



DATE RECEIVED

COMMUNITY DEVELOPMENT DEPARTMENT PLANNED UNIT DEVELOPMENT APPLICATION

Gilpin County Community Development Department - PO Box 661, Central City CO 80427
Phone: (303) 582-5831 Fax: (303) 582-5440

APPLICANT

NAME	MAILING ADDRESS
PHONE NUMBER	CITY, STATE, ZIP
FAX NUMBER	EMAIL ADDRESS

OWNER IF DIFFERENT FROM APPLICANT

NAME	MAILING ADDRESS
PHONE NUMBER	CITY, STATE, ZIP

SUBJECT PARCEL INFORMATION

ADDRESS:	ASSESSOR'S ACCOUNT NUMBER(S):
LEGAL DESCRIPTION: (Lot/block/Subdivision or Mine Name/MS Number or Section/Township/Range if metes & bounds)	

LIST OF SUBMITTALS (SEE FOLLOWING PAGES FOR LIST OF REQUIRED SUBMITTALS)

I certify that the information, plans and exhibits I have submitted are true and correct to the best of my knowledge.

Applicant Signature: _____ date _____

(If Applicant is not Owner, please attach original notarized *Letter of Authorization* signed by owner.)

PERMIT APPROVAL (TO BE COMPLETED BY STAFF ONLY)

PERMIT NUMBER	FEE AMOUNT	DATE PAID
PERMIT ISSUED BY	STAFF SIGNATURE	DATE ISSUED

Note: Building and Grading permit fees cover the first 2 years. Open permits beyond 2 years require renewal fees of 1/2 the original fee for year 3 and \$50 for each additional year beyond year 3. All additional fees must be paid before a CO/CC will be issued.

Minimum Submittals for PUD Applications

PUD – Planned Unit Development

Use-by-Right

- None

Use-by-SUR

- A site-specific project that would encourage a more efficient use of land and reflect current land development priorities by encouraging integrated planning consistent with Gilpin County Master Plan goals and objectives.

PUD Regulations:

I. Authority and Purpose

- A. Title - A resolution establishing “Planned Unit Development Regulations in Gilpin County, Colorado, regulating the use of buildings, structures and land; the location; height, bulk and size of buildings and other structures, and the method of administration* and enforcement to be applied, all in conjunction and correlated with the ‘Gilpin County Zoning Resolution.’ “
- B. Authority - The Gilpin County “Planned Unit Development Resolution” is authorized by Article 6, Chapter 106, C.R.C. 1963 (as amended) and is hereby declared to be in accordance with all provisions of the statutes and hereby specifically refers to the said statute.
- C. Purpose and Objectives. This resolution shall have for its purpose and objectives to promote the public health, safety, integrity and general welfare by, among other things, providing for necessary commercial recreational and educational facilities convenient to such developments, providing well located, clean, safe and pleasant industrial sites, insuring that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within each district will not be applied to the improvements of land by other than lot by lot development in a manner which would distort the objectives of the zoning laws, encouraging a more efficient use of land and of public sources, or private sources in lieu thereof, and to reflect changes in the technology of land development so that resulting economics may inure to the benefit of those who need homes, conserving the value of the land, and encouraging integrated planning in order to achieve these purposes.
- D. Consistency with the General Plan - No Planned Unit Development (hereinafter referred to from time to time as “PUD”) shall be approved unless the final PUD plan is found to be consistent with current goals, objectives and plan of Gilpin County.
- E. Relationship to other Regulations. The uniqueness of each PUD 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 modification from the specifications established in other regulations of Gilpin County, if the reasons are well documented. Modification may be incorporated only with approval of the Planning Commission as a part of its review of the development plan *for a PUD and shall conform to acceptable engineering and architectural planning principles

and practices.

II. General Intent for Approval of Planned Unit Developments

- A. The Planning Commission shall consider the proposed PUD from the point of view of the relationship and compatibility of the individual elements which make up the development. No PUD shall be approved that contains elements which in the view of the Planning Commission cannot for any reason exist compatibly or provide an environment of lasting stability. It is the intent of this provision to recognize the fact that individual land uses, regardless of their adherence to all the design elements provided in this section, may not, due to any number of factors, exist compatibly with one another. Therefore, in addition to the review of the individual land uses involved in a PUD the Planning Commission must find that the total development can exist as an integrated whole.
- B. In making its review of a PUD the Planning Commission may in any area where, in its opinion, conflicts may result due to possible friction between the various types of land uses, require setbacks or other standards of design in excess or in lieu of those standards of design normally applicable.

