

- (3) A better distribution of induced traffic on the streets and highways;
- (4) Conservation of the value of the land; and
- (5) Preservation of the site's natural characteristics.

(b) Conditions. The use of the PD Zone District must be in accordance with the Town's Comprehensive Plan and is dependent upon the submission of an acceptable plan and satisfactory assurances that the plan will be carried out.

(1) The PD is an entire development program concept and shall be reviewed as a whole.

(2) A PD may be developed for any property within the Town that is greater than five (5) acres in size.

(3) The PD shall be considered by the Board of Trustees from the point of view of the relationship and compatibility of the individual elements, which make up the development in accordance with the provisions of this Zoning Ordinance.

(4) The parcel being considered for a PD must be a legal building lot.

(5) Phasing of development: Each phase within a PD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD or its surroundings at any stage of the development.

(6) Consent of landowners required. No Planned Development may be approved by the Board of Trustees without written consent or a letter of authorization of the landowners whose properties are included within the PD. All owners of land within the proposed PD shall sign each application form requesting consideration or approval of any PD.

(c) Standards Generally. The following standards and requirements shall govern the application of a Planned Development:

(1) No PD shall be approved without an official development plan setting forth the provisions for development of the PD, including but not necessarily limited to development standards, allowable uses, location and bulk of buildings and other structures; density of development; utilities, streets, roads, pedestrian areas and parking; common (or dedicated) open spaces; and other public facilities.

(2) A PD Zone District is created as an amendment to the Official Zoning Map if it is consistent with the intent and policies of the Town's Comprehensive Plan and upon approval of an application for zoning or rezoning. Land uses within a PD Zone District development may be multiple in nature and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies

and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans.

(3) Each development phase shall provide its planned share of open space, recreational facilities and common amenities. The official development plan shall include mechanisms to coordinate the provision and improvement of open space, recreational facilities and common amenities with the construction of any nonresidential space, dwelling units or other land uses.

(4) The official development plan shall include adequate, safe and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space.

(5) The PD is a negotiated zone district. While there may be no fixed lot size or lot widths, the Board of Trustees require minimum dimensional standards including setbacks, height, parking, space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light, air and snow melt between buildings and to ensure that the PD is compatible with other developments in the area and that the PD does not adversely impact residentially zoned areas. If the official development plan does not specify lot size, setbacks or other dimensional requirements for a particular use within the PD, such dimensional requirements shall be those dimensional requirements otherwise required for the particular use under this Zoning Ordinance.

(6) The plans for the proposed PD shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages and permitted uses shall be detailed for all development areas within the PD Zone District. A summary chart indicating development standards applicable to the entire PD and separate areas within the PD is required.

(7) Open space for the PD shall be planned to produce maximum usefulness to the residents of the development for purposes of recreation, provision of view corridors and scenery and to produce a feeling of openness. All areas designated as common or public open space pursuant to the requirements of this Section shall be accessible by proper physical and legal access ways.

(8) The developer shall provide within the PD central water, wastewater and stormwater drainage facilities as required by the Town.

(9) The development shall be designed to provide for necessary commercial, recreational and educational facilities conveniently located to residential housing.

(10) Clustered development and a mix of uses shall be encouraged to promote maximum open space, economy of development and variety in type, design and layout of buildings.

(11) Relationship to the Subdivision Regulations. All development within a PD Zone District requires a subdivision plat. The provisions of this Zoning Ordinance concerning Planned

Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the Town. However, the uniqueness of each PD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modifications from the specifications established in the Subdivision Regulations adopted by the Town, if the reasons for such exceptions are well documented. Modifications may be incorporated only with the approval of the Board of Trustees as a part of their review of the official development plan for a PD and shall conform to acceptable engineering, architectural and planning principles and practices.

(d) Standards for Approval. The following standards shall be utilized by the Board of Trustees in evaluating any plan for Planned Development:

(1) Open space. A minimum of eight percent (8%) of the total nonresidential PD area and twenty-five percent (25%) of any residential use shall be devoted to open lands, useable open space and common areas that are public or quasi-public. No more than five percent (5%) of the required percentage of usable open space shall be in the form of water surfaces, floodplains, steep slopes or storm water detention areas. Acreage dedicated for school sites and other public land dedications shall be considered at a negotiated percentage in the open space calculation.

