

# CHAPTER 10: PLANNED UNIT DEVELOPMENT (PUD)

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### Section 10.1

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#### PLANNED UNIT DEVELOPMENT (PUD)

CRS § 24-67-101 through 108 (the “Planned Unit Development Act”) authorizes Teller County to provide for Planned Unit Developments (PUD). PUD is a specific Zone District designation, designed to provide an overall planning and design approach for a single use or a mix of uses. The minimum dimensional and use limitations of a PUD are those shown in these Regulations for the land’s zone district designation at the time of initial PUD development permit application (“original zoning”). Deviation from strict application of these dimensional and use limitations, however, may be allowed under a PUD rezoning in order to provide the flexibility for landowners to creatively plan for the overall development of their land, thereby achieving a more desirable environment than would be possible through strict application of the standard zone district requirements of these Regulations.

- A. General Purpose of Planned Unit Development.** While not to be considered as the explicit Standards to be applied when evaluating a PUD, the general purpose or purposes for establishing a PUD may include one or more of the following:
1. Permit the integration rather than separation of uses so that necessary commercial, recreation, and educational facilities are conveniently located to housing;
  2. Establish land use patterns that promote and expand opportunities for public transportation and for efficient, compact, networks of streets and utilities that lower development and maintenance costs and conserve energy;
  3. Help preserve valued environmental resource lands and avoid the development of natural hazard areas;
  4. Help maintain and enhance surface and ground water quality and quantity, and likewise maintain air quality;
  5. Help improve and enhance the County’s trail and park system and maintain access to public lands;
  6. Help protect and maintain critical wildlife habitat and migration corridors;
  7. Establish incentives for Applicants to assure that long term affordable housing will be developed;
  8. Help provide for well-located, clean, safe, and pleasant industrial

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sites involving a minimum of strain on transportation facilities;

9. Encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings, and by the conservation and more efficient use of open space ancillary to said buildings;
10. Minimize the burden of traffic on roads and highways;
11. Help ensure that the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s) and these Land Use Regulations are achieved.

**B. Minimum Land Area.** The minimum land area of a PUD shall be the minimum applicable lot size for the zone district proposed to be re-zoned to PUD. In the case of a single legally non-conforming A-1 zoned property, the minimum land area of the PUD shall be the size of that particular lot, parcel, or tract of land. (See *Chapter 2 Zoning*.)

**C. Location.** A Planned Unit Development (PUD) Zone District designation may be established on any land located in unincorporated Teller County provided (1) that the land is held in single ownership or under unified control; (2) the purpose and intent of the PUD are consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s); and (3) the provisions of *Chapter 10 Planned Unit Development* are followed. Should ownership or control become diversified after rezoning to PUD, these regulations shall continue to apply to the entire PUD as a unit.

**Section 10.2  
PUD PROCEDURE**

**Section 10.2**

**A. Overview of Development Review.** Before any development is designated as a Planned Unit Development (PUD) Zone District on the Official Zone District Map it shall receive approval pursuant to the terms of *Chapter 10 Planned Unit Development*. An Applicant proposing to develop a PUD shall obtain approval for a Sketch Plan and Preliminary Plan for said PUD, and when Subdivision is also proposed, or if the land proposed for PUD has not been platted, following approval of the PUD Preliminary Plan Applicant shall submit development permit applications for a Final Plat or Plats in compliance with the requirements of *Section 9.7.E Final Plat* of these Regulations.

1. **Sketch Plan Purpose.** The purpose of PUD Sketch Plan review is for the Applicant, the County and the public to evaluate and discuss the basic concepts for the proposed PUD, and to consider

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whether development of the property as a PUD will result in a significant improvement over its development as a conventional subdivision or under conventional zoning. The Sketch Plan includes a draft of the proposed PUD Control Document (PUD Guide) for County review and consideration, specifying the limitations that will guide the future development of the property. Sketch Plan review is the time when determinations should be made as to whether the proposed PUD generally complies with the purpose and intent of these Regulations and with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s), and whether it is generally compatible with surrounding land uses. It is also the opportunity to consider such issues as the appropriate number of residential dwelling units or amount of commercial or industrial space; dimensional and use limitations, and other potential changes to original zoning; the general locations of development areas and areas to remain undeveloped; and general conformance to *Chapters 4 Infrastructure, 5 Site Development* and *6 Critical Areas* of these Regulations. In addition Sketch Plan review should also identify issues and concerns the Applicant must satisfactorily address if the project is to proceed to Preliminary Plan. Approval of a PUD Sketch Plan solely authorizes the Applicant to proceed to submit to the County a development permit application for a PUD Preliminary Plan. **It shall not constitute, or be deemed to constitute, any other approval for the PUD, or for any separately required approval for subdivision.**

