

ORDINANCE NO. 738

AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE BY ADDING A NEW ARTICLE 26 REGARDING PLANNED UNIT DEVELOPMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Chapter 16 of the Dacono Municipal Code is hereby amended by the addition of a new Article 26, to read as follows:

CHAPTER 16

Zoning

Article 26	Planned Unit Development
Sec. 16-600	Purpose
Sec. 16-601	General
Sec. 16-602	PUD zoning
Sec. 16-603	Standards applicable to all PUDs
Sec. 16-604	Procedures generally
Sec. 16-605	Outline Development Plan (ODP) application and review procedures
Sec. 16-606	Amendment to zoning map
Sec. 16-607	Preliminary Development Plan (PDP) application and review procedures
Sec. 16-608	PDP review and approval criteria
Sec. 16-609	Final Development Plan (FDP) application and review procedures
Sec. 16-610	FDP review and approval criteria
Sec. 16-611	General requirements for PUD site plans
Sec. 16-612	Amendments to ODP
Sec. 16-613	Amendments to PDPs and FDPs
Sec. 16-614	Control of development; enforcement
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Sec. 16-600 Purpose.

Pursuant to Section 24-67-101, *et. seq.*, C.R.S., the Planned United Development Act of 1972, the purpose of the Planned United Development (PUD) zoning district is to:

- (a) Provide an alternative to conventional land use regulations by allowing more flexible development, based on a comprehensive, integrated plan, without in any way jeopardizing or reducing zoning standards, which promote the public safety, convenience, health, and general welfare and preserve personal and property rights;
- (b) Promote more creative and efficient use of land and public or private services to facilitate a more economic arrangement of buildings, circulation systems and utilities;
- (c) Promote the beneficial and economical use of land in the physical and economic development of the City of Dacono;
- (d) Promote the most appropriate use of land;
- (e) Promote creative flexibility in design and permit planned diversification in the location and use of structures;
- (f) Allow compatible land uses to be developed in accordance with a general development plan which has been designed to be in harmony with surrounding neighborhoods;
- (g) Encourage innovation and efficiency in residential development to meet the growing demands for housing of all types and designs;
- (h) Provide for necessary commercial, recreational, employment and educational facilities conveniently located to housing;
- (i) Provide for well-located, clean, safe and pleasant industrial sites involving a minimum strain on transportation systems;
- (j) Encourage the combining and coordination of architectural styles, building forms, and building relationships within the planned development;
- (k) Provide a procedure that can relate the type, design and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics;
- (l) Lessen the burden of traffic on streets and highways; and
- (m) Improve the design, character, and quality of new development.

Sec. 16-601 General provisions.

(a) An application for PUD will only be approved if it is deemed to be in accordance with the City's Comprehensive Plan and policies, and with the stated purpose of this Article.

(b) Applications for a PUD may be made for any land located within the boundaries of the City or any lands in the process of being annexed to the City. When PUD zoning is desired for land proposed to be annexed, an application for an Outline Development Plan shall be submitted concurrently with an application for annexation, and must be approved within ninety (90) days following the City's approval of the annexation petition.

(c) The area proposed for PUD shall be under one ownership or management as determined by the City. Land within a PUD shall not be subdivided and sold to others prior to completion of installation of required improvements.

(d) Unless otherwise set forth in the approved Preliminary and Final Development Plans, all standards and provisions of Title 16 and 17 shall apply to PUDs.

(e) The utilization of the PUD zone district shall be considered a privilege, not a right.

Sec. 16-602 PUD zoning and overlay.

(a) It is the intent of the PUD to provide maximum flexibility with regard to the mixture of land uses. Within a PUD zone district, most land uses may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, as well as due regard to the City's Comprehensive Plan. The permitted use or uses of property located in the PUD shall be approved at the time that the Preliminary Development Plan is approved. Additionally, a preliminary plat and final plat must be submitted pursuant to Chapter 17 for that portion of the PUD for which building or further development is being proposed.

