

UDC Section 10-2-7.E. Repealed

E. Planned unit development overlay (PUD):

1. Purpose: The purpose of the PUD overlay district is to provide for areas where there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD overlay district is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land uses, the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

General purposes of a PUD are as follows:

- a. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
 - b. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
 - c. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
 - d. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
 - e. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
2. District-specific standards: In any PUD, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no variation of:
 - a. The underlying zone districts maximum density requirements;
 - b. Height requirements, except in the RC district;
 - c. Parking requirements;
 - d. Loading and unloading area requirements;
 - e. Public street and alley standards;

- f. Exterior lighting standards;
- g. Operational standards;
- h. Parks, open space and trails dedication requirements;
- i. Natural and scenic resource protection requirements;
- j. Abandoned mine requirements;
- k. Oil and gas wells and production facility requirements;
- l. Floodplain protection; and
- m. Stormwater requirements.

The review procedures contained in section 10-7-6, shall apply to all development plans in a PUD overlay district.

3. Amendment: As an inactive district, no new PUD overlay may be established, and no existing PUD overlay may be expanded. The boundaries of an existing PUD overlay may only be reduced by rezoning to another zone district. A previously approved PUD development plan within an existing PUD overlay may only be amended in accordance with section 10-7-6.

UDC Section 10-7-2.J. Repealed

J. Step 10: Amendments:

1. Minor amendments: Minor amendments to any form of approval issued under this chapter may be approved, approved with conditions, or denied administratively by the director and may be authorized without additional public hearings. Such minor amendments may be authorized by the director as long as the development approval, as so amended, continues to comply with the standards of this UDC, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this UDC by reason of such amendments). Minor amendments shall only consist of any or all of the following:
 - a. Any change to any form of approval issued under this chapter that was originally subject only to administrative review and was approved by the director, provided such change would not have disqualified the original plan from administrative review had it been requested at that time; and provided that:
 - i. The minor amendment results in an increase or decrease by one percent or less in the approved number of dwelling units; or

- ii. The minor amendment results in an increase or decrease in the amount of square footage of a nonresidential land use or structure that does not change the character of the project; or
 - iii. The minor amendment results in a change in the housing mix or use mix ratio that complies with the requirements of the zoning district and does not change the character of the project; or
 - iv. The minor amendment does not result in a change in the character of the development.
 - b. Any change to any form of approval issued under this chapter that was originally subject to review by the planning commission and was approved by the planning commission, provided that:
 - i. The minor amendment results in an increase or decrease by one percent or less in the approved number of dwelling units; or
 - ii. The minor amendment results in an increase or decrease in the amount of square footage of a nonresidential land use or structure that does not change the character of the project; or
 - iii. The minor amendment results in a change in the housing mix or use mix ratio that complies with the requirements of the zoning district and does not change the character of the project; or
 - iv. The minor amendment does not result in a change in the character of the development.
 - c. The director may refer any amendment to the planning commission and, if so referred, the decision of the planning commission shall constitute a final decision, subject only to appeal as provided for in section 10-7-18.
2. Major amendments: Amendments to any approval that are not determined by the director to be minor amendments under the criteria set forth in subsection 10-7-2 J.1 above, shall be deemed major amendments. Major amendments to approvals under this UDC shall be reviewed and processed in the same manner as required for the original application for which amendment is sought. Any major amendments shall be recorded as amendments in accordance with the procedures established for the filing and recording of such initial approvals.

UDC Section 10-7-2.J. Reenacted

J. Step 10: Amendments:

- 1. Minor Amendments: The Director may administratively approve, with or without conditions, a minor amendment to any approval issued under this Chapter. No

public hearing shall be necessary. To approve a minor amendment, the Director must determine that the following criteria are satisfied:

- a. The approval, as modified, complies with this Chapter at least to the extent of its original compliance;
 - b. The amendment does not result in a change in the character of the development;
 - c. The amendment does not increase or decrease the number of approved dwelling units by more than one (1) percent;
 - d. The amendment does not propose a change in building height, permitted uses, mix of uses or a deviation from use-specific standards;
 - e. The amendment does not change any conditions imposed on the original approval; and
 - f. If applicable, the amendment proposes a change in the housing mix or use mix ratio that complies with the requirements of the underlying zone district or the applicable PD or PUD plan.
2. Major amendments. Any amendment that is not determined by the Director to be a minor amendment under the criteria set forth above shall be deemed a major amendment. A major amendment shall be reviewed and processed in the same manner as the original approval, and shall be recorded in accordance with the procedures established for the original approval.

