also include recommendations as to how the development will avoid or mitigate any dangers posed to life or property from these hazards.

2. Soils study. A study prepared by a qualified professional describing existing surface and sub-surface soil characteristics on the site, and evaluating the suitability of such soils for the planned construction.

r. Brush Creek impact report. A site specific analysis shall be prepared for lands within the boundaries of the Brush Creek Impact Area, and for lands located outside of the Brush Creek Impact Area whose development is determined to have the potential to impact Brush Creek and its associated riparian habitat. The analysis shall be prepared to comply with the provisions of Section 16A-4-30(d), Brush Creek Impact Report.

s. Wildlife habitat analysis. A site specific analysis shall be prepared for lands designated as sensitive wildlife habitat on the Environmental Sensitivity Map in the Comprehensive Plan and for lands not so designated on the map that are determined to be sensitive wildlife habitat. The analysis shall be prepared to comply with the provisions of Section 16A-4-20(d), Wildlife Habitat Analysis.

t. Construction management plan. A detailed construction management plan describing development phasing, construction schedules and measures for mitigating impacts associated with all aspects of the project. This would include a reasonable contingency plan to mitigate visual, safety and public welfare impacts resulting from any interruption of construction as it would affect the community. Surety or security may be necessary to ensure implementation of the plan.

u. Adequate public facilities report. A detailed public facilities report demonstrating that public facilities will be adequate to support and service the area of the proposed development or that needed public facilities and services will be made available concurrently to offset the potential impacts of development as such impacts commence. Public facilities and services to be examined will include, but not be limited to: storm drainage, roads and their maintenance, public transportation service and facilities, pedestrian circulation, sewerage and sanitary facilities, water availability and serviceability, solid waste disposal, fire and emergency medical services and electrical service. The report may summarize the applicable

capacity and demand analysis information and recommendations contained within other submission reports and shall:

1. Identify the public facilities, service levels and carrying capacity that exist prior to the submission of the development application;

2. Specifically identify and describe the additional public facilities, service levels and carrying capacity that will be necessary and provided to the PUD and affected areas prior to completion of each phase and/or building within the development necessitating the demand for said facilities, services or capacity;

3. Describe the intended provisions to be made for the timing, location and financing of the public facilities, service levels and carrying capacity that will be needed to adequately support and service the area of the proposed development.

(d) Joint Meeting.

- (1) A complete copy of the application shall be forwarded to the Planning Commission and Town Council. The Planning Commission and Town Council shall hold one (1) joint meeting to hear the initial presentation of the application by the applicant. This joint meeting may occur while referral comments are being collected by the staff. It is the intent of this meeting to simultaneously inform the Town Council and Planning Commission as to what is being submitted in the Preliminary Plan application. Following the presentation or at a subsequent regularly scheduled meeting, the Town Council shall

identify the specific components within the application, including project elements, specific areas of the Land Use and Development Code or core issues, that the Planning Commission should focus upon during the course of its review.

(2) The Town Council determination and direction shall occur by adopting a resolution at a regularly scheduled meeting. Thereafter, the Planning Commission and Town Council shall commence conducting their reviews of the application.

(3) The Town Council may determine that some minor PUD applications, due to the reduced scale, negligible potential impacts upon surrounding properties and limited nature or intensity of the proposed development, do not warrant referral to the Planning Commission and shall proceed directly to the Town Council and be processed in accordance with Subsections (h) and (i) below.

(e) Staff Review. Staff review of the application shall be accomplished as specified in Section 16A-5-50, Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information and following its review by staff, a complete copy of the requested supplemental application information shall be forwarded to the Planning Commission and Town Council, together with a copy of the completed staff review.

(f) Concurrent Town Council and Planning Commission Review. Following the joint meeting, the Planning Commission and Town Council

may begin reviewing the development application in accordance with Subsections (g), (h), (i) and (j) below. The Planning Commission shall direct its review to those areas identified at the joint meeting as components upon which the Town Council wanted detailed recommendations, as well as other components on which the Planning Commission wishes to make recommendations to the Town Council. The Town Council may review the remaining project components until the Planning Commission has concluded its review. The Town Council may request that the Planning Commission forward to the Town Council their recommendations in reasonable segments. In such a case, the Town Council may move forward with their review of those sections of the application which have Planning Commission recommendations.

