

Pueblo County Code - Title 17 - Chapter 17.126 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

17.126.010 Purpose.

This district is established in accordance with Colorado Revised Statutes, Sections 24-67-101, et seq., for the following purposes:

1. To further the public health, safety, integrity, and general welfare within Pueblo County in an era of increasing urbanization;
2. To provide for necessary commercial, recreational, and educational facilities conveniently located to residential housing;
3. To provide for well-located, clean, safe, and pleasant industrial sites involving a minimum of strain on transportation and other public facilities and services;
4. To ensure that the provisions of the zoning laws and regulations promulgated thereunder which direct the uniform treatment of dwelling type, bulk density, and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws and regulations;
5. To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
6. To provide more flexibility and latitude of design;
7. To provide more flexibility in the development review process;
8. To provide for a greater variety of principal and accessory uses in the development of land;
9. To address the advantages resultant from technological change;
10. To encourage a more efficient use of land and of public services, or private services in lieu thereof;
11. To ensure adequate and timely public facilities and services;
12. To lessen the burden of traffic on streets and highways;
13. To conserve the value of the land;
14. To provide a procedure which 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;
15. To encourage innovative and creative development of parks, recreation areas, and open space;
16. To encourage, in appropriate cases, the consolidation of Marijuana Establishments, which are strictly regulated uses under this Title and under State law.
17. To encourage integrated planning in order to achieve the above purposes.

17.126.020 Permitted Uses.

The uses permitted in the PUD (Planned Unit Development) District are limited to all

residential, commercial, industrial, agricultural uses, and Marijuana Establishments, as defined in Section 17.04.040, Definitions and subject to Sections 17.120.200, 17.120.210, 17.120.220, 17.120.230, and 17.120.240, in this Title as depicted on the development plan as approved by the Board of County Commissioners except the following uses or such uses as are, in the sole discretion of the Board of County Commissioners, substantially similar thereto, are not permitted.

Acid Manufacture;
Batch Plants;
Cement & Asphalt Manufacture;
Explosives Manufacture;
Fertilizer Manufacture;
Fuel Sales & Storage (wholesale);
Glue Manufacture;
Hazardous Waste Industrial Overlay Uses (See Chapter 17.80);
Junkyard;
Livestock Feed Lots;
Livestock Sales Lots;
Metal Processing Plant;
Mineral Processing Plant;
Petroleum Refining;
Rendering Plant;
Slaughterhouse;
Smelter;
Solid Waste Disposal Site & Facility;
Solid Waste Transfer Station;
Tannery.

In a proposed PUD where all uses are to be industrial uses, the Board of County Commissioners may, but shall not be required to, allow one or more of the uses set forth above.

In the case where a development plan or plot plan has not been approved, a development plan shall be submitted and approved by the Board of County Commissioners prior to issuance of building permits. The procedure for reviewing a development plan shall be the same as the procedure for reviewing a rezoning to the PUD District.

17.126.030 Development Requirements.

1. Residential densities shall be as established by the development plan as approved by the Board of County Commissioners in accordance with the Design Standards as outlined in Section 17.126.130 of this Chapter.
2. Minimum lot sizes for residential and non-residential uses shall be as established by the development plan as approved by the Board of County Commissioners in accordance with the Design Standards as outlined in Section 17.126.130 of this Chapter.
3. The interior and exterior boundaries of the PUD District shall have building setbacks as established by the Development Plan as approved by the Board of County Commissioners in accordance with the Design Standards as outlined in Section 17.126.130 of this Chapter and Building and Fire Code Regulations.
4. Maximum height of any buildings or structures shall be as established by the development plan as approved by the Board of County Commissioners but in no event shall any building or structure exceed sixty (60) feet in height. In the case of telecommunications towers as

the need for the same arises, a maximum height of two hundred (200) feet may, in the discretion of the Board of County Commissioners, be permitted.

5. Minimum area to be considered for rezoning to the PUD District shall be one (1) acre or where five (5) or more dwelling units are proposed.

17.126.040 Submittal Requirements.

A. Pre-submittal meeting. An interested applicant for zoning or rezoning to a PUD District shall, prior to making the application in accordance with the requirements of this Chapter 17.126, request a meeting with the Department of Planning and Development for the purpose of presenting a sketch or outline of the proposed PUD concept. The purpose of such meeting is to familiarize the Department of Planning and Development with the applicant's planned proposal for a PUD and to allow the applicant to receive input on the proposal and to gather information, which will be helpful to the applicant in preparing the application and required submittals. The pre-submittal meeting is a prerequisite to the County's obligation to accept and act upon an application for zoning or rezoning to a PUD District.