(b) The following types of PUDs may be established:

(1) PUD Zone District. A PUD zone district may be established by zoning land as a PUD zone district either through a rezoning process or by the initial zoning of land at the time of annexation. An Outline Development Plan (ODP) for the entire PUD zone district

must be submitted at the time the PUD zoning is requested. Requirements for an ODP, Preliminary Development Plan (PDP), and Final Development Plan (FDP) are as set forth in this Article.

(2) PUD Overlay District. A PUD Overlay District may be established in an existing zone district by overlaying a development plan over the applicable existing zone district or districts. The purpose of a PUD overlay district is to provide flexibility in development design such as lot area, lot coverage, lot width, setbacks, open space, and parking while maintaining the permitted principal and accessory uses of the underlying zone district.

a. If there is a conflict between the provisions of the underlying zoning district and the PUD, the regulations of the underlying zone shall apply unless specifically addressed in the provisions of the approved PUD.

b. When a PUD is established using the overlay procedure, the development must follow the applicable review procedures for approval of an ODP, PDP and FDP.

c. A zone change is not required for an overlay, and the property retains its original zoning classification. When a PUD is approved by the City Council, the zoning designation for that lot or tract on the official zoning map shall include the suffix "PUD." For example, an approved overlay with underlying R1 zoning would then have the designation "R1-PUD."

(c) Under no circumstances shall the PUD overlay designation be attached to the following zone districts: AG, COS, DR, MH, or RR-1.

Sec. 16-603 Standards applicable to all PUDs.

(a) Residential densities and nonresidential intensities shall be based upon the following factors:

(1) Comprehensive Plan as adopted by the City of Dacono;

(2) Compatibility with existing or planned surrounding neighborhoods;

(3) Traffic considerations;

- (4) Impact upon public facilities, utilities, and schools;
- (5) Natural characteristics of the land; and
- (6) Conformity with the City's water dedication requirements, rules and regulations.

(b) Density and intensity criteria will be established through the approval process of the PUD. Proposed density and intensity as shown in the development plan must reflect the spirit and intent of the development criteria of this Article, and to be approved the City Council must find that the development plan contains areas allocated for usable open space or common park area that meet or exceed public use dedication requirements, or that sufficient amenities are incorporated in the development plan to meet the needs of residents for usable and functional open space, parks and buffer areas.

(c) All PUD applications, new or amended, shall include a comprehensive phasing plan. The phasing plan shall present a logical development sequence for sub-areas of the PUD designed to provide for cost-effective roadway, utility and other infrastructure and service extensions. PUD phasing plans shall be subject to periodic review by the City.

(d) All PUD zoning or major amendment proposals shall require that the property owner enter into a development agreement with the City to address such issues as required infrastructure improvements, development phasing, open space conveyances, water rights conveyances, City service obligations and other relevant items.

- (e) There shall be no minimum size for a PUD.

Sec. 16-604 Procedures generally.

(a) The procedure for the establishment of a PUD shall be as set out in this Article. The four-step process begins with the submittal of an ODP application, designed to elicit informal feedback on a specific proposal from the City staff, Planning Commission, and City Council. After review of the ODP, an ordinance amending the zoning map, along with the ODP Map and text, establishes the initial zoning for the property. The next step is the approval of a PDP, a document that constitutes the overall development plan for the entire property. The final step is the approval of one or more FDPs, which are site specific development proposals for individual parcels within the larger PUD. FDP approval, along with the City's requirement for subdivision approval, is required prior to building permit issuance.

(b) Prior to initial submittal of the ODP application, the applicant is required to have a pre-application conference with appropriate representatives of the City in order to become acquainted with the City's PUD requirements, to become familiar with other related City procedures and regulations, and to become familiar with the City's Comprehensive Plan and other long-range plans and policies. Applicants are also encouraged to meet with appropriate representatives of the City prior to submittal of the PDP and FDP applications.

Sec. 16-605 Outline Development Plan (ODP) application and review procedures.

(a) The ODP is the general concept step. It provides generalized graphic and written information on layout, uses and intended character of the development and must provide enough information for the reviewing bodies to determine how the property will be developed and shall include, at a minimum, the proposed uses and density of the property, open space areas, major planned roadways, and utility services. ODP review is required prior to any submittal of a PDP.