(g) Planning Commission Public Hearing. Within twenty-one (21) days of the joint meeting, the Planning Commission shall hold a public hearing pursuant to Section 16A-5-70(2) to receive and consider public input regarding those portions of the application upon which Town Council has requested its review and those portions of the application upon which the Planning Commission chooses to make comment. The Planning Commission shall specifically consider those components within the application, including project elements, specific areas of the Land Use and Development Code or core issues, that the Town Council requested that the Planning Commission direct its attention to. It shall consider all relevant materials and testimony. Following closure of the hearing, the Planning Commission shall, by resolution, provide recommendations to the Town Council as described within the joint meeting resolution described in Subsection (d) above as well as any other matters upon which the Planning Commission chooses to comment. Notice that the Planning Commission will hold a public hearing under this Section shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

(h) Public Notice. Public notice that the Town Council will hold a public hearing during the course of its review to receive and consider public input regarding the application shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review and a copy of the Planning Commission's recommendation when completed.

(i) Town Council Public Hearing. A public hearing shall be conducted during the course of its review pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall consider: all relevant materials and testimony; the Planning Commission's recommendation if and when available; whether the application complies with Section 16A-5-300(c), General Restrictions and Section 16A-5-310, Review Standards; and, as applicable, whether the preliminary plan has responded to the direction given by the Town concerning the sketch plan. Following closure of the hearing, the Town Council shall, by resolution, either approve, approve with conditions or deny the application. If the Town Council approves the preliminary plan, it may require, as a condition of that approval, that the final plan be reviewed by the Planning Commission before it is reviewed by the Town Council. The Planning Commission's review of the final plan shall be accomplished pursuant to Section 16A-5-360(c)(4), Planning Commission Review.

(j) Further Review by the Planning Commission. At any time during its review, the Town Council may request further review by the Planning Commission on any matter of the application. The Town Council may continue to consider the application in accordance with the provisions of this Section while the Planning Commission is given an opportunity to review

the supplemental request and make a recommendation thereon, or the Town Council may, at its discretion, table the application until it has received the Planning Commission's supplemental recommendation.

(k) Amendment. If an applicant wishes to amend a submission after a Planning Commission recommendation thereon, such request shall be made in writing and presented to the Town Council during the public hearing. The Town Council shall consider and make a determination as to whether the changes alter the nature of the project from that described in the original submission to such an extent that:

(1) The amendment should not be allowed;

(2) The amendment should be allowed, but the Planning Commission should have an opportunity to review the amendment and make a recommendation thereon; or

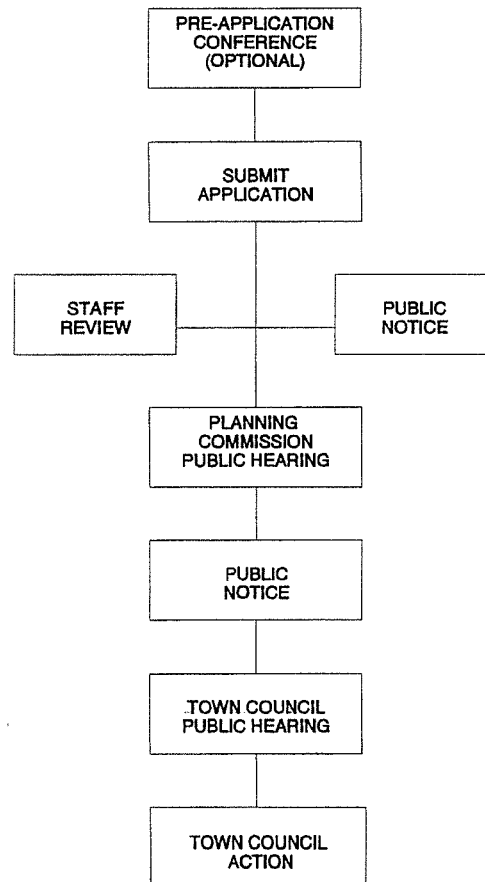
(3) The amendment should be allowed, and the application should proceed without additional hearings or consideration thereof. If the amendment is not allowed, the Town Council shall continue to consider the application without the amendment in accordance with the provisions of this Section. If an additional Planning Commission recommendation is to be made, the Town Council may, at its discretion, table the application until it has received the Planning Commission's recommendation on the amendment.