III. Conceptual Application

- A. A Planned Unit Development shall be approved by the Board of County Commissioners only after it has been determined, based upon submission of a schematic land plan, that the proposed development will not have an undue and/or adverse impact on existing or future public facilities or the reasonable enjoyment of neighboring property.
- B. In considering the reasonableness of the proposed Planned Unit Development the Board of County Commissioners shall recognize additional amenities and increased efficiency in public services to be achieved by:
 - (a) The amount, location and proposed use of the land and
 - (b) the general location, design and use of the types of buildings.
- C. A Planned Unit Development shall not be permitted unless provisions for ownership and maintenance of open space, streams, stream banks, wooded cover and other desirable landscape features and needs for public facilities are made or they are protected by easement(s), covenant(s) or property owners' agreement to insure their continuity and conservation.

IV. Application for Planned Unit Development

- A. Formal Application An application for approval of a Planned Unit Development shall be filed with the County by the owner(s) of the land included in the Planned Unit, If the PUD includes land in more than one ownership, the application must be submitted jointly by all the owners of all the included land. The application must be submitted in writing and must be accompanied by a site plan and a written statement.
- B. Preliminary Plan The preliminary plan must be in sufficient detail to enable the Planning Commission and the Board of County Commissioners to evaluate the land planning and other features of the Planned Unit and must contain, insofar as applicable, the following minimum information:

- a. A general schematic plan which delineates:
 - (1) The existing topographic character of the site.
 - (2) The proposed land use(s) differentiating areas to be developed from areas to remain natural or open.
 - (3) The location of all existing buildings, structures, and improvements
 - (4) The internal traffic and circulation systems and major points of access of public rights-of-way.

C. Written Statement The written statement must contain, as a minimum, the following information:

- a. A statement of the present ownership and a legal description of all land included in the Planned Unit.
- b. An explanation of the objectives to be achieved by the Planned Unit.
- c. A development schedule indicating the approximate date when construction of the Planned Unit or stages of the Planned Unit can be expected to begin and to be completed.
- d. Copies of and/or any special agreements, conveyances, restrictions, covenants, property owner agreements which will govern the use of maintenance of the Planned Unit and any of its common areas.
- e. A list of the abutting owners of record and their addresses from available County records.
- f. A program describing the uses and activities to be permitted within each area(s) including:
 - 1. The types of dwelling units, if any.
 - 2. The approximate acreage or square footage of each use including any non-residential uses, parking roadways, recreational areas and facilities, etc.
 - 3. The area occupied by buildings.
 - 4. Parking ratios: E.G., spaces per unit or square feet.
 - 5. Any other applicable restrictions such as building setbacks, height limits, access, grades or widths of roads, etc.
- g. The overall density proposed for the land as well as the maximum density in each area(s).
- h. The proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square foot per unit basis.
- i. A description of snow removal methods or techniques to be utilized.
- j. A description of the proposed method of providing ongoing (permanent) maintenance of all nonprivate buildings, facilities, areas, and thoroughfares.
- k. A written statement by a licensed engineer(s) which shall describe and/or provide evidence of:
 - 1. A water source with adequate and dependable capacity to service the proposed development.
 - 2. The proposed method(s) of sewage treatment and the location of plant and outfall.
 - 3. The soil, geological, and ground water conditions of the site.
 - 4. The manner in which storm drainage shall be handled.
 - 5. Traffic capacity of existing and proposed roadways, and whether these are sufficient to accommodate the planned development.

V. Review and Approval

- A. Procedure to be followed with respect to the Planned Unit Development shall be the same procedure as set forth governing application for the granting of zoning classifications or for the change thereof except that the determination of the Board of County Commissioners in a particular case shall be governed by the following additional standards and requirements:
1. The Planning Commission shall review the preliminary development plan to determine that it complies with the PUD regulations and subdivisions regulations.
 2. The Board of County Commissioners shall hold a public hearing at which all interested parties, specifically including the Planning Commission, may present testimony and evidence pertinent to the proposed PUD.
 3. Within 30 days after the public hearing, the Planning Commission shall forward a written report to the Board of County commissioners recommending that the plan be approved, disapproved, or approved with modifications.
 4. Within 30 days after the receipt of the written report from the Planning Commission, unless a longer period is mutually agreed upon, the Board of County Commissioners will either approve or disapprove 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. If approved the resolution of zoning change containing the legal description shall be recorded so as properly advise that the land is subject to PUD.

