

Chapter 16.05

CLUSTER DEVELOPMENT, PLANNED UNIT DEVELOPMENT, AND ZERO LOT LINE DEVELOPMENT

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16.05.010 Purpose. The purpose of the Planned Unit Development, sometimes in this Chapter referred to as PUD, is to provide the opportunities to create more desirable environments through the application of flexible and diversified subdivision and land use regulations under a comprehensive plan of development. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulation, and to protect the general well-being of the inhabitants.

The purpose of Zero Lot Line Development and Cluster Development is to allow multiple ownership of single building envelopes such as condominiums, town homes, office and retail space. Cluster development is encouraged to preserve environmentally sensitive areas, open space and agricultural lands. (Ord. 5, 2022)

16.05.020 General provisions.

A. Planned Unit Developments, Zero Lot Line Developments and Cluster Developments shall be in general conformity with the Comprehensive Plan.

B. The zoning and subdivision regulations contain the minimum design standards for any development. Where modifications of those standards is in keeping with the intent of this Chapter and can be documented to show beneficial effects, such modification may be permitted.

C. Approval by the City of a Development with this Chapter 16.05 is purely discretionary based on the regulatory requirements set forth in this Chapter. If the City and the

applicant do not agree on the development plan, the City may deny approval or impose conditions. If the applicant does not accept the conditions, then the development must adhere to the established Subdivision, Land Use and other applicable Regulations. (ord. 5, 2022)

16.05.030 Definitions. Those terms specific to PUD's, Zero Lot Line Developments and Cluster Developments are defined for use in this Chapter as set forth in this Section. Additional definitions may be found in Section 16.04.030 of The Subdivision Regulations.

A. "Cluster Development" means lots that are smaller and arranged differently than otherwise allowed to allow conservation of farm land, wildlife areas or common open space.

B. "Common Area" means area used and maintained by all owners located in the development.

C. "Common open space" means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents, occupants and owners of the Planned Unit Development. In a single-family PUD, private yards may be considered common open space.

D. "Limited Common Element" means an area restricted to use by the units (area) designated.

E. "Plan" means the provisions for development, which may include and need not be limited to easements, covenants and restrictions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities.

F. "Planned Unit Development" (PUD) means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations.

G. "Provisions of the plan" means the written and graphic

materials and other contents of the "plan" defined by subsection E of this Section.

H. "Zero Lot Line Development" refers to buildings that may be attached to each other with a common wall or directly adjacent to each other on one lot boundary line.

16.05.040 Submission and review of cluster development plans.

A. Cluster developments shall follow sections 16.04.010 through 16.04.080, exempting 16.04.070.E with the following additional requirements:

1. Interior setbacks of individual ownership may be modified to fit the needs of the specific cluster development. The exterior setbacks of the entire development shall meet the tabled setback for the appropriate zone.

2. Twenty-five percent of the gross acreage must be open space.

3. The minimum lot size maybe reduced if the aggregate size of the total platted cluster development meets the total of all lots minimum size requirements, including open space, however streets and roads may not be counted towards open space.

4. The perimeter of the cluster development which abuts a right-of-way shall be buffered. All, or a portion of, the open space may be located between the clustered development and adjoining development.

5. The project landscaping and buffer design shall be established as part of any preliminary subdivision plan approval.

6. A cluster development project may be developed in phases. The City may require the applicant to divide the project into phases in order to meet requirements and standards contained in these regulations. Each phase must be self-sufficient with adequate facilities and services and contain a mix of residential uses and densities and open space, while meeting the requirements, standards and conditions applicable to the project as a whole.

7. All cluster developments shall establish a Home Owner's Association or other entity to maintain the common area.

16.05.050 Submission and review of a Planned Unit Development.

A. PUDs shall follow Sections 16.04.010 through 16.04.080 (but excepting provisions of subsection 16.04.070E.) with the following additional requirements:

1. Final plan listing allowed uses and showing the location and size of all existing and proposed buildings,

structures and improvements and their anticipated uses;

2. Certification showing the landowner dedicates or reserves areas of common open space;

3. Final plan showing the density and type of building(s) to be built within the PUD to include the maximum height of all buildings;

4. Final plan showing the internal traffic circulation system, off-street Parking areas, service area, loading areas and major points of access to a public right-of-way;

5. Final plan showing the location, height and size of signs, lighting and advertising devices;

6. Final landscaping plan showing the spacing, sizes and specific type of landscaping material;

7. A legal description of the PUD;

8. A final report explaining the character and objectives to be achieved by the PUD;

9. A final report describing the development schedule indicating when construction will start and when the PUD will be completed;

10. Final copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continues protection of the PUD and the common open space areas.

B. Minimum design standards. The provisions of Section 16.04.070 (with the exception of the provisions of Subsection E. thereof), are hereby incorporated in this subsection C. and made a part thereof by this reference.