(b) The applicant shall submit an ODP for review and comment by City staff following the pre-application conference. After review by City staff, the Planning Commission and City Council shall each review the ODP at a public meeting. The Planning Commission and City Council will comment on the plan and raise any significant issues to be addressed prior to PDP submittal, but will not approve or deny the ODP. The ODP will not be recorded and shall not bind the applicant or the City.

(c) Submittal Requirements:

(1) Application form. Completion of an application form provided by the City Planner, including all supplemental information required.

(2) Fees. The application shall be accompanied by an application fee in an amount as established by the City Council from time to time. Additionally, the applicant shall be required to execute a cost agreement to defray the City's actual costs for planning, engineering, legal and other costs incurred by the City in connection with the application.

(3) Written narrative explaining the character and development concept of the PUD and how the PUD has been planned to take advantage of the PUD regulations, including an explanation of how the various elements of the ODP relate to the City's Comprehensive Plan goals and policies.

(4) Written summary of proposed plans and phasing for water, sewer and storm water utilities.

(5) Preliminary analysis of water demand and necessary water rights conveyances.

(6) Outline Development Plan map showing, at a minimum, the following information:

a. Generalized use areas for each type of land use, labeled and including acreage, residential gross density and maximum number of dwelling units, and/or non-residential square footage and Floor Area Ratio (FAR) limitations.

b. Proposed locations of all open space areas, public land dedication areas (including parks and schools), and major trail corridors, including a description of planned amenities for proposed open space areas and/or public lands.

c. Proposed locations of all major streets, including street names and right-of-way widths, and any proposed new or expanded interchange improvements.

d. Summary land use table to include acreage and density breakdown by major land use classifications, including public and private open space and rights-of-way.

e. The location of and impact on significant natural features and environmental components such as trees, wetlands, wildlife, streams, floodplains and historical and archeological sites.

f. A general statement of the expected schedule of development and any proposed phasing.

(7) Additional information as may be requested by the City to facilitate the ODP review.

(d) An ODP must be submitted and reviewed in accordance with this Section prior to submittal of a PDP application and prior to zoning or rezoning of the property.

Sec. 16-606 Amendment to zoning map for PUD zone district.

(a) Within fourteen days of completion of review of the ODP by City Council, the applicant shall make any revisions to the ODP Plan Map and text as appropriate and submit to the City staff. City staff shall prepare an ordinance amending the zoning map to establish the PUD zoning and set a date for the Planning Commission and City Council to hold public hearings.

(b) The Planning Commission shall consider the ordinance amending the zoning map to establish the PUD zoning and provide to the City Council a recommendation on the zoning application. The City Council shall hold a public hearing to approve or deny the zoning ordinance. Public notice of the hearings shall be in accordance with Chapter 16, Article 18.

(c) The Preliminary and Final Development Plans must conform with the zoning established by the zoning ordinance.

Sec. 16-607 Preliminary Development Plan (PDP) application and review procedures

(a) The PDP constitutes the first formal application for the overall development criteria for the property, and is to be submitted following the approval of the zoning ordinance. The PDP contains mapped information regarding the layout of general use areas, open space, trails, major streets and other significant public improvements and easements. It also establishes important development controls for each use area and the property as a whole. Approval of a PDP shall not result in the creation of any vested property rights; rather, such approval shall allow the applicant to proceed to the next development plan stage, subject to compliance with the time limits set forth in subsection (e) of this Section and the other requirements of this Article.

(b) Submittal requirements. Following the ODP review in accordance with Section 16-605 and approval of the zoning ordinance, the applicant shall submit a PDP application. The PDP must substantially conform with the ODP and the zoning established in the zoning ordinance. The format and other requirements for the PDP shall be in accordance with the general requirements for PUD plans contained in Section 16-611. The following items are required to be submitted in order for the application to be considered complete, unless specifically waived by City staff:

(1) Application form. Completion of an application form provided by the City Planner, including all supplemental information.