B. An applicant for zoning or rezoning to a Planned Unit Development District shall submit the following information:

1. Development Plan conforming to the following requirements. A Development Plan shall accompany a zoning or rezoning application to a PUD District. Said Plan shall be no larger than 24" x 36" and shall contain the following information:
 - a. Title or name of the development above the term "Development Plan";
 - b. Vicinity Map, scale, north arrow and date of preparation;
 - c. Complete legal description of the property to be included in the PUD;
 - d. Certification statements to include:
 - i. Certificate of Ownership;
 - ii. Certification of Approval by the Board of County Commissioners;
 - iii. Certification of the Planning Director;
 - iv. Certification by the County Clerk and Recorder;
 - e. Land Use(s) for each area included in the plan and corresponding land area;
 - f. Existing and Proposed public and private easements and drainage ways;
 - g. Heights of buildings and structures and proposed locations of buildings and structures, traffic circulation and parking;
 - h. Density of residential development. If densities vary within the development, each density shall be depicted;
 - i. Commercial/Industrial square footage;
 - j. Proposed Roadways from collector status and graded by functional classification with right-of-way widths depicted;
 - k. Buffering and screening including type from surrounding properties;
 - l. Size, type of general location of proposed public sites, open space and recreational areas;
 - m. If facilities are proposed that are not normally maintained by public entities a statement indicating the type of maintenance mechanism proposed.

Specific required information on the Development Plan may be omitted when considered not applicable by the Director of the Planning Department and, conversely, additional information may be required as part of a Development Plan when considered applicable by the Director of the Planning Department.

The approved Development Plan to be recorded shall be submitted at a size of 24" x 36" and shall be drawn with permanent India ink or produced by a photographic process on a polyester (mylar) film suitable for reproducing and recordation according to the then existing standards of the Pueblo County Clerk and Recorder.

C. A separate map, drawn to scale containing the following information:

1. Adjoining land use and ownership of said adjoining property and zoning within five hundred (500) feet of the exterior boundary of the subject property;
2. All roads (public and private) including functional classification, type of surface, and width within five hundred (500) feet of the subject property;
3. Existing topography based on the following criteria:

a.	<u>Size of Lots</u>	<u>Contour Interval</u>
	One (1) acre or less	two (2) feet
	Larger than one (1) acre	five (5) feet

- b. Accuracy shall be no less than ½ contour interval.
 - c. Contour interval to twenty (20) feet may be acceptable based on the following criteria:
 - i. Presence of mountainous topography;
 - ii. Presence of high relief topography;
 - d. Contours shall be extended no less than one hundred (100) feet onto adjacent property and shall show significant adjacent topography;
4. Phasing Program: If development is to occur in stages then a detailed phasing program shall be provided in accordance with Paragraph m of these regulations. The program may be in narrative form or incorporated into the Development Plan. The program shall include a breakdown of all land use types and both on-site and off-site transportation and drainage improvements by Phase.

D. Optional Submittal Information:

1. The applicant may submit a Preliminary Plan in accordance with Chapters 16.12 and 16.28 of the Code to be processed concurrently with a PUD rezoning request.

17.126.050 Petition Procedure.

The procedure for processing a PUD application shall be the same as outlined in Chapters 17.136, 17.140, and 17.144 of this Code excepting that written notice of the public hearing before the Board of County Commissioners shall be delivered or mailed to adjoining land owners, first class, postage prepaid, at least fifteen (15) days prior to the public hearing before the Board of County Commissioners. Written consent of the property owner(s) whose properties are included in a request for a PUD (Planned Unit Development) District zoning must be provided with the application. The application shall also conform with the requirements of Section 17.126.040 of this Title.

17.126.060 Platting.

No building permits shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless the property is subdivided and/or platted, as applicable, in accordance with Title 16 of the Code as amended unless otherwise excepted by statute.

17.126.070 Plot Plan.

No building permit shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless a Plot Plan in conformance with the following requirements of this Subsection is approved by the Planning Director. Prior to the approval of the Plot Plan, the Planning Director shall find that the land use(s), densities, setbacks, height limits, access locations, the commercial/industrial floor area square footage and phasing plans as depicted on

the Plot Plan are in conformance with the Development Plan as approved by the Board of County Commissioners.