UDC Section 10-7-6 Repealed

10-7-6 - Planned unit development: Development plan amendments.

- A. Purpose: This section provides a procedure to amend an approved planned unit development ("PUD") development plan within an existing PUD overlay district. PUD amendment applications are not permitted for property that does not have an approved PUD.
- B. Amendments:
1. Approval of an amendment to a PUD development plan is required prior to development in a PUD overlay district. A PUD development plan amendment may be submitted concurrently with a subdivision application. Amendment of a PUD development plan is subject to recommendation by the planning commission and approval by the board of trustees.

2. A major amendment of an approved PUD development plan shall require the filing of new application for a PUD development plan, subject to the major PUD development plan amendment procedure in section 10-7-6 D. below.
3. The procedure in section 10-7-6 D. below is not applicable if the director determines that the requested changes are a minor amendment per section 10-7-2 K.

C. Coordination with subdivision review:

1. It is the intent of this UDC that subdivision review required under section 10-7-7 may be carried out concurrently with the review of PUD development plans under this section.
2. If any provisions of this section or the PUD standards of subsection 10-2-7 E.2. conflict with the subdivision standards of this UDC, the more restrictive or detailed requirements shall be met, unless specifically altered through the minor modification process.

D. Procedure: See table 7.1, section 10-7-2, and the user guide for applicable review procedure and submittal requirements.

1. Step 8 (decision and findings): Applicable. The following additional procedures shall apply:
 - a. Planning commission: The planning commission shall hold a public hearing on the PUD development plan amendment. The commission shall recommend that the board of trustees approve the plan amendment as submitted, approve the plan amendment with modifications, or deny the plan amendment. The director shall forward the recommendation to the board of trustees.
 - b. Board of trustees: The board of trustees shall hold a public hearing on the PUD development plan amendment and, at the close of the hearing, may by ordinance, approve, approve with modifications, or deny the PUD development plan amendment.
 - c. Recording: Following approval of the PUD development plan amendment, the town shall record the amended PUD development plan in the office of the appropriate county clerk and recorder. The developer shall be responsible for all required recording fees.
 - d. Successive applications: Following denial of a PUD development plan amendment request, no new application for the same or substantially the same PUD development plan amendment shall be accepted within one year of the date of denial.

2. Step 9 (approval criteria): Applicable, as follows: The board of trustees may approve a PUD development plan amendment and the planning commission may recommend approval, if the PUD development plan amendment meets all of the following criteria:
- a. The PUD development plan amendment is generally consistent with the purpose of the PUD overlay district in subsection 10-2-7 E.1;
 - b. The PUD development plan amendment will promote the public health, safety, and general welfare;
 - c. The PUD development plan amendment is generally consistent with the town's comprehensive plan and the purposes of this UDC;
 - d. The PUD development plan amendment is generally consistent with the PUD standards in subsection 10-2-7 E.2;
 - e. Adequate facilities and services (including streets and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
 - f. The PUD development plan amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
 - g. The PUD development plan amendment is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the town;
 - h. The PUD development plan amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
 - i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
 - j. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of development or development agreement submitted by the applicant; and
 - k. The PUD development plan amendment provides public benefit(s).

Section 10-7-6 Reenacted

10-7-6. Planned Unit Development (PUD).

1. Purpose: The purpose of the PUD overlay district is to provide for areas where there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD overlay district is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land uses, the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations. As an inactive district, no new PUD may be established. General purposes of a PUD are as follows:
 - a. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
 - b. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
 - c. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
 - d. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
 - e. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
2. District-specific standards: In any PUD, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no variation of:
 - a. The underlying zone districts maximum density requirements;
 - b. Height requirements, except in the RC district;
 - c. Parking requirements;
 - d. Loading and unloading area requirements;
 - e. Public street and alley standards;
 - f. Exterior lighting standards;
 - g. Operational standards;