2. **Preliminary Plan Purpose.** The purpose of PUD Preliminary Plan review is for the Applicant to respond to issues and concerns identified during Sketch Plan review by providing detailed and properly designed or engineered solutions. The Preliminary Plan step is also when the Applicant is to provide detailed information regarding (a) areas intended for development and areas planned to remain undeveloped; (b) all *Chapters 4 Infrastructure, 5 Site Development, and 6 Critical Areas* standards; and (c) any mitigation proposals to be evaluated by the County. The Preliminary Plan development permit application includes the proposed final PUD Guide, which, if approved, shall be recorded with any Resolution(s) of the Board of County Commissioners approving the PUD Preliminary Plan. **Approval of a PUD Preliminary Plan does not constitute, or be deemed to constitute, any separately required approval for subdivision.**
3. **Official Zone District Map Amendment.** The PUD Preliminary Plan development permit application shall be accompanied by a separate development permit application for an Amendment to the Official Zone District Map pursuant to *Section 2.11 Amendments to the Text of These Regulations or the Official Zone District Map.*

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4. **Subdivision.** Where the PUD proposes activities that constitute a subdivision, the development permit applications for PUD Sketch Plan and PUD Preliminary Plan shall each be accompanied by separate development permit applications fulfilling the submittal and procedural requirements of *Chapter 9 Subdivision* for separate approval of the Subdivision Sketch Plan and Preliminary Plan respectively.
5. **Concurrent Applications.** When two or more development permit applications for different purposes are submitted for consideration together (by way of example **only**: Preliminary Plan for PUD, Preliminary Plan for Subdivision, Official Zone District Map Amendment), it is not necessary for Applicant to duplicate materials that would be required for each development permit application individually.
6. **Combined Applications.** At the discretion of the Planning Director, for minor development proposals without potential adverse impacts requiring mitigation, a development permit application for PUD Sketch Plan and PUD Preliminary Plan may be combined into one development permit application. In the event of combined development permit applications, Applicant shall submit full and complete information as required for both Sketch Plan and Preliminary Plan, at a Preliminary Plan level of detail. Except as may otherwise be provided in these Regulations, in no event shall a PUD Sketch Plan, Preliminary Plan, and Subdivision Final Plat be combined into one development permit application.

**B. Sketch Plan for PUD**

1. **Submittal Requirements.** The application for approval of a PUD Sketch Plan shall contain the materials specified in *Section 3.2 Minimum Contents of Application*, and the following:
  - a. A site plan prepared in accordance with *Section 7.4 Site Plans for Applications Other than Building Permit* as may be modified at the discretion of the Planning Director.
  - b. Draft of the proposed PUD Guide setting forth the proposed land use restrictions including uses (Permitted Uses, Temporary Uses, and Special Review Uses), residential densities, commercial square footages, dimensional limitations, development standards, structural and lot design guidelines, sign plan, ownership and control. (See *Section 3.5.C PUD Control Document [“PUD Guide”]*.)
  - c. Written statement or narrative describing how each infrastructure adequacy requirement pursuant to *Chapter 4 Infrastructure* is to be satisfied. Applicant shall identify any

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need for potential Modification of Infrastructure Standards, and submit application for same pursuant to *Section 4.11 Modification of Infrastructure Standards*. The request for Modification of Infrastructure Standards shall be considered for approval, approval with conditions, or disapproval together with the development permit application for PUD Sketch Plan. In addition to any other information provided, Applicant shall also provide:

(1) **Roads** See *Section 4.5.Roads* of these Regulations.

- d. Written statement or narrative describing how each site development standard pursuant to *Chapter 5 Site Development* is to be satisfied. Applicant shall also identify any need for potential Modification of those Site Development Standards that may be modified pursuant to *Section 10.2.B.5.f*. Conceptual architectural plans should be submitted.
- e. An Environmental Description according to *Section 6.2 Environmental Description*. According to the nature, intensity, and location of the use proposed, specific *Chapter 6 Critical Area* or other environmental impact information may be additionally required pursuant to the Pre-Submittal Meeting. Attention should also focus on the potential effects of the proposed development on contiguous, adjoining, and adjacent properties.
- f. Proposed schedule of development phasing. Such a schedule includes the approximate starting and completion dates of the project; or, if multi-phased, the location, approximate starting and completion date, and schedule of inclusions for each phase.
- g. Statement of estimated demands for services from Teller County and any special taxing entity or any other infrastructure provider, prepared by a qualified professional according to a standard fiscal impact methodology (*e.g.*, per capita approach).
- h. Statement detailing why development of the property as a PUD will result in a significant improvement over its development as a conventional subdivision or under conventional zoning.
- i. Formal request for any changes to the use or dimensional limitations of the original zoning pursuant to *Section 10.2.D Changes Authorized*, and evidence sufficient to substantiate such request.