A. Plot Plan Requirements. Plot Plans, when required in a PUD zone district for approval by the Planning Department Director prior to authorization of the issuance of a building permit, shall be no larger than 24" x 36", drawn to scale at a scale adequate to provide the required information clearly, and containing at a minimum the following:

1. The location, height and dimensions of each existing and proposed structure in the development area and the uses to be contained therein;
2. The planned unit development boundary and the proper building setbacks and building area with reference to said boundary lines and to property lines, highways, or street rights-of-way;
3. The location and surfaces of all parking areas, drive isles and internal roads, and the exact number of parking spaces and an approved parking plan for commercial and industrial uses;
4. The location of watercourses and other natural and historic features;
5. The location of all pedestrian walks, malls, recreation, and other open spaces;
6. The location of proposed landscaping;
7. The location, number, height and square footage of freestanding identification signs and an approved signage plan for commercial and industrial uses;
8. The location, height, size and orientation of any required light standards;
9. The location of all permanent accesses from publicly dedicated or private streets, roads or highways;
10. The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and greenbelts;
11. The location of all footpaths, traffic islands, traffic devices, driveways, indicating the pedestrian and vehicular movement and control;
12. The stages, if appropriate, in which the project will be developed;
13. A vicinity map to locate the development in relation to the community;
14. Any existing plats and improvements of adjacent properties lying within three hundred (300) feet of the proposed project;
15. All proposed uses, structures and other natural or manmade features including the relationship with uses, structures and features to internal and adjoining uses, structures, features, landscaping and transportation facilities;
16. A summary data chart indicating: size of the development, proposed population and dwelling unit density, various land uses within the approximate acres and percent of development;
17. Preliminary architectural drawings, elevation, renderings or other graphic illustration of structures may be presented at the option of the applicant;
18. The location of any loading area if a commercial building.

B. Consistency with Plan. The plot plan shall be reviewed by the Planning Director for conformance with approved County plans, plats, policies, regulations, and resolutions. If the plan is found by the Planning Director to be in conformance with said plans, plats, policies, regulations, and resolutions, it shall be approved. If the plan is found by the Planning Director not to be in conformance with said plans, plats, policies, regulations, and resolutions, it shall be denied and the petitioner notified of the areas of inconsistency and changes required.

C. If the plot plan is not approved by the Planning Director, the decision may be appealed to the Pueblo County Zoning Board of Appeals. Procedure for such appeal shall be the procedure set forth in Chapters 17.136 and 17.140 of this Title. The appeal must be fully detailed in writing and shall be submitted to the Planning Department within thirty (30) days of the Director's final action. Said appeal shall be limited to the record before the Planning Director in making his

decision to disapprove. The burden of proof for said appeal rests with the applicant.

D. Modifications. Required information on the plot plan noted above may be omitted or otherwise modified when considered not applicable by the Director of the Planning Department. If the recorded Development Plan is drawn in conformance with the Plot Plan requirements of this Subsection, a subsequent submittal and approval of a Plot Plan is not required for the issuance of building permits.

17.126.080 Maintenance Plan.

In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners associations, or other non-governmental bodies, the applicant shall submit a maintenance plan conforming to the requirements of this Subsection. A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning request. The maintenance plan shall be submitted concurrently with the Final Development Plan and recorded prior to or in conjunction with the Final Development Plan. Failure to maintain areas that are not maintained by public entities in a reasonable order and condition in accordance with the approved Planned Unit Development may result in Pueblo County, at its own discretion, correcting the deficiencies as provided in C.R.S. 24-67-105(6) c. and d.

A. Where non-County maintenance is proposed for roads, common areas, recreational areas, facilities, open space, bikeways, trails, paths, malls, parking areas, or other public sanitation facilities, the applicant shall submit for review and approval a maintenance plan for such facilities prior to the issuance of a building permit. In cases in which a submittal conforming to the standards for final plats contained in Title 17 of the Pueblo County Code is required, the maintenance plan shall be submitted at final plat stage. In cases in which only a plot plan is required the maintenance plan shall be submitted at the plot plan stage.

1. For proposals, which contemplate use of common sewerage or water system by two or more dwelling units or uses, a maintenance plan may be required if, in the opinion of the Planning Director, such a plan is necessary to protect the public health, safety and welfare.

B. The maintenance plan shall include:

1. Identification of present and proposed ownership for the facilities or areas included within the maintenance plan. In the case of condominiums, townhouses, or other multiple dwelling units, the method of conveying title and the estate to be granted shall be noted;

2. A Title opinion dated no less than thirty (30) days prior to the submittal date;

3. A service plan to include:

a. Proposed method of guaranteeing maintenance;

b. Proposed form of unified control, which shall include identification and description of corporations, partnerships, trusts, owners associations, or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce required assessments;

c. Date of implementation of the provisions of the proposed method of guaranteeing maintenance. Appropriate recording of such documents and agreements as may be required shall be a condition of any plan approval;

d. Cost of capital construction for proposed facilities, cost of maintenance for such facilities per year, amount proposed to be assessed to meet such expenses;

e. Proposed administration mechanism to assure that maintenance is carried out as planned. Suitable collateral to ensure that in case of discontinuance of control and maintenance, Pueblo County may, but shall not be required to, assume such duties as may be appropriate without additional cost to the taxpayer. Collateral shall be limited to a letter of credit, or such other method of ensuring and guaranteeing such maintenance as may be approved by the Board

of County Commissioners;

f. Evidence that all required approvals have been granted in accordance with Pueblo County land use regulations.

