

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 362**

**AMENDING THE CREEDE LAND USE CODE TO ADOPT PLANNED UNIT
DEVELOPMENT REGULATIONS**

WHEREAS, the authority for the City of Creede (“Creede”) to adopt Planned Unit Development regulations is set forth in Article 67 Planned Unit Development Act of 1972; Article 20 Local Government Regulation of Land Use of Title 29, Colorado Revised Statutes; Article 15 Exercise of Municipal Powers; Article 23 Planning and Zoning; and other applicable state and federal laws and regulation; and

WHEREAS, on November 2, 2010 the City of Creede Planning and Zoning Commission (“Commission”) unanimously recommended approval of the proposed Planned Unit Development regulations; and

WHEREAS, pursuant to noticing procedures required by law, the Town Board held a public hearing on January 10, 2011 and considered all comments, testimony, evidence and staff reports provided by the City staff and consultants prior to taking any action to approve amending the City of Creede Land Use Code to adopt Planned Unit Development Regulations; and

WHEREAS, the Town Board finds that the adoption of Planned Unit Development regulations will promote the City of Creede Comprehensive Plan and the health, safety and general welfare of the Creede community; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE CITY OF CREEDE, COUNTY OF MINERAL, STATE OF COLORADO, the following:

Section 1. Amendment to City of Creede Land Use Code. The City of Creede Land Use Code is hereby amended by adopting and adding the following language:

Sec. 4-13 Planned Unit Development (PUD) District.

4-13-1 Intent. This Planned Unit Development (PUD) District is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. 24-67-101, *et seq.*). The PUD is intended to be used as an overlay zone district that supplements the underlying standard zone district. The intent and purpose of this district is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. This district is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. The PUD District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUDs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and

provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.

4-13-2 Permitted Uses. Uses permitted in the PUD District shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PUD District may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development. Conditional uses may be permitted if it can be demonstrated that such uses meet the conditional use review criteria for the underlying zone district(s).

4-13-3 PUD Restrictions and General Requirements. Properties utilizing the PUD District shall be subject to the following:

- (a) There shall be no minimum land for PUD applications.
- (b) The area of land for the PUD may be controlled by one or more landowners and must be developed under unified control or a unified plan of development.
- (c) Areas designated as private streets and/or common open space including land, an area of water, or a combination of land and water within the site designated for a PUD which are designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD shall include provisions for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the City.
- (d) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space, or other standards within the existing land use regulations.
- (e) No PUD may be approved by the City without the written consent of the landowner whose property is included within the PUD.

4-13-4 PUD Approval Procedure. All PUD District applications shall be submitted and processed in the same manner as applications for zoning amendments as set forth in Sec. 3-3 Zoning Review Procedures of this Code. Where deemed appropriate, the City may elect to require a PUD District application to also submit a subdivision plat concurrently with a PUD District application and shall process such subdivision plat in accordance with submittal requirements, procedures and standards for review set forth in Article V. To the extent practical, the City shall strive to combine public hearings and noticing requirements for both a PUD District application and accompanying subdivision plat application.

4-13-5 Approval by Ordinance. PUD Zoning and a PUD Plan shall be approved by ordinance.

4-13-6 Application Submittal Requirements. In addition to information required for zoning amendments in Sec. 2-4-1, a PUD District application shall include the following:

- (a) A PUD District application fee.
- (b) A PUD Plan which depicts various land use areas on the property.
- (c) PUD Zoning, including permitted, conditional and prohibited uses, building and site standards, minimum lot sizes, and other applicable zoning regulations for various land use areas as depicted in the PUD Plan.
- (d) A draft of all documents relevant to the PUD, including but not limited to proposed Development Agreements, Intergovernmental Agreements, Declarations for Common Owner's Associations.
- (e) Written PUD description as part of the general development information which includes:
 - (1) List all subdivision regulation exceptions proposed for the PUD.
 - (2) Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). If any conditional uses are requested, explain how the conditional use review criteria will be addressed.
 - (3) Identify and explain the benefits which will be provided by the PUD to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of-way is decreased by eliminating on-street parking, then there will be designated parking areas with 500 feet of all residences, etc.). All proposed benefits must offset the proposed modifications.
 - (4) Explain how the proposed PUD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe any proposed buffering techniques which serve to achieve such compatibility.
 - (5) Explain how the PUD supports and implements the City of Creede Comprehensive Plan.
 - (6) Explain any proposed phasing of the PUD.
 - (7) Explain the process to amend the PUD Zoning or PUD Plan if different than then the Code.
 - (8) Provide any additional relevant information which the City may deem necessary.

4-13-7 PUD Review Criteria. The following review procedures shall be used when considering a PUD District application:

- (a) The PUD addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
- (b) The PUD rezoning will promote the public health, safety, and general welfare of the Creede community;
- (c) The PUD rezoning is consistent with the City of Creede Comprehensive Plan and the purposes of this Code;
- (d) Facilities and services (including roads 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;
- (e) The PUD rezoning 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;
- (f) The PUD rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- (g) Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

4-13-8 Amendments to a PUD Development Plan or PUD Zoning. Amendments to a PUD Development Plan shall follow the process for initial zoning of a PUD District and approval of a PUD Development Plan and PUD Zoning unless otherwise set forth in an approved PUD Development Plan or PUD Zoning. Written notice of a public hearing for an amendment to a PUD Development Plan or PUD Zoning shall be sent to all property owners within the PUD District area. Unless restricted by the terms of a development agreement granting vested property rights, any property owner within the PUD District or the Town Board of the City of Creede may initiate an Amendment to a PUD Development Plan or PUD Zoning.

4-13-9 Rezoning PUD Districts. A PUD District, or portions thereof, may be rezoned to another zone district or districts in accordance with the procedures and standards for zoning amendments set forth in this Code. Written notice of a public hearing for rezoning a PUD District shall be sent to all property owners within the PUD District area. Unless restricted by the terms of a development agreement granting

vested property rights, any property owner within the PUD District or the Town Board of the City of Creede may initiate an application to rezone a PUD District.

Section 2. Correction of Errors. City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Board hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Publication. The City Clerk is hereby authorized and directed to publish this Ordinance by title only in the Mineral County Miner, a newspaper of general circulation within the City on the next available publication date. The City Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on final reading by title in at least three public places within the City and posting at the office of the City Clerk, which notice shall contain a statement that a copy of the ordinance in full is available for public inspection in the office of the City Clerk during normal business hours.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after following final passage.

**INTRODUCED, APPROVED, PASSED ON FIRST READING AND FINAL READING,
on January 10, 2011.**

BY:


Deborah Roughton-Miles, Mayor

ATTEST:


Pamela J. Wilson, City Clerk