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- j. Any of the following requirements, as determined by the Planning Director, based on the complexity of the proposal:
  - (1) Supporting data to justify any proposed commercial and industrial elements in an area not so zoned;
  - (2) Statement of projected County tax revenue, prepared by a qualified professional, based upon the previous year's County tax levy and a schedule of projected receipts of that revenue.
- 2. **Review of Applications.** The submission of an application for approval of a PUD Sketch Plan, determination of its sufficiency, Staff review of, and notice and scheduling of a public hearing for the development permit application shall comply with the procedures established in *Section 3.4 Common Procedure for Review of Applications.*
- 3. **Recommendation by Planning Commission.** A recommendation of approval, approval with conditions, or disapproval of the PUD Sketch Plan shall be pursuant to *Section 3.4.F.1.b Planning Commission Recommendation* and the Standards of *Section 10.2.B.5 PUD Sketch Plan Standards.*
- 4. **Action by Board of County Commissioners.** Approval, approval with conditions, or disapproval of the PUD Sketch Plan shall be pursuant to *Section 3.4.F.2.a Board of County Commissioners Decision* and the Standards of *Section 10.2.B.5 PUD Sketch Plan Standards.*
- 5. **Sketch Plan Standards.** The Sketch Plan for a Planned Unit Development shall comply in its concept and preparation with the following Standards:
  - a. **Uniform Ownership and Control.** The area of the PUD is held in single ownership or under unified control.
  - b. **Uses.** The uses that may be developed in the PUD are those specified in *Chapter 2 Zoning* of these Regulations as uses that are permitted (use-by-right) or allowed as a Administrative Review Use, Conditional Use, or Special Use for the zone district designation in effect for the property at the time the development permit application for a PUD Sketch Plan was made; or changes to these uses have been authorized pursuant to *Section 10.2.D Changes Authorized* of these Regulations.



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- c. **Density Limitations.** Density limitations are those specified in *Chapter 2 Zoning* of these Regulations for the zone district designation in effect for the property at the time the development permit application for a PUD Sketch Plan was made; or changes to these density limitations have been authorized pursuant to *Section 10.2.D Changes Authorized*.
- d. **Dimensional Limitations.** The dimensional limitations are those specified in *Chapter 2 Zoning* of these Regulations for the zone district designation in effect for the property at the time the development permit application for a PUD Sketch Plan was made; or changes to these dimensional limitations have been authorized pursuant to *Section 10.2.D Changes Authorized* of these Regulations, and the changes proposed leave adequate distance between buildings for necessary access, fire protection, proper ventilation, light, air, and area for snow removal and storage.
- e. **Infrastructure Adequacy.** Sufficient evidence exists that all Standards of *Chapter 4 Infrastructure* of these Regulations can be met, except as may have been otherwise modified pursuant to *Section 4.11 Modification of Infrastructure Standards*.
- f. **Site Development Standards.** Sufficient evidence exists that the Standards of *Chapter 5 Site Development*, of these Regulations can be met. Any change in the standards of *Section 5.2 Driveways and Access*, *Section 5.7 Parking and Loading*, *Section 5.8 Signs*, or *Section 5.9 Trees* have been authorized pursuant to *Section 10.2.D Changes Authorized* of these Regulations.
- g. **Critical Areas.** Sufficient evidence exists that the Standards of *Chapter 6 Critical Areas* of these Regulations can be met.
- h. **Compatibility With Surrounding Land Uses.** The PUD will be compatible with surrounding land uses.
- i. **Consistent with Master Plan.** The proposed PUD will be consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).
- j. **Phasing.** Each phase within the PUD is so planned and so related to existing surroundings and available or existing infrastructure, facilities, and services that failure to proceed to the subsequent phases will not have an adverse impact on the PUD or its surroundings at any phase of the development. Any proposed phasing of the PUD is realistic

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in light of present and future possible market conditions.

- k. **Common Open Space.** All common open space required pursuant to *Section 5.6.C Open Space in a Planned Unit Development* of these Regulations is depicted on the Sketch Plan drawings.

