

TOWN OF SEVERANCE

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE TOWN OF SEVERANCE, COLORADO ADDING SECTION 16.3.100 TO THE SEVERANCE LAND USE CODE, CREATING A PROVISION AND PROCESS FOR PLANNED DEVELOPMENT OVERLAY DISTRICTS

WHEREAS, the Town Board for the Town of Severance (the "Town") desires to promote the land use and planning opportunities available through compatible mixed uses designed for a specific development ; and

WHEREAS, the Town Board finds that its existing Land use Code lacks flexibility to design for and review planned developments promoting a mix of compatible commercial, industrial, and residential uses; and

WHEREAS, the Town Board finds that the flexibility of a Planned Development process, as authorized by state statute, would benefit both the economic opportunities available to the Town and the quality of the developments associated with such opportunities ; and

WHEREAS, the Town Board of Trustees has held a Public hearing, after proper notice, pursuant to C.R.S. §31-23-304.

NOW, THEREORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. The Town of Severance Municipal Code is amended by the addition of a new addition to the Severance Land Use Code to read as follows:

16.3.100 Planned Development (PD) Overlay District.

- 1. Intent.** This Planned Development (PD) Overlay District is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. 24 67-101, *et seq.*). The PD 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 PD Overlay 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.
- 2. Permitted Uses.** Uses permitted in the PD Overlay District shall be those uses permitted in the underlying standard zone district for the property and any other uses specifically approved as part of the PD approval process. An applicant for a PD Overlay

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 PD development. Uses which would have been conditional uses in the underlying zoning district may be approved as allowed uses within the PD if it can be demonstrated that such uses are consistent with each other and the overall purposes of the PD Overlay district.

3. **PD Restrictions and General Requirements.** Properties utilizing the PUD Overlay District shall be subject to the following:
 - a. All PD applications shall include a gross land area of not less than Forty (40) acres, except in Town Core or Suburban Perimeter zoning districts, where the gross land area shall not be less than five (5) acres.
 - b. The area of land for the PD may be controlled by one or more landowners, but 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 PD shall be designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD; and, provisions shall be made for the establishment of an organization, whether private or public, 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 Town.
 - d. All requirements set forth in this Code otherwise applicable to the area of land proposed for a PD 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, and open space.
 - e. No PD may be approved by the Town without the written consent of the landowner whose property is included within the PUD.
4. **PD Overlay District Approval Procedure.** All PD Overlay District Applications shall be submitted and processed simultaneously with either the processing of initial zoning applications or subdivision applications for the property. If established in association with initial zoning, the terms of a PD overlay may be modified or supplemented by later subdivision process if requested by the owner and approved by the Town.

Scheduling requirements for PD Overlay District Applications shall match those specified for the zoning process, or if subdivision process is elected, shall include sketch plans and preliminary and final plats. In addition, an application for a PD Overlay District supplement to the official zoning map shall be processed and subject to public

hearings in the same manner as for other amendments to the official zoning map, as outlined in Section 3.11 of this Code.

Development within a PD Overlay District cannot occur unless and until a final plat for the portion of the property to be developed has been approved and recorded as provided in Article 4, Subdivision Regulations.

Upon approval of a Final PD Development Plan, the Town of Severance, through its Board of Trustees, shall adopt an ordinance establishing the PD Overlay District for the property in accordance with that plan.

A Final PD Development Plan may be pursued either in conjunction with the PD Overlay District approval process or after such approval. In addition to all of the information required as part of the sketch plan, preliminary plat and final plat application packages, applications for a PD development plan shall include additional information as outlined below.

5. **PD Overlay District Application Submittal Requirements.**

- a. PD application fee;
- b. Written PD description as part of the general development information which includes:
 - i. List all subdivision regulation exceptions proposed for the PUD.
 - ii. Identify the underlying zoning district(s) for the property and describe any modifications and/or restrictions to the allowed uses and/or standards within the district(s).
 - iii. Identify and explain the benefits which will be provided by the PD 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.
 - iv. Explain how the proposed PD 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.
 - v. Provide any additional relevant information which the Town of Severance may deem necessary.

6. **Preliminary PD Development Plan Application Submittal Requirements.**

- a. PD application fee;
- b. The following additional materials, which shall be supplemental to the information furnished as part of the PD Overlay District Application:
 - i. List all subdivision regulation exceptions being proposed for the PD and explain why such exceptions are justified.
 - ii. 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). Provide a comparison between the proposed preliminary PD plan to the elements and standards of the underlying zone district(s) as contained in this Code. If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 3.7) will be addressed.
 - iii. Explain how the proposed PD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe buffering techniques which serve to achieve such compatibility.
 - iv. An explanation of how the preliminary PD development plan is consistent with the sketch PD development plan associated with the initial application, or if there are differences, the rationale for the changes.
 - v. Draft copies of organizational documents (service plans for metro districts, HOA Articles, covenants, conditions, restrictions and any architectural design guidelines) that provide an acceptable program for the continuing maintenance of open space, recreational areas, walkways, and private streets within the PUD; that detail the type of organizational structure responsible for such ongoing maintenance; and that provide for architectural review based on the design guidelines.
 - vi. Provide any additional relevant information which the Town of Severance may deem necessary.
- c. Preliminary PD Development Plan Map. Prepare the preliminary PUD development plan map using the preliminary plat map as the base. Refer to Article 4, Section 4.6 of the Subdivision Regulations for drawing standards and format. Include on the base a clear graphic and/or written representation of:
 - i. All principal, conditional, and accessory uses within each land use category within the PUD, i.e., single-family, multi-family, commercial,

etc., either listed specifically or by reference to the zoning districts within the Town of Severance. In particular, note any modifications to the principal, conditional, and accessory uses of the underlying zone district(s).