(2) Gross building floor area. The gross building floor area of any use may be limited as required by the Board of Trustees upon consideration of the official development plan and individual characteristics of the subject land.

(3) Architecture. The following architectural standard is intended to prevent monotonous streetscapes and to avoid uniformity and lack of variety in design among nonresidential development within any PD. Building facades facing a primary access street or a parking area should have clearly defined, highly visible pedestrian entrances that feature the following:

- a. Canopies or porticos;
- b. Overhangs, recesses/projections;
- c. Distinctive roof forms;
- d. Arches;
- e. Outdoor patios, plazas or courtyards;
- f. Display windows; and/or
- g. Planters or wing walls that incorporate landscaped areas and/or places for sitting.

(4) The PD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire

protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the Board of Trustees. Bicycle lanes, horse paths and trails shall be provided for, if appropriate for the land use.

(5) The PD shall provide parking areas in conformance with the minimum parking standards of this Zoning Ordinance in terms of number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation and screening.

(6) The PD shall strive for optimum preservation of the natural features on the site.

(7) Any residential PD shall provide for a variety in housing types and densities, other facilities and common open space.

(8) Any residential PD shall provide adequate privacy between dwelling units.

(9) The PD shall provide pedestrian ways adequate in terms of safety, separation, convenience and access to points of destination.

(10) The uses within any PD must be served by an approved public water and sanitary sewer system.

(11) The maximum height of buildings may be increased or decreased above the maximum permitted for like buildings in other zone districts in relation to the following characteristics of the proposed building:

- a. Its geographic location;
- b. The probable effect on surrounding slopes and terrain;
- c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity;
- d. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;
- e. Influence on vistas and open space;
- f. Uses within the proposed building; and
- g. Fire protection.

(e) Common Open Space and Maintenance.

(1) Organization for maintenance. No PD shall be approved unless the Board of Trustees is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives and parking to ensure maintenance of such areas.

(2) Lot area and coverage, setbacks and clustering. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types, which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings.

(3) Maintenance provisions. In the event that the organization established to own and maintain common open space or any successor organization, shall at any time after approval of the Planned Development fail to maintain the common open space in reasonable order and condition, the following procedures may be initiated by the Board of Trustees:

- a. The Board of Trustees may serve written notice upon such organizations or upon the owners of the lots within the PD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the time, date and place of a hearing thereon, which shall be held within fifteen (15) days of the date of notice.
- b. At such hearing, the Board of Trustees may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.
- c. If the deficiencies set forth in the original notice and in the modifications thereof are not cured within the period set, the Town, in order to preserve the taxable values of the properties within the PD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. Such entry and maintenance shall not vest in the public any rights to use the common open space except when it is dedicated to the public by the owners.
- d. Prior to the expiration of the year of Town maintenance, the Board of Trustees shall call a public hearing upon notice to the organization responsible for the maintenance of the open space or to the residents of the Planned Development, at which hearing the organization or the residents shall show cause why such maintenance by the Town shall not continue for the succeeding year. If the Board of Trustees determines that the responsible organization is not ready and able to maintain the open space in a reasonable condition, the Town, in its discretion, may continue to maintain the open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- e. The cost of maintenance by the Town shall be paid by the owners of properties within the PD who have a right of enjoyment of the open space, and any unpaid

assessment shall become a tax lien in the office of the County Clerk and Recorder upon the properties affected by such lien to the Board of Trustees and Town Clerk for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

Sec. 2-120. Submittal and processing requirements for official development plan.