(l) Remand. An application may also be remanded to the Planning Commission when the Town Council determines that the application has otherwise been altered in a significant manner following the Planning Commission's action on the preliminary PUD. The Town Council shall table the application until it has received the Planning Commission's recommendation on the changes.

(m) Effect of Preliminary Plan Approval. Approval of the preliminary plan shall not constitute approval of a PUD or permission to proceed with construction of any aspect of the development. Such action shall only constitute authorization for the applicant to prepare and submit a final PUD, in accordance with the representations made by the applicant and any conditions applied by the Town upon the preliminary plan approval.

(n) Expiration. The applicant shall be required to submit the final plan application within twelve (12) months after the date of preliminary plan approval. Failure to submit the application within this time period shall render the preliminary plan null and void, and require the applicant to submit a new sketch plan for review by the Town. The Town Council may, at its sole discretion and for good cause shown, grant an extension of the deadline to submit a final plan application, provided that the applicant requests such an extension in writing no less than thirty (30) days prior to such lapse and said extension is approved by at least three-quarters (¾) of the Town Council members of the Town Council present and voting.

FIGURE 5-4
PRELIMINARY PUD APPLICATION PROCEDURES



(Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 7-2003 §1; Ord. 16-2010 §1)

Sec. 16A-5-360. Final plan.

(a) Purpose. The purpose of final plan review is for the applicant to provide the Town with documentation of how the PUD will comply with all of the representations made during the application process, and will address all issues or concerns raised during that process. This documentation shall include a final development plan, a guarantee of public improvements and covenants, as applicable. The final development plan shall specify the zone district limitations and development regulations that will guide the future development of the property. This may be referred to as the "PUD Guide."

(b) Final Plan Review Intent and Issues. The questions the Planning Commission (if required) and Town Council should fully resolve during review of the final plan (depending upon the size and complexity of the proposal) include the following:

(1) Response to preliminary plan conditions. Has the applicant provided detailed, sufficient and appropriate responses to each of the conditions identified applied to the preliminary plan?

(2) Agreements and guarantees. Has the applicant submitted an adequate subdivision improvements agreement and pledge of security to guarantee the performance of any public improvements required by the Town?

(3) Other plans and documents. Has the applicant submitted such other documents (final development plan, final landscaping plan, final grading plan, final utility plan and final architectural plan) that set out the specifications for all relevant features of the development proposal? Has a final version of the homeowner's association or condominium association documents or covenants

been submitted, describing how the association will maintain any common open space?

(c) Final Plan Review. The following procedures shall apply to an application for review of a final PUD plan. These procedures are illustrated in Figure 5-5, Final PUD Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application for final PUD plan review.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

a. Minimum contents. The minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents.

b. Final plat. A final subdivision plat that conforms to the specification of Section 16A-5-430(3), Plat.

c. Other drawings. Final versions of such other drawings as may be required to document the approved final PUD plan, such as the final development plan, final landscaping/grading plan, final architectural plan and final utility plan. The final development plan shall specify the zone district limitations and development regulations that will guide the future development of the property. This may be referred to as the "PUD Guide."

d. Covenants. A final version of the homeowner's association or condominium association documents or covenants, as applicable, describing how the association will maintain any common open space.

e. Guarantee of public improvements.

1. Applicant is responsible for public improvements. The applicant shall be responsible for constructing or providing public improvements that are necessary for the development. The applicant shall also be responsible for submitting a guarantee for said improvements, in a form and amount satisfactory to the Town.

