

DIVISION 11. ZONE DISTRICT REGULATIONS FOR THE PUD - PLANNED UNIT DEVELOPMENT DISTRICT.**Section 14-72. Used permitted by right.**

- (1) Single family dwellings.
- (2) Multiple family dwellings.
- (3) Mobile home parks and mobile home subdivisions, provided the planned unit development contains a mixture of uses including modular dwellings and multiple family dwellings in addition to mobile homes.
- (4) Home occupations.
- (5) Domestic animals, provided such animals are household pets and kennels are not maintained.
- (6) Fences, hedges and walls, provided they are not located where they will obstruct motorists' vision at street intersections.
- (7) Business, professional and semi-professional offices.
- (8) Medical clinics and pharmacies operated in conjunction with a clinic.
- (9) Retail specialty or boutique shops including businesses offering personal services.
- (10) Club or lodge (non-profit).
- (11) Community service agency.
- (12) Day nursery buildings and uses customarily incident to the uses permitted by this district.

Section 14-73. Conditional uses.

The following conditional uses may be permitted within the Planned Unit Development District:

- (1) All businesses of a retail or service nature.
- (2) Wholesaling or products, provided storage space does not exceed one thousand five hundred (1,500) square feet.
- (3) Fabrication or assembling incidental to retail sales from the premises, provided that not more than twenty-five percent (25%) of the floor area occupied by such businesses is used for manufacturing, processing, assembling, treatment installation and repair of products.
- (4) Any kind of scientific research or manufacture, compounding, assembling, processing,

fabrication, packaging or treatment of products, manufacturing or processing industries.

- (5) Mortuary or embalming establishment or school.
- (6) Electric substations and gas regulator stations.
- (7) Fire stations, police stations and telephone exchanges.
- (8) Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.

Section 14-74. Building height limit.

Except as provided in Section 14-101, the height regulations are as follows:

- (1) No single family dwelling shall exceed two and one-half (2 ½) stories, or twenty-five feet (25') in height.
- (2) No multiple family dwelling shall exceed three and one-half (3 ½) stories or thirty-five feet (35') in height.
- (3) No commercial or industrial use shall exceed five (5) stories or fifty feet (50) in height.
- (4) No dwelling or other structure shall exceed three and one-half (3 ½) stories or thirty-five feet (35') in height.

Section 14-75. Area regulations.

Except as provided in Section 14-101, the area regulations are as follows:

- (1) Minimum floor area for single or multiple family dwellings:
 - (a) One (1) bedroom dwelling unit - six hundred fifty (650) square feet.
 - (b) Two (2) bedroom dwelling unit - eight hundred (800) square feet.
 - (c) Three (3) bedroom dwelling unit - nine hundred (900) square feet.
 - (d) Four (4) or more bedroom dwelling unit - one thousand (1,000) square feet.
- (2) Minimum lot area:
 - (a) No minimum requirements.
 - (b) Any newly created free-standing Planned Unit Development District shall contain at least one acre of land.

- (3) Minimum lot frontage: No minimum requirements.
- (4) Minimum front yard: No minimum requirements except for motor fuel pumps which shall not be erected less than twenty-five feet (25') from the front property line.
- (5) Minimum rear yard: No minimum requirements.
- (6) Minimum side yard: No minimum requirements.
- (7) Additional requirements:
 - (a) The maximum residential density allowed in the PUD Planned Unit Development District shall be twenty-five (25) dwelling units per acre of residential area.
 - (b) All conditional uses, except for the following, shall be operated within a completely enclosed structure.
 - (I) Electric substations and gas regulator stations.
 - (II) Fire stations, police stations, and telephone exchanges.
 - (III) Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations.
 - (c) All uses, whether by right or condition, shall be regulated by the Industrial Performance Standards as set forth in Section 14-71.

Section 14-76. Standards and design requirements.

(1) Purpose. The Planned Unit Development (PUD) by allowing flexibility in development, will be able to accommodate imaginative ideas and site design without being restricted to customary "standard" regulations. It is intended to promote a greater facility for open space, more functional use of land and placement of structures in appropriate relationships to each other, to open space and to common facilities.

(2) General standards for the PUD:

The following general standards shall be observed regarding planning, design, and construction of the PUD:

- (a) The PUD shall be consistent with the intent of the Comprehensive Plan of the Metropolitan area of Trinidad and the policies therein, as well as the plans and Policies of the Las Animas County and Regional Planning Commissions.
- (b) The PUD shall be designed in a manner such that wherever possible, it protects the

environmental assets of the City including considerations of elements such as environmental pollution, streams and storm drainage courses and scenic vistas.