(a) **Application Process for Official Development Plan.** The Planned Development process requires the preparation of an official development plan for any project proposed for PD Zone designation and the preparation of a final development plan for each phase of the PD. An applicant must enter the subdivision process no later than at the time of final development plan preparation. An official development plan is the first step in the PD process. This document establishes the permitted uses, siting restrictions and official development controls and standards for the entire PD Zone. The official development plan constitutes the zoning plan for the property. The Board of Trustees may adjust official development plans over time to reflect changing conditions through minor and major adjustments pursuant to Section 2-90. No building, structures or improvements shall be constructed without first obtaining approval for a final development plan and final subdivision plat.

(b) **Application Form, Application Fee and Cost Reimbursement Agreement.** The Town Clerk shall provide land use application forms, an application fee schedule and a cost reimbursement agreement form to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the Town, as well as the Town's cost for notification and publication. The amount to be paid shall be determined based on the current Town Fee Schedule to be established by resolution. An applicant for PD Zoning shall submit an original signed application form and required number of paper plan set copies to the Town Administrator for review of completeness and subsequent referral to the Town Attorney, Town Engineer and other agencies for comment. Additional copies may be required after initial review. A signed cost reimbursement agreement shall accompany the original application. The applicant shall include the following information with the application form:

- (1) Applicable fees.
- (2) Letter of intent explaining the uses, type of development proposed and reasons for the requested PD Zone classification.
- (3) List names and addresses of property owners within seven hundred fifty (750) feet and one (1) set of mailing labels for the properties.
- (4) Proof of ownership.

(c) **Preapplication Conference (Step 1).** The applicant is required to have a meeting with the Town Administrator. The meeting shall occur prior to submitting a zoning or rezoning application for a PD Zone designation.

- (1) The purpose of this meeting is:

- a. To review the general feasibility of the proposal;
- b. To inform the applicant about procedures, process and submittal requirements;
- c. To review applicable development standards and provide the applicant with any other information necessary to ensure that the formal application furthers the intentions stated within the adopted Comprehensive Plan and meets the objectives and requirements of the Town; and
- d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal. Town staff's opinions presented during the preapplication conference are intended to be informational only and do not represent a commitment on behalf of the Town regarding the acceptability of the proposal.

(2) In addition to a preapplication review with the Town Administrator, the Town Engineer shall review the PD zoning application to determine if public improvements may be necessitated because of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing and extent of the public improvements as specified by the Town Engineer shall be outlined in a public improvements agreement detailing the owner's obligations to design and construct the public improvements necessary to serve the development. The public improvements agreement shall be executed prior to the recordation of the required final subdivision plat. The need for public improvements shall consider:

- a. The extent of existing and contemplated development of the surrounding area.
- b. The need to ensure that the health, safety and welfare of the public will be maintained.
- c. Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.
- d. All rights-of-way, easements and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the Town Engineer.

(3) Within fourteen (14) days after the date of the preapplication review, the Town Administrator shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items:

- a. Ordinances of the Town of Deer Trail.
- b. Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.
- c. Need, if any, to replat pursuant to the Subdivision Regulations. Subdivision is required for any PD.

- d. Any required site development plan considerations.
- e. General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.

(d) **Mandatory Neighborhood Meeting (Step 2).** After receiving the written conclusions of the preapplication review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site. It shall be the obligation of the applicant, unless otherwise waived by the Town, to provide notice of the hearing to the following people or entities:

(1) The fee owners of the subject property.

(2) The applicant.

(3) The fee owners of real property within seven hundred fifty (750) feet from the boundary of the subject property.

(4) The registered representative of neighborhood homeowners' organizations within one thousand (1,000) feet of the subject property.

(e) **Official Development Plan Submittal (Step 3).**

(1) **Graphic Plan.** The plan document shall have an outer dimension of 24" x 36" and shall also be duplicated in 11"x17" reproducible size; along with an electronic file, containing the following information:

- a. Parcel size stated as gross acres and square footage; and perimeter boundary.
- b. Existing topographical character of the land with elevation contours at ten-foot intervals or less, showing all water bodies and courses, wetlands, floodplains, unique natural features and existing vegetation, critical wildlife habitat as identified by existing habitat conservation plans and/or the Colorado Division of Wildlife.
- c. Approximate acreage and gross density of each area proposed for residential and nonresidential uses; number and type of residential units; and estimated floor area and types of nonresidential uses.
- d. Total land area and location and amount of open space.
- e. Approximate alignment of proposed and existing streets and pedestrian, trail and bicycle routes, including major points of access. Major points of access must be in conformance with the adopted CDOT Access Control Plan.
- f. Internal traffic and circulation systems, off-street parking areas and loading areas.