(2) Fees. The application shall be accompanied by an application fee in an amount as established by the City Council from time to time. Additionally, the applicant shall be required to execute a cost agreement to defray the City's actual costs for planning, engineering, legal and other costs incurred by the City in connection with the application.

(3) Title commitment issued within the last thirty (30) days.

(4) Preliminary Development Plan site plan:

a. Title block, scale, north arrow and vicinity map.

b. Legal description in both written and graphic form.

c. Signature blocks.

d. Location and size of all existing and proposed buildings and structures.

e. Location, dimension and surfacing, if applicable, of all existing and proposed streets, rights-of-way, drives, parking areas, pedestrian ways, and easements.

f. Location of all existing and proposed points of ingress and egress to the property.

g. Location of land proposed to be dedicated to meet the requirements of the City's subdivision regulations found in Chapter 17, such as, but not limited to, elementary, middle or high schools, fire stations, police stations, administrative offices, maintenance facilities, open space, park or recreational facilities, and other acres dedicated for public use.

h. Location of land proposed to be dedicated for utility purposes, including water, sewer, and stormwater facilities.

i. Environmental conditions on the property, to include at a minimum: existing forested or uniquely vegetated areas to remain after development; and the location of significant natural, environmental, historical, archaeological or paleontological features.

(5) Preliminary Development Plan text. The PUD shall meet or exceed all requirements for development contained in Chapters 16 and 17 for off-street parking, landscaping, site development, accessory and temporary uses shall apply to the PUD, except as specifically modified in the approved PDP and FDP Development standards for the property shall be established in the PDP and FDP, and shall include the following:

a. A land use table for each use area or larger sub-area, including the use area designation, gross acreage, percent of total acreage, gross residential density, maximum number of dwelling units, and maximum nonresidential square footage or FAR (Floor Area Ratio). The percentage of paved, open space and landscaped areas in relation to gross area of the PUD shall be detailed.

b. Each Planning Area shall be numbered and include a label designation from the following list. Mixed use areas shall utilize a combination of the principal use labels.

1. R-SF – residential single-family detached
2. R-SFA – residential single-family attached
3. R-MF – residential multifamily uses, including garden style apartments and condominiums
4. C – commercial uses, including retail, professional and business offices, restaurants, and personal services.
5. O – offices, including campus office and research and development office
6. I – industrial uses, including light manufacturing, warehouse and distribution

c. Planning Area regulations. For each Planning Area shown on the PUD site plan, list its associated development standards to include:

1. Uses permitted by right.
2. Uses permitted by special use permit.
3. Maximum gross density.
4. Minimum lot area.
5. Maximum FAR for nonresidential uses.
6. Minimum setbacks between residential and nonresidential land uses, setbacks from major roadways, and similar standards.
7. Maximum building height.
8. Maximum building coverage per lot.

9. Other development standards as appropriate to the development plan for the PUD.

d. General description of signs and lighting devices indicating type, size, material, color and text.

(6) Written narrative to include the following:

a. An explanation of the overall development plan for the PUD, including the major use types, densities, open space areas, major roadways and other planned infrastructure elements, and how the various elements of the PUD relate to the City's Comprehensive Plan goals and policies.

b. A preliminary development schedule setting forth the timing and phasing, if any, for construction of the development.

(7) General exterior development design concept, which may include materials and colors of the proposed buildings.

(8) Preliminary utility studies and plans for all major utilities and drainage facilities, including but not limited to water, sanitary sewer, storm sewer, gas, telephone and electrical, including written estimates of sewer and water demand, existing capacity and new facility needs and timing of construction and identification of all proposed water rights conveyances relative to identified water demand.

(9) Landscape plan that meets or exceeds standards adopted by the City.

(10) Grading plan.

(11) Delineation of 100-year floodplain and floodway or statement that no part of the property is within the 100-year floodplain or floodway.

(12) Preliminary soils report.

(13) Master traffic impact study.

(14) Preliminary drainage study and report.

(15) Geologic hazard study.

(16) Preliminary plat prepared in accordance with Section 17-71.