17.126.090 Off-Street Parking.

Unless otherwise established by the development plan as approved by the Board of County Commissioners, off-street parking shall be provided in accordance with Chapter 17.112 of this Title.

17.126.100 Advertising Devices.

Unless otherwise established by the development plan as approved by the Board of County Commissioners, advertising devices shall be provided in accordance with Chapter 17.116 of this Title.

17.126.110 Landscaping.

Landscaping shall be as is established by the development plan as approved by the Board of County Commissioners.

17.126.120 Provisions for Public Facilities and Services.

PUD Districts shall be subject to the terms and requirements of all applicable development standards and regulations relating to the provision and financing of necessary public services and facilities. Determinations concerning the adequacy and efficiency of the provision of the described public services and facilities, and the financing of the same, shall be based upon standards and criteria adopted by the Board of County Commissioners, and may include a requirement that the applicant agree, by appropriate written agreement, to contribute a fair and equitable share of the costs of necessary public services and facilities through the payment of development fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public services and facilities.

17.126.130 Design Standards.

In preparation of a rezoning request to the PUD District, the applicant should consider the following standards:

1. Uses:

a. Residential – Residential uses shall be designed and located to achieve an efficient and desirable use of land, preservation of natural features, and efficient and desirable use and placement of the necessary public and/or private infrastructure;

b. Non-Residential – Non-Residential uses shall be designed and located to achieve greater convenience to residential areas, efficient and desirable use of land, desirable use and placement of necessary public and/or private infrastructure, and to minimize the impact on transportation and drainage facilities;

c. Density: The density of land uses within the PUD District shall be compatible with other uses within the PUD District and the surrounding area. Compatibility shall be determined by, but not limited to, type of land uses, transportation system, buffering, landscaping, and availability of services;

d. Open Space: Common open space may be provided within the PUD District. The amount

and type should be proportional to the proposed land uses, buildings and densities. Common open space areas should be designed for the occupants/residents of the PUD District.

Open Space is defined as a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development designed and intended to reasonably serve the needs of the residents, occupants, and owners of the planned unit development.

e. Circulation: Development within the PUD District shall be designed and constructed to include adequate, safe, and convenient arrangement for pedestrian and vehicular circulation, off-street parking, and loading spaces. Pedestrian and vehicular circulation shall correlate with the external circulation system. All public roads shall be constructed in accordance with the provisions of the Pueblo County Roadway Design Standards;

f. Drainage: Development within the PUD District shall be designed and constructed to include adequate stormwater management including planning, financing, design, construction, operation, and maintenance. All drainage facilities whether public or private shall be constructed in accordance with the provisions of Chapter 16.42 of Title 16 of the Pueblo County Code;

g. Buffering and Screening: Uses, buildings or structures within the PUD District that would not be considered compatible with other uses, buildings, or structures within and adjacent to the PUD District shall be adequately buffered and screened to ensure their appearance and operation will be compatible to the surrounding uses;

h. Phasing: If development is to occur in stages, a detailed phasing program shall be prepared in conjunction with the development plan. The phasing program shall coordinate development of all land use types of both on-site and off-site transportation and drainage improvements in a timely fashion. If open space and/or recreational facilities are proposed, development of these land use types shall occur proportionately to the other proposed land uses within the development;

i. Transportation and drainage improvements shall be constructed within each phase in accordance with Title 16 of the Pueblo County Code;

B. Modification to Design Standards

1. Design, construction, and other requirements applicable to a Planned Unit Development may be different from or modifications of the requirements otherwise applicable by reasons of any zoning, subdivision, or other land use regulation or resolution of Pueblo County, so long as such requirements substantially comply with the subdivision provisions of C.R.S. 28-30-101, et. seq., and appropriate regulations promulgated thereunder. No modification from the submittal and review requirements for rezoning and/or subdivision requests as contained within this Title and Title 16 shall be allowed.

Any request for modification of design, construction, or other applicable requirement shall be specifically requested in writing as part of the application for PUD District zoning, and shall be accompanied by appropriate supporting documentation and justification for the modification request. The Board of County Commissioners may approve a specific modification of the design, construction, or other applicable requirement upon a written finding that, in the particular case, the public purposes are satisfied to an equivalent or greater degree.