6. **Effect of Approval of PUD Sketch Plan**

- a. **Effect.** Approval of a PUD Sketch Plan shall only be deemed to permit the Applicant to proceed to submit to the County a development permit application for a PUD Preliminary Plan. **It shall not constitute, or be deemed to constitute, any other approval for the PUD, or any separately required approval for subdivision.**
- b. **Length of Approval.** Approval of a PUD Sketch Plan approval is valid for two years from the date of its approval by the Board of County Commissioners, and will be null and void thereafter unless extended by the Board pursuant to these Regulations. Permitted time frames do not change with successive owners.
- c. **Extension.** Upon written request, an extension of the Draft PUD Sketch Plan's life not to exceed two additional years in length may be granted by the Board of County Commissioners. Applicant must demonstrate that failure to obtain approval of the PUD Preliminary Plan was: (1) beyond the Applicant's control (allowing reasonable time for the review process); (2) the Sketch Plan complies with the now current Land Use Regulations and the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s); and (3) there is a reasonable likelihood the Preliminary Plan will be considered for approval during the extension period.

No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than two years and 30 days after the date of the Board of County Commissioners' Resolution approving the PUD Sketch Plan.

- d. **Hearing on Permit Extinction.** If a PUD Sketch Plan is not extended pursuant to these Regulations, the Board of County Commissioners may, as necessary, initiate a hearing pursuant to the procedures and Standards of *Section 3.8 Extinguishment of Approvals*.

Section 10.2.C

C. **Preliminary Plan for PUD**

1. **Submittal Requirements.** The application for approval of a PUD Preliminary Plan shall contain the materials specified in *Section 3.2 Minimum Contents of Application*, and the following:
  - a. A detailed statement stating the overall plan for development of the property.
  - b. A separate development permit application for Official Zone District Map amendment (“rezoning”) pursuant to the requirements of *Section 2.11* of these Regulations.
  - c. The proposed final PUD Guide, which includes setting forth the proposed land use restrictions and standards for development.
  - d. Written and/or graphic information sufficient to demonstrate that all requirements of *Chapter 4 Infrastructure* of these Regulations are met, except as may have been otherwise authorized at Sketch Plan for modification pursuant to *Section 4.11 Modification of Infrastructure Standards*.
    - (1) **Roads.** See *Section 4.5 Roads* of these Regulations.
  - e. Written and/or graphic information sufficient to demonstrate that the requirements of *Chapter 5 Site Development* of these Regulations are met, except as may have been otherwise changed pursuant to *Section 10.2.D Changes Authorized* of these Regulations.
  - f. Specific *Chapter 6 Critical Area* submittal materials or other environmental information as required.
  - g. The proposed final schedule of development phasing, if more than one phase of development is proposed.
  - h. Any other information required by conditions of PUD Sketch Plan approval.
2. **Review of Applications.** The submission of an application for approval of a PUD Preliminary Plan, determination of its sufficiency, Staff review of, and notice and scheduling of a public hearing for the development permit application shall comply with the procedures established in *Section 3.4 Common Procedure for Review of Applications*.
3. **Recommendation by Planning Commission.** A recommendation of approval, approval with conditions, or disapproval of the PUD

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Preliminary Plan and its related PUD Guide shall be pursuant to *Section 3.4.F.1.b Planning Commission Recommendation* and the Standards of *Section 10.2.C.5 PUD Preliminary Plan Standards*.

4. **Action by Board of County Commissioners.** Approval, approval with conditions, or disapproval of the PUD Preliminary Plan and its related PUD Guide shall be pursuant to *Section 3.4.F.2.a Board of County Commissioners Decision* and the Standards of *Section 10.2.C.5 PUD Preliminary Plan Standards*. The approved PUD Guide shall be appended to the Resolution and recorded with it, and shall be binding upon all further development permit applications for development of the PUD.
  