(17) Additional information as may be requested by the City, including, but not limited to, access management plan, wildlife impact report, and data that estimates and documents how the project will affect population, employment, schools, parks, streets, utilities, public safety and other City services.

(c) After a complete PDP application has been received, the application shall be reviewed by the City staff and referral agencies. Upon a determination by the City staff that the application is in substantial compliance with the requirements for submittal of a PDP, public hearings shall be scheduled before the Planning Commission and City Council. The Planning Commission shall review the PDP and send its recommendations to City Council, which shall approve, approve with conditions, or deny the PDP.

(d) Upon approval of the PDP, the applicant shall make all final revisions, meet any conditions of approval and submit two sets of final drawings to the City Planner. The City Planner shall stamp each set with the approval date and return one set to the applicant. The PDP shall not be recorded.

(e) Following approval of the PDP, the property owner shall submit a Final Development Plan for all or any portion or portions of the general use areas as are then ready for development. No building permit will be issued until a Final Development Plan and final subdivision plat have been approved for the property by the City Council and duly recorded. Failure to submit a Final Development Plan within the time period established in the approved phasing plan shall cause the PDP to lapse and be of no further force or effect. In that case, a new PDP must be submitted in accordance with this Article.

Sec. 16-608 PDP review and approval criteria.

The City must be satisfied that the PDP has adequately addressed the following criteria in a manner consistent with the general public interest, health, safety and welfare:

(1) The proposed PUD is compatible with present development in the surrounding area, and will not have a significant adverse effect on the surrounding area;

(2) The proposed PUD is consistent with the overall direction and intent of this Article, and the intent and policies of the City of Dacono Comprehensive Plan and other relevant City goals and policies;

(3) The proposed PUD provides for an innovative and creative design and layout;

(4) A variety of housing types, housing size, densities, facilities, and open space are provided, to the extent practicable;

(5) Any exceptions from the zoning regulations requested in the proposed PUD are warranted by virtue of innovative design and amenities incorporated in the PUD;

(6) The quality and functionality of open space to be provided is appropriate to and adequate for the site;

(7) An appropriate relationship exists between use areas, both internal and surrounding, with adequate buffer areas provided where warranted;

(8) The PUD provides adequate circulation in terms of the internal street circulation system, and is designed for the type of traffic generated, for separation from living areas, convenience, safety, access and noise and exhaust control;

(9) The PUD site plan provides for pedestrian and bicycle traffic in terms of safety, separation, convenience, access, destination and attractiveness. If possible, there shall be an internal pedestrian circulation system separate from the vehicular system that allows access to adjacent parcels, parks, open space or recreational facilities within the PUD as well as links to trail systems of the City;

(10) The proposed phasing plan is appropriate, minimizes unnecessary utility extensions and adequately addresses other fiscal concerns of the City;

(11) Services, including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development; and

(12) The plan design and density are sensitive to the site's major environmental characteristics including topography, floodplain/floodway, soil subsidence potential, and vegetation.

Sec. 16-609 Final Development Plan (FDP) Application and Review Procedures

(a) An FDP application cannot be submitted until the PDP has been approved and finalized in accordance with Section 16-607(d). The FDP is the detailed development plan for a property, which establishes the final planned use of the property, building and parking locations, building elevations, service connections, landscaping and other site improvements. The FDP may reflect the entire development or any logical portion thereof. PUD-zoned property must obtain Final Development Plan and final plat approval prior to the issuance of a building permit, but is not required for City-owned projects being developed for City use.

(b) An overall FDP may be submitted for an initial phase of development that involves only the construction of public or private utilities, overall landscaping, roadway or other general site features. An overall FDP may permit the development approved therein to proceed, but a site-specific PDP and FDP shall be required for further development of any site or lot not approved or addressed in the overall FDP. The overall FDP shall include a statement that a site-specific FDP shall be required for each lot or site prior to any further site development not addressed in the overall FDP or to the issuance of any building permit for building construction.