(c) The planned unit's relationship to its immediate surroundings shall be considered in order to avoid adverse effects to surrounding development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.

(d) The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a detailed soil engineering, storm drainage and flood report on the suitability of the area for the intended use to a state of sound protection before a building permit may be issued.

(e) Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space.

(f) Setbacks and lot widths shall be as required by the Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty feet (20') between buildings is considered minimum.

(3) Requirements regarding site. The following requirements shall be observed regarding the site of the PUD: Planned open spaces within the PUD, including those open spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

(4) Requirements regarding density. The following requirements shall be observed in regard to the densities and uses allowed in the PUD:

(a) Parks, school sites and other public areas. The City Council may require that up to ten percent (10%) of the PUD area be set aside for park, playground, school site or other public use, in addition to public streets.

(b) Residential density: The overall average density of the total residential area within the PUD shall not exceed twenty-five (25) dwelling units per acre of residential area.

(5) Off-street parking spaces shall be provided in the PUD according to the off-street parking regulations contained in Section 14-100.

(6) Circulation: Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all Planned Units provided, however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts.

(7) Signs: Signs shall be permitted in the PUD Zone District only in accordance with the provisions as set forth in Division 13 of this Article.

Section 14-77. Procedure.

The following procedure shall be observed when a Planned Unit Development proposal is submitted for consideration.

(1) Pre-application conference: A pre-application conference shall be held with the Commission in order for the applicant to become acquainted with PUD procedures and related requirements.

(2) Formal application: An application for approval of a PUD may be filed by a person having an interest in the property to be included in the PUD. The application will be made on a form provided by the City and must include a consent by the owners of all property to be included. The application must be accompanied by a preliminary development plan and a written statement.

(a) Preliminary development plan - The preliminary development plan shall show the major details of the proposed planned unit prepared at a scale of not less than 1" = 100', and shall be submitted in sufficient detail to evaluate the land, planning, building design, and other features of the PUD. The Plan must contain, insofar as applicable, the following minimum information:

(I) The existing topography of the land at 2 foot (2') contour intervals.

(II) Proposed land uses.

(III) The location of all existing and proposed buildings, structures, and improvements.

(IV) The maximum height of all buildings.

(V) The density and type of dwellings.

(VI) The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.

(VII) The location, height, and size of proposed signs, lighting and advertising devices.

(VIII) Areas which are to be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas, and as sites for schools or other public buildings.

(IX) Areas subject to a 100-year flooding cycle.

(X) A general landscape plan.

(XI) The proportion of land to be left in a natural condition as

(b) Written statement: The written statement to be submitted with the planned unit application must contain the following information:

(I) A statement of the present ownership and a legal description of all the land included in the PUD;

(II) An explanation of the objectives to be achieved by the PUD, including building descriptions, sketches or elevations as may be required to describe the objectives;

(III) A development schedule indicating the approximate date when construction of the PUD or stages thereof can be expected to begin and be completed;

(IV) A description of snow removal methods or techniques to be utilized;

(V) A description of the proposed method of providing ongoing (permanent) maintenance of all non-private buildings, facilities, areas and thoroughfares;

(VI) A written statement by a licensed engineer(s) which shall describe and/or provide evidence of:

(A) The water source with adequate and dependable capacity to service the proposed development;

(B) The proposed method(s) of sewage treatment and the location of plant and outfall;

(C) The soil, geological, and ground water conditions of the site;

(D) The manner in which storm drainage shall be handled;

(E) Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the planned unit and any of its common park areas; and

(F) A list of the owners of abutting properties and properties located within 300 feet (300') of the property lines of the land included in the planned unit, and their addresses from available County records.

(c) The applicant may submit any other information or exhibits he/she deems pertinent that will aid in evaluating his/her proposed planned unit.

Section 14-78. Review and approval.