5. **Preliminary Plan Standards.** The Preliminary Plan for a PUD shall comply with the following Standards, some of which are applied at levels of detail that increase from Sketch Plan.  
**Conformance with Sketch Plan Standards does not guarantee conformance with Preliminary Plan Standards.**
  - a. **Consistent with Sketch Plan.** The Preliminary Plan is substantially consistent with the approved Sketch Plan.
  - b. **Conditions Met.** Conditions of Sketch Plan approval, if any, have been met.
  - c. **Consistent with Master Plan.** The PUD is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).
  - d. **Uniform Ownership and Control.** The area of the PUD is held in single ownership or under unified control.
  - e. **Uses.** The uses that may be developed in the PUD are those specified in *Chapter 2 Zoning* of these Regulations as uses that are permitted (use-by-right) or allowed as a Administrative Review Use, Conditional Use, or Special Use for the zone district designation in effect for the property at the time the development permit application for a PUD Sketch Plan was made; or changes to these uses have been authorized pursuant to *Section 10.2.D Changes Authorized* of these Regulations.
  - f. **Density Limitations.** Density limitations are those specified in *Chapter 2 Zoning* of these Regulations for the zone district designation in effect for the property at the time the development permit application for a PUD Sketch Plan was made; or changes to these uses have been authorized pursuant to *Section 10.2.D Changes Authorized* of these Regulations.

Section 10.2.C.5.g

- g. **Dimensional Limitations.** The dimensional limitations are those specified in *Chapter 2 Zoning* of these Regulations for the zone district designation in effect for the property at the time the development permit application for a PUD Sketch Plan was made; or changes to these uses have been authorized pursuant to *Section 10.2.D Changes Authorized* of these Regulations.
- h. **Infrastructure Adequacy.** Sufficient evidence exists to demonstrate that the Standards of *Chapter 4 Infrastructure* are met, except as may have been otherwise authorized for modification at Sketch Plan pursuant to *Section 4.11 Modification of Infrastructure Standards*.
- i. **Site Development Standards.** Sufficient evidence exists to demonstrate that the Standards of *Chapter 5 Site Development* are met; or a change in the standards of *Section 5.2 Driveways and Access*, *Section 5.7 Parking and Loading*, *Section 5.8 Signs*, or *Section 5.9 Trees* was authorized at Sketch Plan pursuant to *Section 10.2.D Changes Authorized* of these Regulations.
- j. **Critical Areas.** Sufficient evidence exists to demonstrate that the Standards of *Chapter 6 Critical Areas* are met.
- k. **Compatibility With Surrounding Land Uses.** The proposed PUD is compatible with surrounding land uses.
- l. **Phasing.** Each phase within the proposed PUD is so planned and so related to existing surroundings and available or existing infrastructure, facilities, and services that failure to proceed to the subsequent phases will not have an adverse impact on the PUD or its surroundings at any phase of the development. If the development is proposed to occur in phases, then guarantees are provided by way of Development Agreement, or other document, for public improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the entire County. Such public improvements and/or amenities will be constructed with the first phase of the project, or, if this is not practical, then in accordance with an approved phasing schedule.
- m. **Common Open Space.** All common open spaces required pursuant to *Section 5.6.C Open Space in a Planned Unit Development* of these Regulations are dimensioned on the PUD Preliminary Plan map. Adequate assurance has been provided that it will continue to conform to its depicted and

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defined use, be adequately maintained, and be constructed and fully improved according to the development schedule established.

6. **PUD Development Agreement.** At the discretion of the Board of County Commissioners, or as determined at Sketch Plan to be necessary, concurrent with the approval of a PUD Preliminary Plan, the Applicant and the Board may enter into a PUD Development Agreement pursuant to *Section 3.5.A* of these Regulations binding the PUD to any conditions placed in the Preliminary Plan Resolution, or any other matter, including obligations of Teller County, if any.
  - a. **Common Open Space and Recreation Areas.** Any PUD Development Agreement shall include a Common Open Space and Recreation Area Plan outlining the areas of common open space, parks, trails and recreation lands, and stating the terms of their maintenance. It shall also specify how Applicant will preserve these lands against their future subdivision or residential, commercial, or industrial development, and state how implementation will be accomplished.
  - b. **Public Improvements Guarantee.** The PUD Development Agreement may include the requirement that the Applicant provide a guarantee pursuant to *Section 3.5.B Improvement Agreement (IA) or Subdivision Improvement Agreement (SIA)* for completion of any public improvements.
7. **Placement on Official Zone District Map.** After recording of the Resolution or Resolutions by the Board of County Commissioners approving both the PUD Preliminary Plan and the rezoning to PUD, the Planning Director shall amend the Official Zone District Map to show the proper zone district designation.
8. **Recording of Documents.** The Preliminary Plan, which includes the Preliminary Plan map, PUD Guide, PUD Development Agreement, if any, and the Resolution(s) of the Board of County Commissioners shall be recorded in the office of the Teller County Clerk and Recorder. These documents constituting the PUD Preliminary Plan shall be binding upon the landowners their successors and assigns, and shall constitute the development regulations for the land. Development of the land is strictly limited to the uses, density, configuration, and all other elements and conditions set forth on the PUD Preliminary Plan map, the PUD Guide, and PUD Development Agreement, if any.
9. **Effect of Approval of a Preliminary Plan for PUD**