- h. Parks, open space and trails dedication requirements;
 - i. Natural and scenic resource protection requirements;
 - j. Abandoned mine requirements;
 - k. Oil and gas wells and production facility requirements;
 - l. Floodplain protection; and
 - m. Stormwater requirements.
3. Review procedures: See Table 7.1-1, Section 10-7-2, and the User Guide for applicable review procedure and submittal requirements.
4. Approval criteria:
- a. The PUD will promote the public health, safety, and general welfare;
 - b. The PUD is generally consistent with the Town's comprehensive plan and the purposes of this UDC;
 - c. Adequate facilities and services (including streets and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
 - d. The PUD is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
 - e. The PUD is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;
 - f. The PUD is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
 - g. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
 - h. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of development or development agreement submitted by the applicant; and
 - i. The PUD provides public benefits.
5. Amendment: An existing PUD may be expanded by no more than five (5) percent of the total area of the existing PUD, if all of the expansion area is contiguous with the

PUD. The boundaries of an existing PUD may be amended to reduce the size of the PUD. PUD amendments shall be subject to Section 10-7-2.J.

UDC Section 10-7-8 Repealed

10-7-8 - Minor modifications.

- A. Purpose and scope: This section sets forth the required review and approval procedures for "minor modifications," which are minor deviations from otherwise applicable standards that may be approved by the director, the board of trustees, or the planning commission. Minor modifications are to be used when the minor deviation of the applicable standard, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.
- B. Applicability:
 - 1. Minor modifications to general development and zone district standards: As part of the review and approval of any procedure set forth in this chapter, the board of trustees, the planning commission, or the director may approve minor modifications of up to a maximum of ten percent from the following general development and zone district standards, including planned development (PD) district standards, provided that the applicable approval criteria are met.
 - a. Minimum lot area requirements;
 - b. Setback requirements;
 - c. Subdivision design and improvement standards set forth in chapter 5; and
 - d. Quantitative development standards set forth in chapter 6 (e.g., number of parking spaces);
 - 2. Exceptions: No minor modification shall result in:
 - a. An increase in overall project density;
 - b. A change in permitted uses or mix of uses;
 - c. An increase in building height;
 - d. A deviation from the use-specific standards; or
 - e. A change in conditions attached to the approval of any plat, site plan, or special review use.
- C. Procedure:

1. Approval by director: The director may approve a minor modification at any time before taking action on a development application if the director is the final decision-maker.
 2. Approval by board of trustees or planning commission: The board of trustees or planning commission may approve a minor modification at any time before it takes action on a development application under its respective jurisdiction.
- D. Approval criteria: The decision-making body may approve the minor Modification only if it finds that the modification meets all of the criteria below:
1. The requested modification is generally consistent with the town's comprehensive plan and the stated purpose of this UDC;
 2. The requested modification meets all other applicable building and safety codes;
 3. The requested modification does not encroach into a recorded easement;
 4. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
 5. The requested modification is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified. In determining if "practical difficulty" exists, the approval criteria for variances in section 10-7-9, shall be considered.

UDC Section 10-7-8 Reenacted

10-7-8. Minor deviations.

- A. Purpose: This Section allows for minor deviations from otherwise applicable land use standards. Minor deviations are intended to be allowed when the unlikelihood of any adverse effects on nearby properties or the neighborhood makes it unnecessary to complete a formal variance process.
- B. Applicability:
1. As part of the review of any land use application under this Title, the Board of Trustees, the Planning Commission, or the Director may approve minor deviations of up to a maximum of ten percent (10%) from the following general development and zone district standards, provided that the applicable approval criteria are met:

- a. Minimum lot area requirements;
 - b. Setback requirements;
 - c. Subdivision design and improvement standards; and
 - d. Quantitative development standards set forth in Chapter 6.
- 2. Exceptions: Notwithstanding the foregoing, no minor deviation shall result in:
 - a. An increase in overall project density;
 - b. A change in permitted uses or mix of uses;
 - c. An increase in building height;
 - d. A deviation from the use-specific standards; or
 - e. A change in conditions imposed on the original approval of any plat, site plan, or special review use.
- C. Procedure: The final decision-making body on a land use application may approve a minor deviation at the time the land use application is finally approved.
- D. Approval criteria: A minor deviation may only be approved if all of the following criteria are satisfied:
 - 1. The minor deviation is generally consistent with the Town's Comprehensive Plan and the stated purpose of this UDC;
 - 2. The minor deviation meets all applicable building and safety codes;
 - 3. The minor deviation does not encroach into a recorded easement;
 - 4. The minor deviation will not have significant adverse impacts on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
 - 5. The minor deviation is necessary to compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general, or to accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing standard.