- g. Approximate location and number of acres of any public use, such as parks, trails, school sites and other public or semi-public uses.
- h. Height, yard, lot, setback and other dimensional standards in a development stipulations table as outlined in Appendix A to this Zoning Ordinance.
- i. Location of existing and proposed primary utility lines.
- j. An "existing conditions" map of the area surrounding the site to a distance of at least one-quarter (¼) mile, showing the following:
 - 1. Zoning districts.
 - 2. General location of existing structures (to remain) with square footage and heights.
 - 3. Major public facilities.
 - 4. Location of existing municipal boundaries, service and school district boundaries.
 - 5. Location and building envelope for all new structures and improvements.
- k. A preliminary landscaping plan that illustrates the following:
 - 1. Areas to be landscaped.
 - 2. General types of plantings (shrubs, trees, groundcover and indicate whether deciduous or coniferous).
 - 3. Berms, buffers and other treatments that serve to mitigate the impact of new development on adjacent land uses.
- l. Signature blocks for the Board of Trustees, Arapahoe County Clerk and Recorder and owner.
- (2) Written narrative. The applicant shall provide the following written information:
 - a. A legal description of the total site, including any recorded easements proposed for development, including a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners, developers, parties of interest and any lien holders.
 - b. Evidence of the present ownership or agents thereof of all lands included within the Planned Development in the form of a current commitment for title insurance or title insurance policy issued within thirty (30) days of application.

- c. A statement of planning objectives.
- d. A statement of proposed ownership of public and private open space areas.
- e. A proposed development phasing schedule.
- f. General physiographic conditions and environmental studies of the proposed site.
- g. A statement of the proposed method for controlling architectural design throughout the development.
- h. A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
- i. Water and sewer demand for projected uses and a statement concerning proposed water and sanitary sewer systems, including source and availability prepared by a qualified engineer registered in the State.
- j. A letter from the Town, appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.
- k. A generalized trip generation study for the entire development and its sub-parts. Also, a statement of the general intent of the applicant as regards the use of public versus private roads.

(f) Completeness Review and Referral.

(1) Information required for adequate review. Any information or reports required by this Section may be postponed or waived by the Town Administrator or Town Engineer on the basis that the information is not necessary for a review of the application. There may be additional information or reports required by the Town staff or the Board of Trustees to evaluate the character and impact of the PD Zone request.

(2) Acknowledgement of complete application. When all required submissions and copies have been received by the Town, the Town will notify the applicant in writing that the application is complete and the Town shall forward the complete application to the Town Attorney, Town Engineer and other Town consultants. The Town shall determine the number of copies required for each required item.

(3) Referral of PD zoning request. Copies of the application shall be referred to the following agencies for their review and comment, if any. Upon receipt of the application for PD zoning, the Town Administrator will check the application to determine if additional submissions or copies are needed for referral agencies. If additional submissions or copies are required, the Town Administrator will notify the applicant. Referral comments must be received from the referral agencies at least fifteen (15) days prior to of any scheduled public hearings. All referral comments shall be reflected in Town staff reports regarding the PD zoning application.

- (4) Mandatory Referral Agencies:
 - a. Colorado Department of Transportation.
 - b. Arapahoe County.
 - c. Deer Trail School District No. 26J
 - d. Deer Trail Rural Fire Protection District.
- (5) Optional Referral Agencies:
 - a. Any applicable Water and Wastewater Authority.
 - b. Any applicable Water and Sanitation District.
 - c. Tri-County Health Department.
 - d. Homeowners Association as appropriate.
 - e. Any other agency or individual whose review is considered necessary.