VI. Final Plan

- A. Within 6 months following approval of the preliminary plan, the applicant shall file with the Planning Commission a final development plan. The Planning Commission may authorize the 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 the County Clerk as a matter of public record. If the applicant has not submitted such plan within the period provided, the Planning Commission can and shall initiate proceedings to remove the PUD district from the zoning map. The zoning regulations applicable before approval of the preliminary plan shall then be in effect.
- B. The final development plan as approved by the Planning 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:
1. Minor changes in locations, bulk of structures, height or character of building may be authorized by the Planning Commission if required y circumstances not foreseen at the time the final plan was approved.
 2. All other changes in use, any rearrangement of lots, or changes in the provision of open space must be made by the Board of County Commissioners under the procedures authorized by the Gilpin County Zoning Resolution for amendment of the zoning map.
- C. If the applicant has not begun construction of the PUD within one year from the approval of the final development plan or otherwise has failed to meet the approved development schedule, the Planning Commission may initiate proceedings

to remove the PUD district from the zoning map under the procedures authorized by the Gilpin County Zoning Resolution for amendment of the zoning map. The zoning regulations applicable before approval of the preliminary plan shall then be in effect. The Planning Commission may extend the development schedule for good cause shown by the applicant.

VII. Permitted Uses.

A. In a PUD the uses shall be determined upon submission and approval of the Plan.

VIII. Density and Design Requirements.

A. Density and design will be determined upon submission and approval of the site plan but in no event shall the density of the area exceed one unit per acre.

B. Height - The maximum height of buildings must be determined by review of each Planned Unit in relation to the following factors:

1. Geographical position.
2. The probable effect on surrounding slopes and hills.
3. Adverse visual effects from adjoining districts or property owners.
4. Potential problems for adjacent sites caused by shadows, loss of air circulation, loss of view.
5. Surrounding traffic conditions.
6. Uses within each building.
7. Fire prevention measures.

C. Parking - The PUD must provide for adequate parking. Each structure or use in the PUD shall provide off-street parking.

IX. Circulation.

A. Circulation shall be determined by review of each Planned Unit. The Planned Unit 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 PUB provides off-street loading spaces or loading berths or service courts.

X

Zoning Review

A. At least once every 24 months following the approval of a Planned Unit, the Planning Commission will review all building permits which have been issued for the Planned Unit and shall examine the construction which has taken place on the site. If they find that the rate of construction has not met the approved development program or if there is found to be violations of any of the provisions of this chapter or the terms or conditions of Planned Unit approval, there shall be forwarded a report of this information to the Board of County Commissioners.

The Board of County Commissioners shall hold a hearing on the report of violations submitted by the Planning Commission having first given notice to the Planned Unit applicant and all owners of abutting property. Upon review of the alleged violations, the Board of County Commissioners may, if it is deemed necessary, require that appropriate action be taken to remedy the violations, amend or modify the Planned Unit, or revoke approval of the Planned Unit.

X

Variance.

A. The Board of County Commissioners may grant variances from the provisions of the zoning resolution where it can be demonstrated that the foregoing provisions create an undue hardship or that there are unique physical circumstances or conditions involved which are peculiar to the affected property; that a variance if granted, will not alter the essential character of the area, or substantially or permanently impair the appropriate use or development of adjacent property. In granting any variance the Board of County Commissioners may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this resolution.

XI

Maintenance of Common Open Space.

A. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the county may serve written notice upon such organization or upon the residents of the POD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the county may modify the terms of the original notice as to 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 modifications thereof are not cured within said thirty (30) days or any extension thereof the county in order to preserve the taxable values of the properties within the POD 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 one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the county 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 POD, to be held by the board designated by the county at which hearing such organization or the residents of the POD shall show cause why such maintenance by the county shall not, at the election of the county, continue for a succeeding year. If the board designated by the county shall determine

that such organization is ready and able to maintain said common open space in reasonable condition, the county or municipality shall cease to maintain such common open space at the end of said year. If the board designated by the county shall determine such organization is not ready and able to maintain such common open space in a reasonable condition, the county may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

B. The cost of such maintenance by the county shall be paid by the owners or properties within the PUD that have a right of enjoyment of the common open space, and a unpaid assessments shall become a tax lien on said properties. The county shall file a notice of such lien in the office of the county clerk and recorder, upon the properties affected by such lien within the PUD, and shall certify such unpaid assessments to the Board of County Commissioners and County Treasurer for collection, enforcement, and remittance of general property taxes.

XIII

Seperability.

It is hereby declared to be the legislative intent that the several provisions of this resolution shall be severable, in accordance with the provisions set forth below:

A. If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

a. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

b. Such decisions shall not affect, impair or nulify this resolution as a whole or any part thereof, but the remainder of this resolution shall continue in full force and effect.

B. If the application of any provision of this resolution to any lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that: .

a. The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy action or proceeding in which the judgment or decree of invalidity was rendered; and

b. Such decision shall not affect, impair or nullify this resolution as a whole or the application of any provision thereof, to any other lot, building, other structure or tract of land.

Note: Staff reserves the right to require additional submittals as circumstances dictate.