Section 10.2.C.9.a

- a. **Effect.** Approval of a Preliminary Plan for PUD and PUD rezoning shall constitute an amendment to the Official Zone District Map. It also authorizes the Applicant to submit a development permit application or applications for Final Plat for Subdivision. **It does not constitute, or be deemed to constitute, final approval for Subdivision.**
  
- b. **Length of Approval.** All Preliminary Plan approvals for single-phase PUDs are valid for three years from the date of their final approval. All Preliminary Plan approvals for multi-phase PUDs are valid for 10 years from their date of final approval, or as may otherwise be agreed by the Board of County Commissioners at that time. Development of at least the first phase, however, must have been completed within five years of the date of the Board's final approval of the PUD's Preliminary Plan. The Board of County Commissioners may extend these time periods; however, permitted time frames do not change with successive owners.
  
- c. **Extension.** Upon written request, an extension of the life of the PUD Preliminary Plan not to exceed two additional years in length may be granted by the Board of County Commissioners. Applicant must demonstrate by competent substantial evidence that failure to complete development of the PUD (1) was beyond the Applicant's control; (2) the PUD Preliminary Plan complies with the now current Land Use Regulations and the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s); and (3) there is a reasonable likelihood that the next required application in the development of the PUD will be considered for approval during the extension period.

No request for an extension shall be considered if the written application requesting the extension is received by the Planning Director more than 30 days after the date the PUD Preliminary Plan has expired. Failure to submit an application for an extension within the time limits established by this Section shall render the PUD Preliminary Plan, including related documents, null and void at the end of its approval period as provided in *Section 10.2.C.9.b Length of Approval.*

- d. **Hearing on Plan Extinction.** If a Preliminary Plan for PUD is not extended, the Board of County Commissioners may, as necessary, initiate a hearing pursuant to the procedures and Standards of *Section 3.8 Extinguishment of Approvals.*

Section 10.2.D

- D. Changes Authorized.** The Board of County Commissioners may, upon review of the formal request submitted and recommendation of Staff and the Planning Commission, grant the following changes as part of its approval of the PUD Sketch Plan. Each change granted shall be stated in the Resolution of the Board of County Commissioners approving the Sketch Plan and in the PUD Guide.
1. **Uses.** The uses that are allowed as permitted uses (uses by-right) or Special Review Uses in the original zone district may be changed.
  2. **Density.** The density allowed in the original zone district may be changed.
  3. **Dimensional Limitations.** The minimum lot area, minimum lot area per use, maximum lot coverages, maximum floor areas, minimum setbacks and maximum heights pursuant to the zone district dimensional limitations of the original zoning may be changed.
  4. **Site Development Standards.** The standards of the following sections of *Chapter 5 Site Development*, may be changed: *Section 5.2 Driveways and Access*, *Section 5.7 Parking and Loading*, *Section 5.8 Signs*, and *Section 5.9 Trees*. No other sections of *Chapter 5* may be changed.
  5. **Basis for Granting Changes.** Changes may be granted when the Board of County Commissioners finds that the PUD achieves two (2) or more of the following purposes, and that those purposes can not otherwise be achieved by the strict application of these Regulations under conventional zoning.
    - a. **Obtain Desired Design Qualities.** A change may be allowed that permits the integration of mixed uses (by way of example **only**: residential and non-residential) or allows for greater variety in the type, design and layout of lots and buildings than could be achieved through conventional zoning. Various types of residential uses may also be combined within the PUD in order to promote more efficient land use patterns and increase open space. The Board of County Commissioners may require minimum yard setbacks, lot widths, and space between buildings of such dimensions as necessary to provide adequate access and fire protection; to ensure proper ventilation, light, air, and snow removal and storage between buildings; and to minimize the effects of transmission of noise between units and between buildings.
    - b. **Avoid Environmental Resources and Natural Hazards.** A change may be allowed that provides necessary site



planning flexibility to enable the development to avoid valued environmental resource and critical area lands in order to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas unless the Applicant demonstrates that this arrangement is necessary to maintain the basic original zone district density allowed on the property, and that the lands providing environmental resource values have been protected, and that lands subject to natural hazards have been avoided. Where applicable, connections of such lands on the site to such lands on adjoining and/or adjacent properties shall be accomplished.