(g) Review Criteria used by the Board of Trustees. Any official development plan shall be reviewed to ensure that the general public health, safety and welfare are safeguarded and for substantial conformance to the following applicable review criteria:

(1) The official development plan is consistent with the Town's Comprehensive Plan and other adopted plans.

(2) The official development plan achieves the stated objectives of the PD District, by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher quality living environment, encouraging innovative design and a variety of housing types and managing the increase in demand for public amenities.

(3) The proposed land uses are compatible with other land uses in the development and with surrounding land uses in the area and the type, density and location of proposed land uses are appropriate based on the findings of any required report or analysis.

(4) The street design and circulation system are adequate to support the anticipated traffic and the proposed land uses do not generate traffic volumes which exceed the capacity of existing transportation systems or that adequate measures have been developed to effectively mitigate such impacts.

(5) The official development plan adequately mitigates off-site impacts to public utilities facilities and residential development, which is the predominant land use within the Town.

(6) The fiscal impacts have been satisfactorily addressed and the Town or a special district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services or that adequate measures have been developed to effectively mitigate such impacts.

(7) Higher levels of amenities, including open spaces, parks, recreational areas and trails, will be provided to serve the projected population.

(8) The official development plan preserves significant natural features and incorporates these features into parks and open space areas.

(9) There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

(10) The applicant adequately demonstrates that the proposal is feasible and complies with all adopted development standards set forth in the official development plan and other requirements of this Zoning Ordinance. In cases of conflicting provisions, the more restrictive shall apply.

(h) Official Development Plan; Board of Trustees Action. The Board of Trustees shall hold at least one (1) public hearing. The Board of Trustees shall notify the applicant in writing of any of the following actions taken:

(1) Approval of the official development plan as submitted, with certain conditions as stated, if any;

(2) Denial of the official development plan as submitted or certain portions thereof, with all reasons clearly stated. Denial means that application for an official development plan shall not be accepted; or

(j) Filing and Recording of Approved Official Development Plan.

(1) Following the decision of the Board of Trustees, the Town Administrator will inform the applicant in writing of the Board's decision and, if the official development plan was approved, instructions on the preparation of the signature Mylar, including any special notes or revisions required as a condition of approval and the amount of outstanding fees, if any, that are due. The fees shall include the amount necessary to record the official development plan and other materials. The letter shall also state the submittal requirements and required fees for the final development plan.

(2) The applicant shall have one hundred eighty (180) days to submit a final Mylar of the official development plan, the required written narrative and an electronic file to the Town Administrator for the Mayor's signature. In its discretion and for good cause shown by the applicant, the Board of Trustees may extend the time a maximum of sixty (60) days. Upon lapse of the two-hundred-forty-day period and any time extension, the approval of the official development plan shall be void.

(3) The official development plan is valid for a period not to exceed three (3) years unless the applicant proceeds to a final development plan for any portion or phase of the subject property.

(4) Signature Mylar. The applicant will submit three (3) check prints of the signature Mylar to the Town Administrator, who will send a copy to the Town Attorney and Town Engineer, if necessary. After review by the Town Administrator, the applicant will be notified to prepare two (2) sets of the signature Mylars, with any corrections as directed by Town staff. The applicant shall sign and submit the Mylar set to the Town Clerk.

(5) The Mayor will sign the signature Mylar sets and return them to the Town Clerk to have one (1) set recorded in the office of the County Clerk and Recorder.

(6) The second signed reproducible Mylar sets will be maintained in the files of the Town Clerk. Paper copies of the signed Mylar set will be maintained in the files of the Town Administrator and Town Engineer.

(7) Amend the Official Zoning Map. Following the recording of the official development plan map, the Town Administrator will amend the Official Zoning Map.

Sec. 2-130. Amendments to official development plan.

(a) Intent. From initial concept and approval to final construction, unforeseen changes and ordinary refinements occur which may require changes to the approved official development plan. In order to streamline the review process and to eliminate unnecessary delays, the intent of this Section is to establish a procedure for approving minor official development plan revisions. It is also the intent of this Section to establish a procedure to review and approve significant changes to the approved official development plan.