(c) Submittal requirements. The FDP shall substantially conform to the approved PDP. The format and other requirements for the FDP shall be in accordance with the general requirements for PUD plans contained in Section 16-611. The following items are required to be submitted in order for the application to be considered complete, unless specifically waived by City staff:

(1) Application form. Completion of an application form provided by the City Planner, including all supplemental information.

(2) Fees. The application shall be accompanied by an application fee in an amount as established by the City Council from time to time. Additionally, the applicant shall be required to execute a cost agreement to defray the City's actual costs for planning, engineering, legal and other costs incurred by the City in connection with the application.

(3) Title commitment issued within the last thirty (30) days.

- (4) Final Development Plan site plan, to include the following:
- a. Legal description in both written and graphic form.
 - b. Summary table to include the following:
 - 1. maximum gross floor areas and/or number and type of dwelling units;
 - 2. number of residential lots;
 - 3. square footage of each area proposed for building lots, rights-of-way, dedicated public areas and private open space;
 - 4. building setbacks and separations;
 - 5. maximum heights of all buildings;
 - 6. number of parking spaces required and provided for each land use classification; and
 - 7. building coverage calculations.
 - c. Location and dimension, including square footage, of lot lines for all lots and tracts.
 - d. Existing and proposed building footprints, including footprint of existing nearest buildings on adjacent properties. If a building height increase is requested, a sight analysis must be included.
 - e. General exterior design concept, which may include materials and colors of the proposed buildings and which shall include building elevations on all four sides.
 - f. Location, elevations, and descriptive note for cluster mailboxes and trash enclosures.
 - g. Location and dimension of all existing and proposed curb cuts on-site and within two hundred (200) feet, driveways, parking spaces, loading areas, and adjacent and on-site sidewalks and trails.
 - h. Location and dimension of all adjoining and internal streets and rights-of-ways, including street names and right-of-way widths, showing typical cross sections for all proposed types and conditions of streets in accordance with the City of Dacono

Standards and Specifications for the Design and Construction of Public Improvements.

i. Location and dimension of all existing and proposed easements.

j. Final utility studies and plans, including all major utilities facilities such as, but not limited to, water, fire hydrants, sanitary sewer, storm sewer, gas, telephone, and electrical, showing location of service connections for domestic and irrigation uses and noting backflow preventers are required.

k. Street light locations and exterior on-site lighting location, height, and shielding.

l. Delineation of the 100-year floodplain and floodway, or a statement that no part of the property is within the 100-year floodplain or floodway.

m. Grading plan.

n. Landscape plan including the location and identification of all existing and proposed plantings and ground covers, with a table indicating landscape symbols, common and botanical plants names, size of materials and quantities that meet or exceed standards adopted by the City.

o. Development schedule.

(5) Final Drainage Report.

(6) Soils report.

(7) Traffic impact study.

(8) Final subdivision plat prepared in accordance with Section 17-72.

(9) A proposed development schedule setting forth the timing and phasing, if any, for construction of the development.

(10) Other information as may be requested by the City, including but not limited to access management plan; geologic hazard

study; wildlife impact report; and data which estimates and documents how the project will affect population, employment, schools, parks, streets, utilities, public safety and other City services.

(d) Review process. After all application materials have been received, reviewed by the City staff and referral agencies, the applicant shall make modifications to the plans and documents as appropriate and resubmit the application. Once deemed complete by City staff, the application shall be schedule for public hearings before the Planning Commission and City Council. The Planning Commission shall make recommendations to the City Council, which shall approve, approve with conditions, or deny the Final Development Plan.

(e) Development Agreement. In accordance with Chapter 17, Article 15 regarding improvement guarantees, the applicant shall execute an agreement with the City that requires financial guarantees to be furnished for construction of public improvements.

(f) Upon approval of the FDP by the City Council, the applicant shall within one hundred and eighty (180) days revise the FDP to meet any conditions of approval and submit final documents to the City, including the signed development agreement and improvement guarantee. The City shall record the FDP, development agreement, and any other documents approved in conjunction with the FDP, all at the applicant's expense. Upon a written request from the applicant filed at least thirty (30) days prior to expiration of the 180-day deadline to submit final documents, the Planning Commission may grant a single extension not to exceed an additional 180-days. If final documents are not recorded within the time required, approval of the FDP shall lapse and be of no further force or effect.