If no modification is submitted as part of the application for PUD District zoning, the proposed development shall comply with all applicable zoning, subdivision, and other land use regulations for Pueblo County.

17.126.140 Consideration for Rezoning.

The Planning Commission in making its recommendations, and the Board of County Commissioners in making its decision, on a PUD District rezoning request shall consider the following:

A. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission and the Board of County Commissioners of Pueblo County;

B. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested parties were heard at those hearings;

C. That the proposed land use will be compatible with existing and permitted land uses in the surrounding area and will be in harmony and responsive with the character of the surrounding area;

D. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

E. That a need for the development is demonstrated;

F. That existing and proposed public services and facilities are adequate for the proposed development, and that proposed public services and facilities will be timely provided;

G. That the existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and that the proposed transportation network improvements will be timely provided;

H. That the proposed development will not have a negative effect upon the existing and future development of the surrounding area;

I. That the proposed PUD District zoning will achieve and advance the stated purposes set forth in this Section, and is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of Pueblo County;

J. As set forth in C.R.S. 24-67-104(1)(f), a finding by the County that such PUD District rezoning request is in general conformity with the Pueblo County Comprehensive Plan or any amendment thereto is required.

17.126.150 Effect of Approval.

Upon approval of a rezoning to the PUD District by the Board of County Commissioners the development plan shall be the controlling document, establishing land use(s), densities, setbacks, height limits, lot coverage, and access points. Said development plan shall be recorded in the Clerk & Recorder's Office of Pueblo County, Colorado, in conjunction with the Board of County Commissioners' approval Resolution establishing said zone. Said zoning and development plan shall be binding on the owner-applicant, his heirs, successors, and assigns.

17.126.160 Recording of the Development Plan.

Upon approval by the Board of County Commissioners of a PUD District rezoning request, the applicant shall provide to the Planning Department a development plan as approved by the Board of County Commissioners drawn with permanent India ink or produced by a photographic process on a polyester (mylar) film, 24" x 36" in size, suitable for reproducing.

The following information shall be depicted on the Development Plan to be recorded:

A. All information required on the initial Development Plan;

B. The following General Provision Statements:

1. "Authority

The authority of this Development Plan is Chapter 17.126 (Planned Unit Development District) of this Title. The authority for Chapter 17.126 of this Title is the Colorado Planned Unit Development Act of 1972."

2. "Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Board of County Commissioners that this Development Plan for (name of development) is in general conformity with the Pueblo County Comprehensive Plan, is authorized by the provisions of Chapter 17.126 of this Title, and that such Chapter 17.126 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended."

3. "Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of this Title, as amended, or any other applicable resolutions or regulations of Pueblo County, shall be applicable."

Upon presentation of the development plan, as approved by the Board of County Commissioners, to the Planning Department, the signatures of the Chairperson of the Board of County Commissioners and the Planning Director shall be affixed to the document.

No changes, erasures, modifications, or revisions shall be made on the development plan upon the affixing of all signatures to said plan. The development plan shall not be recorded until all conditions, which require satisfaction before recording can take place are satisfied. The applicant shall pay recording fees as required prior to recording the Development Plan.

17.126.170 Amendment to the Development Plan.

A. Any request to make a major change to an approved Development Plan shall be processed as a new application for rezoning to the PUD District as outlined in Sections 17.126.040 and 17.126.050 of this Chapter. The following would be considered major changes to the Development Plan:

1. Increased density;
2. Decreased perimeter setbacks;
3. Major changes in building location, arrangement of parking, or open space;
4. Change in unit type (townhouse to apartments, etc.);
5. Projects over 20 acres:
 - a. Over 10% reduction in area of open space;
 - b. Over 10% increase in lot coverage;
6. Projects under 20 acres:
 - a. Over 5% reduction in area of open space;
 - b. Over 5% increase in lot coverage.

No major change shall occur unless the Board of County Commissioners, after review by the Planning Commission, finds that the proposed major change is consistent with the efficient development and preservation of the entire Planned Unit Development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.

B. The Planning Director may approve minor modifications from the recorded Development Plan in the approval of a Plot Plan. Such minor changes shall be limited to siting of buildings, interior access or arrangement of parking, open space, and/or errors of a clerical, typographical, or format nature. The applicant shall substantiate to the Planning Director that the minor modification is required by engineering or other circumstances not foreseen during the approval of the Development Plan. The Planning Director shall not approve a minor modification if the modification does not substantially conform to the approved Development Plan.