1. In addition to the requirements set forth Subsection A of said Section 16.04.070, the following will be required for a PUD:

a. The uses in a PUD may vary from those uses permitted by right or conditionally permitted in the zoning district in which the planned unit is located if such changes are in keeping with the intent of this Title 16, this Chapter 16.05, and the Comprehensive Plan.

b. The planned unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the development, surrounding properties, public infrastructures and community character caused by traffic circulation, building height or bulk, lack of screening or intrusion on privacy and other adverse effects;

c. Minimum lot area requirements are established in the Subdivision Regulations. These requirements may be modified by the Planning Commission if the developer indicates that such changes are in keeping with the intent of

this Title 16. The Planning Commission must review all PUD's with respect to living space, common open space, parking spaces and traffic circulation.

d. Common Open Space.

i. Common open space shall comprise at least twenty-five percent of the total gross area of a residential PUD. Such open space will be developed and designed for the use of the occupants of the development and shall contain therein adequate space for active recreational activities, and adequately landscaped walkways and parks. Common open space does not include space devoted to streets, parking and loading areas.

ii. The Planning Commission may exempt nonresidential PUD's from the common open space requirement if it finds the development will provide for the occupants' or customers' needs for open space in whole or in part by either or a combination of :

(1). Public park, community gathering space, or recreation features, or a combination thereof, for which the site of the PUD has or will be levied a special assessment; or

(2). Developed facilities in the planned unit, such as but not limited to common recreational areas or facilities, plazas, balconies or rooftops improved for recreational uses.

iii. A reduction in common open space or lot area per dwelling unit shall not be permitted if such reduction would be detrimental to the character of the proposed planned unit or the character of the surrounding area.

iv. The Planning Commission may determine that all or a part of stream areas, bodies of water, and slopes in excess of fifteen percent may be included as usable open space. In making this determination, the Planning Commission shall be guided by the following factors:

(1). The extent of those areas in relation to the area of the PUD; and

(2). The degree to which these areas contribute to the quality, livability and amenity of the PUD.

e. Off-street parking will be determined by the subdivision/zoning regulations. These regulations may be altered by the Planning Commission if the character of the PUD is such that changes to the requirements are in keeping with the intent of this Title. (Ord. 5, 2022)

16.05.060 Submission and review of zero lot line development plan.

A. Zero lot line developments shall follow sections 16.04.010 through 16.04.080, with the exception of the provisions of Subsection 16.04.070.E) with the following additional requirements:

1. The outside boundary of the permissible building envelope for each lot must be graphically depicted on the plat to be recorded. Any existing buildings must also be depicted on the plat.

2. Multiple plan and elevation view plats are required if a building has more than one story, or if there is a basement located in the building.

3. The setbacks for the original parcel must be met for the appropriate zone, interior setbacks may be zero, and may be through a building or buildings creating individual ownership properties or may divide the original parcel into two or more parcels with individual ownership.

4. Recorded covenants shall provide for the maintenance of common walls, other common areas, limited common areas, and common spaces.

5. All business entities must provide a Statement of Authority pursuant C.R.S § 38-30-172.

6. All buildings must meet current building code regulations.

7. Lawfully existing non-conforming uses are not allowed in zero lot line developments.

8. Separate utilities are required for each unit.
(Ord. 4, 2022)

16.05.070 Changes to any adopted plans in this Chapter.

A. Minor Plan Changes. The terms, conditions of an adopted plan may be changed from time to time provided as follows: The City's Community Development Manager, or other agent as authorized by the City Manager, may approve minor modifications in the location of streets and underground utilities and in the location, sizing and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the plan was formally approved, so long as the modification does not result in:

1. An increase of more than five percent (5%) in the gross residential density;

2. An increase of more than five percent (5%) in the floor area proposed for nonresidential use of a commercial or industrial nature;

3. An increase of more than five percent (5%) in the total ground area covered by buildings except in single-family residential areas; and

4. A reduction of more than three percent (3%) in

the area set aside for common open space.

B. Plan Changes Involving Land Uses. Any uses that are not approved in a final development plan may be added to the plan upon approval of any such alteration by the Planning Commission and City Council at regularly scheduled meetings.

C. Major Plan Changes. All other modifications of an adopted and recorded plan shall be regarded as "major modifications", and shall be subject to the following application and review procedures:

1. Any application for major modifications of a previously approved and recorded plan shall be submitted on forms provided by the City, and a fee equal to that which is required for the initial filing of a full plan shall be paid to the City at the time of any such application.

2. Review and approval of any application filed pursuant to this subsection C shall be subject to compliance with all the criteria and procedural steps required for review and approval for filing a sketch plan. Such review and approval shall also be subject to compliance with all other applicable City Code sections that may be generally contemplated. Complete engineering and design drawings of the proposed major modification of a plan shall be submitted with the application therefore, detailing the proposed changes and demonstrating compliance with all legal requirements.

3. A public review process generally following the procedures set forth in the Delta Municipal Code shall also be required as a pre-condition of approval of any major modification of a plan. In that regard, the concept of notice to owners of record required under Delta Municipal Code Section 17.04.290(D) (3) shall be expanded to include all record owners of properties within the boundaries of the originally approved plan and all record owners of properties immediately adjoining said boundaries and within a distance of five hundred feet (500') plus the width of any intervening public right-of-way.

4. The City Planning Commission may recommend for ultimate approval by the City Council the proposed major changes to a plan if it determines that all of the following criteria are substantially met:

- a. The requested change will not adversely affect the public health, safety and welfare.

- b. The requested change is the minimum that will afford relief and allow for reasonable use of the property sought to be affected by the application.

- c. The requested change will not result in development that is incompatible with other property uses and/or

building improvement within the pertinent boundaries or in the adjoining areas, and will not substantially impair the value or development of such other property within or outside of the area covered by the originally approved plan.

5. The City Planning Commission and City Council may impose such additional conditions of approval as may be reasonably necessary to ensure that the above criteria are met. (Ord. 15, §2, 2012; Ord. 5, 2022)