**Section 10.2.D.5.b**

- c. **Public Parks, Trails, Open Space.** A change may be allowed that provides incentives for Applicant to make contributions to the County's public parks and trail system substantially beyond those required by these Regulations, in accordance with the recommendations of the Teller County Parks, Trails and Open Space Master Plan, or to provide appropriate forms of access (including summer and winter parking areas and trailheads) to public lands and creek drainages in Teller County. Any such proposed access shall be consistent with public land management objectives and resource protection needs for the areas proposed to be accessed.
- d. **Affordable Housing.** A change may be allowed that provides for the establishment of long-term affordable housing.
- e. **Public Facilities.** A change may be allowed that provides incentive for Applicant to develop public infrastructure or facilities, including public transportation facilities, public recreation facilities and similar facilities. The facilities may be located on or off of the PUD site, and are to be facilities that meet the demands not only of project residents, but also of other residents of, and visitors to, Teller County.

**Section 10.3**

**AMENDMENT OF A PUD PRELIMINARY PLAN**

Minor deviations from an approved PUD Preliminary Plan may be approved by the Planning Director. Minor deviations that are authorized are solely those that appear necessary in light of technical or engineering considerations first discovered during actual development and that could not have reasonably been anticipated during the initial approval process, so long as they comply with these Land Use Regulations. Minor deviations do not include changes in approved phasing; reductions in the amount of required open space; reduction in approved

**Section 10.3**

Section 10.3.A

Site Development, Infrastructure, or Critical Area Standards; or increases in the number of lots or building square footages; or the addition or deletion of lands to and/or from the PUD boundaries. All changes not qualifying as minor deviations shall be considered as PUD amendments requiring compliance with the following requirements of *Section 10.3*:

- A. **Application.** The application for approval of Amendment of a PUD Preliminary Plan, including amendments to the recorded PUD Guide and/or amendments to other aspects of the Preliminary Plan, changes to the Preliminary Plan map, shall be made in accordance with *Section 10.2.C.1 [Preliminary Plan] Submittal Requirements*. At the discretion of the Planning Director, submittal materials may be modified according to the nature and extent of the proposed amendment.
1. **Additional Notification.** In addition to the names and addresses of all Adjacent Property Owners and any Minerals Interest holders, the Applicant shall provide pre-addressed, stamped envelopes for every property owner within the PUD.
- B. **Review and Decision.** The submission of an application for approval of an amendment of an approved PUD Preliminary Plan, determination of its sufficiency, Staff review of, and notice and scheduling of a public hearing for the application shall comply with the procedures established in *Section 3.4 Common Procedure for Review of Applications*.
1. **Recommendation by Planning Commission.** A recommendation of approval, approval with conditions, or disapproval of the PUD Amendment shall be pursuant to *Section 3.4.F.1.b Planning Commission Recommendation* and the Standards of *Section 10.3.C Standards Applied*.
  2. **Action by Board of County Commissioners.** Approval, approval with conditions, or disapproval of the PUD Amendment shall be pursuant to *Section 3.4.F.2.a Board of County Commissioners Decision* and the Standards of *Section 10.3.C Standards Applied*.
- C. **Standards Applied**
1. **CRS § 24-67-106(3)(b).** The PUD Amendment is (1) consistent with the efficient development and preservation of the entire PUD; (2) does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD or the public interest; and (3) is not granted solely to confer a special benefit upon any person, individual, firm, corporation, partnership, or other entity.
  2. **Other.** *Section 10.2.C.5 Preliminary Plan Standards* of the Land Use Regulations apply and shall be considered by the Planning Commission and Board of County Commissioners as if the

Amendment was a new PUD Preliminary Plan development permit application.

**D. Extent of Amendment Allowed.** At the discretion of the Planning Director, a PUD Preliminary Plan may be amended wholly or in part without requiring new PUD Sketch Plan and Preliminary Plan development permit applications, and without reference to the original purpose and intent of the PUD.

**1. Rights of Teller County.** Pursuant to CRS 24-67-106(3)(b.5), nothing in *Chapter 10* shall abrogate the rights of Teller County regarding any land located within a PUD to which it holds legal title that has been set aside for its use or purpose as specified in any PUD documents.