The procedure to be followed with respect to review and approval of a PUD shall be the same as that governing applications for the granting of zoning classifications or for the change thereof as set forth in this Article, except that the determination of the Commission and the City Council in consideration of a PUD shall be governed by the following additional standards and requirements;

- (1) The Commission shall review the preliminary development plan to determine that it complies with the PUD regulations and subdivision regulations.
- (2) ¹REPEALED (Ord. 1650, eff., 12-29-00)
- (3) Within twenty (20) days after the public hearing, the Commission shall forward a written report to the City Council recommending that the plan be approved, disapproved, or approved with modifications.
- (4) Within thirty (30) days or such additional time as the City Council deems necessary, after the receipt of the written report from the Commission, the City Council, shall either approve or disapprove or approve with modifications, the application.
- (5) If the plan is approved, the subject area shall be designated and shown on the official zoning map as a PUD district, and the legal description of the subject area shall be recorded so as to properly advise that the land is subject to PUD.
- (6) Within six (6) months following approval of the preliminary plan, the applicant shall file with the Commission a final development plan and any additional information which may be requested by the Commission. The Commission may authorize submission of the final development plan in stages. Upon approval of the final plan or portion thereof, the plan and all accessory documents shall be filed with the City Clerk as a matter of public record. If the applicant has not submitted such plan within the period provided, the Commission can and shall initiate proceedings to remove the PUD district from the zoning map. The zoning district applicable before approval of the preliminary plan shall then be in effect.
- (7) The final development plan as approved by the Commission shall be binding and shall not be changed during the construction of the PUD except upon application to the appropriate agency under the following procedures:
 - (a) Minor changes in locations, siting, bulk of structures or character of building may be authorized by the Commission if required by circumstances not foreseen at the time the final plan was approved.
 - (b) All other changes in use, any rearrangement in lots, or changes in the provision of open space must be made by the City Council under the procedures established in this Article for amendment of the zoning map.

¹ Chapter 14, Section 14-78(2) is repealed. (Ord. 1650, eff., 12-21-00)

Section 14-79. Failure to meet development schedule.

If the applicant has not begun construction in the PUD within one year after the approval of the final development plan or otherwise has failed to meet the approved development schedule, the Commission shall initiate proceedings to remove the PUD district from the zoning map, except that for good cause shown by the applicant, it may extend the development schedule. Upon the completion of proceedings to remove the PUD district from the zoning map, the zoning district applicable before approval of the preliminary plan shall then be in effect.

Section 14-80. Zoning review.

At least once every twenty-four (24) months following the approval of a PUD, the Commission shall review all building permits which have been issued for the PUD and shall examine the construction which has taken place on the site. If it finds that the rate of construction has not met the approved development program or if there are found to be violations of any of the provisions of this Article or the terms or conditions of the PUD approval, there shall be forwarded a report of this information to the City Council. The City Council shall hold a hearing on the report of violations submitted by the Commission having first given notice to the PUD applicant and all owners of abutting property. Upon review of the alleged violations, the City Council may, if it is deemed necessary, require that the appropriate action be taken to remedy the violations, amend or modify the PUD, or revoke approval.

Section 14-81. Completion of planned unit.

- (1) The Building Inspector shall issue a certificate certifying completion of the PUD, and shall note the issuance of the certificate on an office copy of the zoning map and on the site plan.
- (2) After completion, the use of land and the construction, modification, or alteration of any buildings within the PUD will be governed by the approved site plan.
- (3) Except as follows, no changes may be made in the PUD after its approval:
 - (a) Minor changes in the location, size, siting, or character of buildings or structures may be authorized by the Building Inspector. No change authorized by the Building Inspector under this section may increase the size of any building or structure by more than ten percent (10%).
 - (b) All other changes in the PUD and PUD site plan must be made under the procedures that are applicable to the initial approval of a PUD.

Section 14-82. Conformance with subdivision regulations.

Any area proposed as a PUD shall be subject to the requirements for review and approval under the subdivision regulations. Such subdivision review procedures may be carried out concurrently with Overall or Staged Review of the PUD as outlined in this Article.

Section 14-83. Subdivision and resale.

- (1) A PUD may be subdivided or re-subdivided for purposes of sale or lease.
- (2) An application for approval of the subdivision or re-subdivision must be made if the subdivision or re-subdivision will create a new plat line. The procedures applicable to the initial approval of a PUD are also applicable to the approval of a subdivision of a PUD.
- (3) The subdivision or re-subdivision may be approved if it does not increase the dwelling unit density of the PUD and if the PUD, following the subdivision or re-subdivision, is in compliance with the standards for PUDs provided in this Article.

Section 14-84. Fees for PUD application.

Fees, as may be deemed necessary, to help defray the cost of processing, administering and enforcing the provisions contained in this Division 11 of this Article may be established by the City Council and shall be paid by the PUD applicant upon submission of the indicated type of plan for review by the Commission.