2. Required public improvements. Required public improvements include: permanent survey monuments, range points and lot pins; paved streets; curbs, gutters, sidewalks, trails and other pedestrian ways; paved alleys; traffic-control signs, signals or devices; street lights; street name signs in accordance with Town design standards; water lines and fire hydrants; bridges or culverts; storm drainage improvements and storm sewers; sanitary sewers; electrical lines; telephone lines; natural gas lines; and landscaping. In the event that additional improvements or items are required, they shall also be guaranteed in the manner provided below.

3. Subdivision improvements agreement. The guarantee of public improvements shall be in the form of a written subdivision improvements agreement and pledge of security for performance of such agreement. The subdivision improvements agreement shall obligate the applicant to make and install, according to a specific schedule, any improvements required by the Town.

a) Security. The applicant shall secure the faithful and diligent performance of its obligations under such agreement with a pledge of security sufficient to provide a reasonable guaranty of not

less than one hundred percent (100%) of the current estimated cost of the improvements described in the agreement, which estimate shall be approved by the Town Engineer.

b) Form of security. The pledge of security may, at the option of the Town, be in the form of a mortgage on real property, cash escrow, security bond, irrevocable letter of credit from a financially responsible lending institution, adequate construction loan commitment on which the Town is permitted to draw, evidence of fully prepaid construction contracts, or any combination of the above satisfactory to the Town; provided that the Town shall have the unconditional and irrevocable right upon default by the applicant to withdraw or acquire funds upon demand to partially or fully complete and/or pay for any improvements. In no case shall the Town be obligated, pursuant to any subdivision improvements agreement, to complete any improvements due to the applicant's default if the security should be determined inadequate.

c) Agreement to repair. The subdivision improvements agreement shall contain language by which the applicant agrees to repair any existing improvements damaged during construction and such other items as the Town Council deems appropriate.

d) Partial release of security. The subdivision improvements agreement may provide for the partial release of security as portions of the improvements are

completed, provided that no such partial or final release shall be granted until the improvements guaranteed have been inspected and accepted by the Town Engineer and a report of such inspection and acceptance is filed with the Planning Director. The Town Council shall release the amount held for the completed items. The agreement shall make provisions for the Town to retain an appropriate amount in the event of partial releases.

e) Recording. The agreement and pledge of security shall be recorded in the records of the County Clerk and Recorder together with the final plat.

4. Warranty. The applicant shall warrant the quality, workmanship and function of all improvements dedicated to the Town, the public or a utility for a period of two (2) years, or until July 1 of the year during which the second winter terminates after acceptance by the Town, whichever is greater.

5. Default. In the event of default by the applicant, under the terms of any subdivision improvement agreement, no building permit or certificate of occupancy shall be issued within the subdivision until the default is corrected.

f. Landscape Guarantee. The landscape guarantee shall be in the form of a written agreement to ensure implementation of the landscape plan and maintenance of the landscaping. Such agreement shall include a pledge of security for performance of said agreement. The agreement shall obligate the applicant to purchase and install the landscaping improvements and irrigation according to

the specific planting schedule, landscape and irrigation plan and to guarantee the continued maintenance and replacement of the landscaping for a period of two (2) years after installation. The amount and form of the security shall be as described in Subparagraph 16A-5-360(c)(2)e.3.a) and b). Such agreement shall provide that an appropriate amount shall be retained until the fully completed improvements have been maintained in a satisfactory condition for two (2) years.

g. Development Agreement. In connection with any discretionary development approval, the Town Council may enter into a development agreement with the applicant. Development agreements are voluntary contracts between the applicant and the Town that may include provisions clarifying the phasing of construction, the timing, location and financing of public or private infrastructure, reimbursement for oversized infrastructure, vesting of property rights, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development and mitigation impacts of the development on the general public. Development agreements may, without limitation, contain the following:

1. Provisions for the reservation or dedication of land for public purposes;

2. Provision for the timing, location and financing of public facilities (including roads, water, sewer, fire protection and emergency medical services);

3. Provision for the timing, location and maintenance of private on-site improvements, including landscaping

of common open space, trails and amenities for residents, users or the public;

4. Provisions for the reimbursement of oversized infrastructure or other facilities;

5. Proposed timing and phasing of public and/or private construction;

6. Provisions to mitigate the impacts of the proposed development on the general public or nearby properties, including off-site improvements and the protection of environmentally sensitive lands;