**Section 10.3.D**

**Section 10.4  
ENFORCEMENT OF PUD**

**A. General.** The provisions of a Resolution or Resolutions approving a Planned Unit Development Zone District designation, a PUD Preliminary Plan, including its PUD Preliminary Plan map, PUD Guide, and PUD Development Agreement, if any, relating to the use of land and the location of common open space, shall run in favor of the County and be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

**Section 10.4**

**B. Residents.** The provisions of any Resolution or Resolutions of the Board of County Commissioners approving (1) a Planned Unit Development Zone District designation, and (2) a PUD Preliminary Plan including its PUD Preliminary Plan map, PUD Guide, and PUD Development Agreement, if any (“Preliminary Plan documents”), shall run in favor of the residents, occupants, and owners of the PUD, but only to the extent expressly provided in the Resolution or Resolutions and in accordance with the terms of the approved Preliminary Plan documents. To that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants, or owners acting individually, jointly, or through an organization designated in the Resolution or Resolutions or PUD Preliminary Plan documents to act on their behalf. However, no provision of the Resolution or Resolutions or PUD Preliminary Plan documents shall be implied to exist in favor of residents, occupants, and owners except those provisions of the Resolution or Resolutions or PUD Preliminary Plan documents which have received final approval from the Board of County Commissioners.

**C. Release by County.** All those provisions of the Resolution or Resolutions approving a PUD Zone District designation or a Preliminary Plan for a PUD authorized to be enforced by the County, may be

Section 10.4.C.2

modified, removed or released by the County subject to the following:

1. **Enforcement.** No substantial modification, removal or release of the provisions shall affect any rights of the residents, occupants, and owners of the PUD to maintain and enforce these provisions at law or equity as provided in *Section 10.4.B Residents.*
2. **Procedure.** No modification, removal or release of the provisions of the Resolution or Resolutions by the County shall be permitted except pursuant to *Section 10.3 Amendment of a Planned Unit Development Preliminary Plan.*

**D. Release by Residents.** Residents and owners of a PUD may, if and only to the extent and in the manner expressly authorized by the provisions of the Resolution or Resolutions of the Board of County Commissioners, modify, remove or release their rights to enforce the provisions of said Resolution or Resolutions, but no such action shall affect the right of the County to enforce said Resolution or Resolutions.

**E. Enforcement of Open Space and Common Area Conditions.** The Applicant shall establish adequate arrangements for the ownership and maintenance of the common open space upon termination of Applicant's interest in the same. In the event that the organization established to own and maintain common open space, or any successor organization, shall at anytime after establishment of the PUD fail to maintain the common open space in a reasonable order and condition in accordance with the plan, the Board of County Commissioners may serve written notice upon such organization or upon the residents of the PUD, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and state the date and place of a hearing thereon which shall be held within 14 days of the date of the notice.

1. **Remedies Authorized.** At such hearing the Board of County Commissioners may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within said 30 days or any extension thereof, Teller County, in order to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of up to one year. Any failure of the Board to act for any period of time shall not bar its action. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is or has been voluntarily dedicated to the public by the owners.

**Section 10.4.E.2**

2. **Hearing to Show Cause**. Before the expiration of the said one year period, the Board of County Commissioners shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the Board of County Commissioners, at which hearing, such organization or the residents of the PUD shall show cause why such maintenance by Teller County shall not, at the election of the Board of County Commissioners, continue for a succeeding year.
3. **Continuing Maintenance**. If the Board of County Commissioners shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, Teller County may, at its discretion, continue to maintain said common open space during all or part of the next succeeding year and, subject to a similar hearing and determination, in all or part of each year thereafter.
4. **Right to Cost Recovery and Lien**. The cost of such maintenance by Teller County shall be paid by the owners of the properties within the PUD that have a right to enjoyment of the common open space, and any unpaid assessment shall become a tax lien on said properties. Teller County shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties effected by such lien within the PUD, and shall certify such unpaid assessments to the Board of County Commissioners and the Teller County Treasurer for collection, enforcement, and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.
5. **Assessments**. The County shall have the right to make assessments against properties in the PUD development on the same basis that the organization responsible for maintenance of the facilities could make such assessments. Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property, or, at the election of the Board of County Commissioners, enforceable as such assessments against the property would be by the organization. The County may further foreclose its lien on the common facility by certifying the same to the County Treasurer for collection as in the case of collection of general property taxes.

**Section 10.5**  
**VESTING OF A PUD**

Vesting of a PUD, or any rights thereunder, is limited solely to those matters, if any, specifically set forth as vested in the Resolution(s) of the Board of County

Commissioners approving the PUD, as may include its PUD Preliminary Plan map and PUD Guide. Amendment of a PUD pursuant to these Regulations does not, unless otherwise specifically stated in the Resolution of the Board of County Commissioners approving the Amendment, start the vesting period all over again.

**Section 10.5**