- ii. Standards for principal and accessory uses within each land use category, to include:
 - a) Minimum lot area.
 - b) Maximum lot coverage.
 - c) Maximum floor area ratio (total floor area to total lot area).
 - d) Maximum building height.
 - e) Parking requirements for principal, accessory, and conditional uses.
 - f) Provide any additional relevant information which the Town of Severance may deem necessary.
- d. Proposed phasing for the development.

7. **Final PD Development Plan Application Submittal Requirements (May be Simultaneous with Preliminary).**

- a. PD application fee.
- b. Written PD description as part of the general development information, based on the materials submitted for the preliminary PD development plan and on comments received from the Town of Severance at the time of preliminary plan review. Include all of the items listed above for the preliminary PD development plan, in finalized form. Also include an explanation of how the final PD development plan is consistent with the preliminary PD development plan, or if there are differences, the rationale for the changes.
- c. Final PD Development Plan Map. Prepare the final PD development plan map using the final plat map as the base. Refer to Article 4, Section 4.7 of the Subdivision Regulations for drawing standards and format. See Workbook for sample certificates for the owner, Planning Commission, Board of Trustees, and Clerk and Recorder. Include on the base a clear graphic and written representation of all of the information/items required for a preliminary PD development plan as listed above, in finalized form.
- d. Provide any additional relevant information which the Town of Severance may deem necessary.

8. **PD Overlay District Review Criteria.**

- a. *Sketch PD Development Plan Review Criteria.* The following review

Criteria will be used by the Staff, Planning Commission and Board of Trustees to evaluate all PD Overlay District Applications at the initial presentation:

- i. Whether the proposed benefits offset the proposed exceptions to the Zoning and Subdivision standards, and that such exceptions are in the best interest of the public health, safety, and welfare.
 - ii. Whether the proposed PD Overlay District conforms to the PD restrictions, and that the proposed zoning is compatible with the surrounding land uses.
 - iii. Whether the PD Overlay District proposes creative and innovative design, and high quality development thereby protecting and promoting public safety, convenience, health and general welfare.
 - iv. Whether the uses and densities in the proposed PD are compatible, and will be effectively integrated with adjacent neighborhoods which now exist or are proposed in the future.
 - v. Whether the proposed PD is in general conformance with the Town of Severance Comprehensive Plan.
- b. ***Preliminary PD Development Plan Review Criteria.*** In addition to all of the review criteria for a Sketch PD Development Plan, the following review criteria will be used by the Town of Severance Staff and Board of Trustees to evaluate all PD Development Plan applications:
- i. The preliminary PD development plan is substantially consistent with the sketch PD development plan as approved by the Board of Trustees.
 - ii. All sketch PD development plan conditions of approval have been adequately addressed on the preliminary PD development plan.
- c. ***Final PD Development Plan Review Criteria.*** In addition to all of the review criteria for a preliminary PD development plan, the following review criteria will be used by the Town of Severance Staff and Board of Trustees to evaluate all PD applications at the time of final PD plan/final plat:
- i. The final PD development plan is substantially consistent with the preliminary PD development plan as approved by the Board of Trustees.
 - ii. All preliminary PD development plan conditions of approval have been adequately addressed on the final PD development plan.

9. **Compliance with PD Overlay District/Final Development Plan** - The Board of

Trustees may initiate the process to repeal the ordinance establishing the PD Overlay District if:

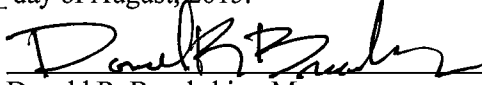
- a. The project for which the PD overlay zone was established is not carried out pursuant to the approved final PD development plan; provided however that the Board of Trustees may approve appropriate modifications to the final PD development plan from time to time prior to completion of the proposed development, or
- b. Building activity for the PD overlay district has not commenced within a period of two (2) years after the effective date of the creating ordinance, unless otherwise approved by the Board of Trustees.

10. Land Previously Zoned PUD.

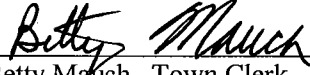
- a. Any land that is undeveloped as of date of adoption of this Code, and was previously zoned PUD, must either:
 - i. Request and obtain approval for an underlying standard zoning district(s) in conjunction with a PD overlay district application; or
 - ii. Request and obtain approval of a standard zoning district or districts, and develop the property without the use of a PD Overlay District.
- b. Any land previously zoned PUD, and partially developed prior to the date of adoption of this Code, may continue and complete such development under the terms and conditions of approval for that PUD; subject, however, to the provision that any major modifications, as determined by the Town, to that PD shall require review and approval under the new requirements of this Code.

Section 2. [The Town Board finds and concludes that this Ordinance is necessary for the immediate preservation of the peace, health, welfare, safety and economic well being of the Town of Severance.] This Ordinance shall take effect thirty days after is publication as provided by law.

INTRODUCED, READ and PASSED this 31 day of August, 2015.


Donald R. Brookshire, Mayor

ATTEST:


Betty Mauch, Town Clerk