(g) No building permits shall be issued, nor shall any further plan approvals be considered, for any FDP where construction was not commenced within the timeframe established in the development schedule or where the date of approval is more than five (5) years old. In the event the date of approval of a FDP is more than five (5) years old, the applicant shall submit for review and approval by City staff, in accordance with then-current requirements, updated construction and design plans and an updated cost estimate for any public improvements that have not yet been constructed. This requirement shall not be deemed, construed, or applied so as to affect any vested development rights that may exist for any given development.

Sec. 16-610 FDP review and approval criteria.

The City Council must find that the FDP has adequately addressed the following criteria in a manner consistent with the public health, safety and welfare:

(1) That there is an appropriate relationship to the surrounding area and there is a minimum thirty-foot buffer zone in any planned development of nonresidential buildings or structures that are adjacent to a residential use district. The buffer zone must be kept free of buildings or structures, and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized;

(2) Internal street circulation systems are designed for the type of traffic generated, and there is appropriate connection with surrounding development. Circulation systems are properly designed for safety, separation from living areas, convenience, access, handicap access, noise, and exhaust control. All streets must be accessible by police and fire department vehicles for emergency purposes. Bicycle and pedestrian circulation has been considered and provided for where appropriate;

(3) Adequate functional open space has been provided in terms of recreation, views, density relief, convenience, function and optimum preservation of natural features, including trees and drainage areas;

(4) A variety of housing types and densities has been provided;

(5) Privacy for individuals, families, and neighbors can be maintained;

(6) Building type and bulk is appropriate to the site and the densities/intensities established in the approved PDP;

(7) Building locations have been planned for optimum orientation, spacing, storage areas and lighting. Innovative and creative building design, materials, exterior color and texture have been incorporated. The City discourages the placement of identical or similar residential models on adjoining lots along a street;

(8) Services including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development;

(9) Adequate off-street parking has been provided;

(10) The FDP site plan has been shown to fit within the context of the planned land use pattern, roadways, and utility systems as approved in the PDP for the entire site;

(11) The uses, buildings, circulation systems, and usable open space are in compliance with the approved PUD zoning; and

(12) The development schedule shows construction of the development will begin within two (2) years from the date the FDP is approved.

Sec. 16-611 General requirements for PUD site plans.

All PDP and FDP site plans shall be in the following format and conform with the following plan requirements:

(1) Documents shall be twenty-four (24) by thirty-six (36) inches blue or black line prints showing all required information accurately, neatly and discernibly at a scale requiring the fewest number of sheets. Recommended scales include 1" = 20', 1"= 50', 1"=100' and 1"=200'.

(2) The PUD name and type (i.e., "PUD Final Development Plan") and brief legal description in large letters must be placed at the top center of the sheet. The PUD name and application type must also be placed in smaller letters in the lower right hand corner of each sheet.

(3) Names and addresses must be provided for all owners, mortgagees, lienholders, plan preparer, land planner, engineer, and land surveyor.

(4) If multiple sheets are used, a sheet index must be provided on the first sheet. Key maps must be provided where needed.

(5) A vicinity map, including north arrow, bar and graphic scales, and nearest major roads.

(6) Full written legal description.

(7) North arrow, along with graphic and written scales.

(8) The boundary line of the site must be shown in a heavy solid line with dimensions, bearings, and control points indicated along all exterior property lines.

(9) All phase lines must be shown and labeled.

(10) Existing zoning and existing land use for the PUD and all adjacent properties must be shown.

(11) Existing and proposed grading at two-foot intervals extending twenty (20) feet beyond the property line must be shown.