(b) Minor Amendments. Minor amendments to an approved official development plan may be approved administratively by the Town Administrator after written authorization from the Board of Trustees stating that the amendments are minor in nature.

(1) Minor amendments shall not represent more than a ten-percent change in the location, height, yard, lot and other development standards and can only be granted if required by engineering or other circumstances not foreseen at the time the official development plan was approved, so long as no modification violates any standard or regulation set forth in this Zoning Ordinance.

(2) The applicant shall make a written request to the Town Administrator justifying the proposed minor amendment and clearly showing on the official development plan and accompanying written narrative that portion which is proposed for amendment. A record of such approved minor amendment shall be filed and recorded in the same manner as the original.

(c) Major Amendments.

(1) Major amendments to an approved official development plan shall be processed in the same manner as the original official development plan. Approval of a major amendment to an approved official development plan shall be by ordinance. Major plan amendments include without limitation the following:

- a. A change in land use or development concept.
- b. An increase in building coverage of nonresidential uses or an increase in residential density levels.
- c. An increase in the height of any proposed structure.
- d. A realignment of major circulation patterns or a change in functional classification of the street network.
- e. A reduction in approved open space or common amenities.
- f. Other significant changes that involve policy questions or issues of overriding importance to the community.

(2) Submittal requirements. A request for a major amendment shall be accompanied by the same type and quality of information as was necessary for the original final approval and passage of the official development plan, in addition to the following:

- a. A map of the entire official development plan area, which clearly defines that portion which is proposed for amendment.
- b. A justification of the proposed amendment, including a discussion of any changes in impact, which would result from the amendment.

Sec. 2-140. Obsolete official development plan.

An official development plan may be considered obsolete if the Board of Trustees finds that any of the following conditions exist for an official development plan that is not a site specific development plan within the meaning of Section 1-150 of this Zoning Ordinance:

(1) The original development concept has not been followed and is deemed a zoning violation.

(2) The official development plan has been inactive and no final development plans have been approved and filed for the past three (3) years.

(3) A final development plan has been approved but no building permits have been issued for the past five (5) years.

(4) In the event an official development plan is found to be obsolete, a new official development plan shall be required subject to the submission and approval process of this Section.

(5) The Town may withdraw or rescind approval of any official development plan deemed obsolete.

Sec. 2-150. Submittal and processing requirements for final development plan.

(a) Application Process.

(1) Approval of a final development plan is the last stage of the Planned Development process. Whereas the official development plan establishes permitted land uses and general development stipulations, the final development plan provides more detailed specifications, including but not limited to:

- a. Building envelopes.
- b. Building design (scaled architectural elevations).
- c. Detailed landscape plan (design and materials).
- d. Parking lot layout.
- e. Lighting plan and fixtures.
- f. Signs.
- g. Access and on-site circulation.

(2) The final development plan may include all or a portion of the site covered by the approved official development plan. The final development plan application is intended to specify design components of the PD District or portions thereof and provide for the review of additional items not required by the official development plan. A final development plan application may be made for all or a portion of the entire District as previously approved at the official development plan stage. All final development plans must have accompanying them appropriate subdivision plats, which either have been approved or are undergoing the approval process if they are integral to the proposed development. Final development plans must include structure locations and building footprint dimensions. In any PD District, an approved final development plan for all or portions of the district must be in effect before any building permits may be issued for the construction of structures in the approved portions of the district. The completed application shall be known as the final development plan.

(b) Application Form. An applicant for final development plan approval shall submit an original signed application form to the Town. A deposit check for review expenses and a signed charge back agreement (if one is not already on file in the Town Clerk's office) shall be

submitted with the original application. Copies will be transmitted to Town consultants and outside referral agencies for comment.

(c) **Submittal Requirements.** The final development plan shall include all the information required in the official development plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.