7. Provisions for public benefits or improvements in excess of what is required by current Municipal Code;

8. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;

9. Provisions that construction shall begin by a specified date or that certain phases shall be completed within a specified time;

10. Provisions for the implementation of a reasonable contingency plan to mitigate visual, safety and public welfare impacts resulting from any possible extended interruption of construction as it would affect the community as a whole;

11. Provisions for the vesting of property rights pursuant to Section 16A-5-90 of the this Code;

12. A termination date for the development agreement; and/or

13. Any other provisions appropriate to guide the completion of the development as approved.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information, or within ten (10) days of the staff meeting, whichever occurs first, the Planning Commission and/or Town Council meeting(s) shall be scheduled by the Planning Director.

(4) Planning Commission review. If, as a condition of its preliminary plan approval, the Town Council has required that the final plan be reviewed by the Planning Commission, then a complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall consider: all relevant materials and testimony; whether the application complies with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards; and whether the final plan is consistent with the approved preliminary plan, and shall, by resolution, recommend that the Town Council approve, approve with conditions or deny the application.

(5) Town Council public hearing and action.

a. Public notice and public hearing. The Town Council shall hold a public hearing to consider a major amendment to

an approved PUD, Section 16A-5-390(1)c, only. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing.

b. Town Council action. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. The Town Council shall consider: all relevant materials and testimony; whether the application complies with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards; whether the final plan is consistent with the approved preliminary plan; and, when applicable, the Planning Commission's recommendations, and shall, by ordinance, approve, approve with conditions or deny the application.

(6) Effect of final PUD approval. Approval of the final PUD plan shall confer upon the owner of all or a portion of such property the right to apply for a building permit for development that is consistent with the limitations, restrictions, conditions and parameters set forth in the final PUD plan. Following recording of the final plat, the applicant shall be authorized to convey individual ownership interests. Final PUD plan approval shall remain in effect for a period of up to but not more than three (3) years, unless the time frame is extended by the Town Council.

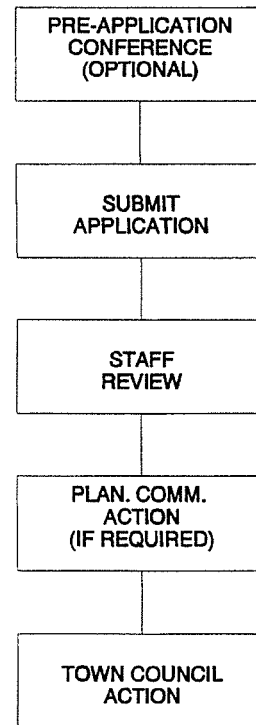
(7) Recording of final plan. Within ninety (90) days of the date of approval of the final PUD plan, the applicant shall submit three (3) copies of the final plan to the Planning Director, together with any other documents that are to be recorded, at minimum including the site plan together with the PUD Guide or land use

summary chart or table. All documents shall be executed and suitable for recording. The final PUD plan, maps and plat shall also be submitted in a digital form acceptable to the Planning Director, for incorporation in the Town's geographic information system (GIS) and archival storage.

a. Planning Director review. The Planning Director shall review the documents to ensure they comply with the terms and conditions of approval, and shall obtain Town signatures for all of the applicable certificates on the final plan and documents.

b. Recording of final documents. The Planning Director shall thereafter cause the documents to be recorded in the records of the County Clerk and Recorder, at the applicant's expense.

**FIGURE 5-5
FINAL PUD APPLICATION PROCEDURES**



(Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 15-2000 §1; Ord. 16-2010 §1)

Sec. 16A-5-380. Enforcement of approved PUD plan.

(a) Provisions run in favor of Town. To further the mutual interests of the residents, occupants and owners of a PUD, and of the public in the preservation of the integrity of the final PUD plan, the provisions of the plan relating to the use of land and the location of common open space shall run in favor of the Town and shall be enforceable at law or in equity by the Town without limitation on any power or regulation otherwise granted by law.