(12) The following general notes shall be included on the FDP:

a. The City Council has adopted the (name) Final Development Plan pursuant to Chapter 16, Article 26 of the Dacono Municipal Code after public notice and hearing.

b. The (name) Final Development Plan shall run with and bind all landowners of record, their successors, heirs or assigns.

c. The maximum number of dwelling units or total commercial, industrial or other nonresidential floor area approved for development within the established use areas. The actual number of dwellings or floor area approved will be determined by the final plat based upon environmental constraints, utility and street capacity, compatibility with surrounding land uses and other relevant factors.

d. The provisions of this Final Development Plan shall prevail and govern the development of the (name) PUD; provided, however, that where the provisions of the Final Development Plan do not address a particular subject, the relevant provisions of Chapters 16 and 17, as amended, or any other applicable provisions of this Code shall apply.

e. In the event that any provision hereof shall be determined to be illegal or void by the final order of any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Sec. 16-612 ODP amendments.

An amendment to the ODP shall follow the same procedures set out in this chapter pertaining to the approval of an ODP and Zoning Ordinance. The City Planner may authorize minor changes in the ODP that do not:

- (1) Alter the basic relationship of the property to adjacent property;
- (2) Change the uses permitted;
- (3) Increase the maximum density, floor area ratio or height;
- (4) Decrease the amount of required off-street parking; or
- (5) Reduce the minimum yards required at the boundary of the site.

Sec. 16-613 PDP and FDP amendments.

(a) Except as provided below, no changes may be made in the approved PDP or FDP, including the phasing plan, except upon application and approval by the City Council under the same procedures set out in the sections pertaining to the initial approval of a PDP or FDP. The City Planner may administratively approve minor changes in the PDP or FDP only for the following:

- (1) Changes in the color, exterior appearance, lot coverage, screening of outdoor storage areas, or location, siting and height of buildings, structures or divisional walls if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. A minor change is an increase or decrease in the dimensions of any building or structure by less than ten percent.
- (2) Changes in plant materials, minor alterations in the location of plantings, changes in plant qualities or sizes, changes to the location of internal sidewalks, or changes in location of parking spaces if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. A minor change cannot increase or decrease landscaping, sidewalks, or parking by more than ten percent.

(b) Any administrative approvals granted under this section shall be transmitted to the Planning Commission and City Council for their information by

written memorandum from the City Planner.

(c) Any changes approved for a PDP or FDP shall constitute an amendment thereto and must be on file with the City and noted as amendments to the PDP or FDP, and amended FDPs shall be recorded.

Sec. 16-614 Control of development; enforcement.

(a) After the FDP has been approved, the use of land and the construction, modification or alteration of any buildings or structures within the PUD will be governed by the approved FDP.

(b) From time to time, the Planning Commission may compare the actual development accomplished in the various PUDs previously approved with the development schedule and the development plan of the project. If the owner or owners of the property in the PUD have failed to meet the approved development schedule, development plan, or any supplementary agreements, the City Council, Planning Commission, or City Planner may initiate proceedings for the Planning Commission and City Council to review the previously approved FDP. Such review shall occur in the same manner as review of the final plan in this Chapter and upon such review, the FDP may be revoked or the limits of the development schedule may be extended.

(c) If the time limit established by the development schedule has passed, no building permit or certificates of occupancy shall be issued until after the Planning Commission and City Council have reviewed the development plan and a new development schedule has been established.

Sec. 16-615 Variances.

Notwithstanding any other provision of this Chapter, the Board of Adjustment has the power to hear and determine applications for variances on individual lots from the provisions of an approved FDP in accordance with Article 17 of this Chapter 16.

Section 2. Chapter 17, Article 8 of the Dacono Municipal Code is hereby repealed.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL THIS 10th day of May, 2010.

PUBLIC HEARING AND SECOND READING WILL BE THE 24th day of May, 2010 AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE THIS _____ day of _____, 2010.

CITY OF DACONO, COLORADO

Charles Sigman, Mayor

ATTEST:

Valerie Elliott, City Clerk

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Summary of Ordinance No. 738, “AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE BY ADDING A NEW ARTICLE 26 REGARDING PLANNED UNIT DEVELOPMENT”: Adopts a new Article regarding Planned Unit Development as part of the City’s zoning code, and repeals the current provisions regarding Planned Unit Development in the City’s subdivision code.