(1) **Final development plan – written documentation (fifteen [15] copies or as directed by Town staff.).**

- a. **Proof of ownership. (Title Commitment with Schedule B) dated within thirty (30) days of the application.**
- b. **Letter of Intent describing the proposed development.**
- c. **List of properties within seven hundred fifty (750) feet, plus a set of mailing labels for the properties.**
- d. **A final development schedule indicating the approximate dates when construction of the phases of said development can be expected to begin and to be completed.**
- e. **A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; total amount of open space (including a separate figure for usable amount of open space); and a statement explaining anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.**
- f. **Copies of proposed final covenants, declarations, architectural design standards, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings and other structures within the development.**
- g. **Physiographic and environmental studies of the proposed site prepared and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, ground water conditions and impact on wildlife.**
- h. **Any required dedication documentation and/or improvement agreements and bonds plus an updated title insurance commitment.**
- i. **Any new items or studies not submitted with the official development plan.**
- j. **The applicant shall submit required fees.**
- k. **Quantitative data for the following: final number of dwelling units, number of bedrooms in multi-family residential units, final figures for previously agreed-**

upon design or development standards or any other negotiated items and footprint sizes of all proposed nonresidential buildings.

- l. A detailed study of the traffic impact of the development on the regional street system.
- m. Any written documents associated with providing utility service and demonstrating water and wastewater availability.
- n. Approved access permit from the Colorado Department of Transportation, if applicable.

(2) Final development plan – graphic documentation. Fifteen (15) paper sets of the final development plan map set or as directed by Town staff, which shall be a blackline print or photocopy of original drawings (24" x 36" size) containing the following information:

- a. Project name, type of proposal (final development plan), legal description of the plan's land area, date of the drawing, scale, north arrow and existing zoning of the site.
- b. Vicinity map with north arrow (scale of 1" = 2,000' preferred), with an emphasis on the major roadway network within one (1) mile of the proposal.
- c. Nonresidential: The graphic locations (building envelopes), dimensions, maximum heights and gross floor area of all existing and proposed structures and the location of entrances, loading areas, location of outdoor trash receptacle systems and emergency vehicle access, if any. Location of parking spaces with typical dimensions.
- d. Residential: Graphic representation showing lots, street names and dimensions, sidewalks or pedestrian walkways.
- e. Any plan maps that have been revised since the official planned development plan approval.
- f. A landscape plan indicating the treatment and materials used for parking lots, public and common open spaces and a revegetation plan showing treatment of disturbed areas.
- g. Information on land areas adjacent to the proposed development to indicate integration of circulation systems, public facilities and utility systems and open space.
- h. The planned pedestrian, trail, bicycle and vehicular circulation system, including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict. Show all proposed curb cuts and driveway locations and dimensions, off-street parking in terms of

- location, dimensions and total numbers by type (full-size, compact, handicap, etc.) and types of surfacing.
- i. A soil erosion and prevention plan.
 - j. The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, walls and landscape plan.
 - k. A detailed engineered drainage plan indicating general on-site and required off-site facilities and proposed treatment and abatement of run-off drainage to adjoining properties.
 - l. Preliminary or final subdivision plats required and prepared as per the requirements of the Town's Subdivision Regulations.
 - m. Preliminary or final engineering plans for public roads within the development, points of access and designs for intersections with and modifications of existing public rights-of-way and designs for any off-site road improvements to connect the Planned Development to the existing street system. Final plans for private roads are to be included for any portions of the site undergoing final review.
 - n. A site map that depicts the development phases thereof, sites and building footprint sizes and locations outlined in the development schedule.
 - o. Engineering schematic plans that depict general line sizes and proposed points of connection to existing or planned utility systems, both on and off site; final engineered plans and specifications. Include dimensions of all existing and proposed easements.
 - p. Existing and proposed finished grade topography at two-foot contours or less, tied to U.S.G.S. datum.
 - q. Documentation showing conformance to applicable floodplain regulations and adopted engineering standards.
 - r. A snow removal and storage plan.
 - s. A detailed lighting plan depicting on-site streetlight location, height and fixture type, with supplemental specifications, including a photometric plan for the site.
 - t. A detailed sign plan showing the location, size, height and materials for all signs on the property.
 - u. Chart comparing all regulations and requirements of the proposed final development plan with those of the approved official development plan regarding the proposed uses, building heights, gross floor area, residential density, gross