(b) Provisions run in favor of residents. All provisions of the final PUD plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with its terms and, to the extent, said provisions, whether recorded by plat, covenant, easement or owners acting individually, jointly or through an organization designated in the plan to act in their behalf. However, no provisions of the plan shall be implied to exist in favor of residents, occupants and owners except as to those portions which have been finally approved.

(c) Rights to maintain and enforce remain in effect. No modification, removal or release of the provisions of the final plan by the Town, pursuant to the provisions of this Code, shall affect the rights of residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity, subject to the limitations contained in the plan and Subsection (b), Provisions Run in Favor of Residents. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-390. Amendment of final PUD.

An applicant may amend an approved final PUD by complying with the following procedures and standards.

(1) Overview of amendment procedures. There are three (3) types of amendments, with corresponding procedures, that an applicant may propose to a PUD. The Planning Director shall determine whether the amendment proposal should be classified as an administrative, major or minor amendment, taking into consideration the totality of the circumstances of the proposed amendment together with the procedures set forth in this Article. The determination of the Planning Director may be immediately appealed by the applicant to the Town Council pursuant to the provisions of Section 16A-5-80, Appeals. The applicable procedures for each type of amendment are as follows:

a. Administrative amendment. An administrative amendment to an approved PUD may be considered pursuant to Section 16A-5-250, Administrative Modifications.

b. Minor amendment. A minor amendment to an approved PUD shall comply with the procedures of Paragraph (2), Procedures for minor amendment of final PUD, and with the standards of Paragraph (3), Review standards.

c. Major amendment. A major amendment that would substantially modify all or a part of an approved PUD, or any amendment to an approved PUD that does not comply with the provisions of Paragraph (3), Review standards, shall require a full PUD process. During the full PUD process, the Town shall determine whether the application complies with the standards of Subsection 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards, and shall also consider (but not be bound by) whether the application complies with the standards of Subsection (3), Review standards.

(2) Procedures for minor amendment of final PUD.

a. Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for a minor amendment to a final PUD.

b. Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

1. Minimum contents. The minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents.

2. Written statement. A written statement describing those elements of the original PUD that are proposed to be modified.

3. Other information. The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed amendment, such as revised building elevations, or a marked-up copy of the final development plan.

4. Amendment of PUD approved under prior code. An applicant proposing to amend a PUD approved prior to the effective date of this Development Code shall, as part of the application, propose any other amendments that are necessary to make the PUD conform with the provisions of this Division 3, Planned Unit Development.

c. Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

d. Action by Planning Commission. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall review the application, considering the standards of Subsection (3), Review Standards, and shall make its recommendations to the Town Council.

e. Public hearing. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. The Town Council shall consider all relevant materials and testimony, shall consider the standards of Section 16A-5-390(3), Review Standards, and shall, by ordinance, approve, approve with conditions or deny the application.

f. Recording of amended plan. Within ninety (90) days of the date of approval of the amendment, the applicant shall submit three (3) copies, suitable for recording, of the amended plan to the Planning Director, together with any other documents that are to be recorded at a minimum including the site plan together with the revised PUD Guide or land use summary chart or table. All documents shall be executed and suitable for recording. The Planning Director shall review the documents to ensure that they comply with the terms and conditions of approval, shall obtain Town signatures for all of the

applicable documents and shall record the documents in the records of the County Clerk and Recorder, at the applicant's expense. The final amended plan maps and documents shall also be submitted in a digital form acceptable to the Planning Director, for incorporation in the Town's geographic information system (GIS) and archival storage.

(3) Review standards. An application for a minor amendment to a final PUD shall comply with the following standards:

a. Consistent with original PUD. The proposed amendment shall be consistent with, or an enhancement of, the original PUD approval.

b. No substantially adverse impact. The proposed amendment shall not have a substantially adverse effect on the neighborhood surrounding the land where the amendment is proposed, or have a substantially adverse impact on the enjoyment of land abutting upon or across the street from the subject property.

c. Not change character. The proposed amendment shall not change the basic character of the PUD or surrounding areas.

d. Comply with other applicable standards. The proposed amendment shall comply with the other applicable standards of this Division 3, Planned Unit Development, including but not limited to Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)