

## ZONING

### ARTICLE IV

#### Special Requirements

**§ 180-28. Planned Unit Development. [Amended 07-02-85, Ord. 85-06; 09-05-95, Ord 95-09; 07-02-96, Ord. 96-13; 08-06-96, Ord. 96-15, 12-17-96, Ord. 96-28; 7-8-03, Ord. 03-12; 10-12-04, Ord. 04-16; 04-14-09, Ord. 09-07].**

- A. Purpose: The purpose of Planned Unit Development designation is to encourage flexibility and innovation in the development of land, provide the community with usable open spaces, and to promote a greater variety in design and layout of buildings, more efficient use of land, a balance of housing mix and other public amenities, and to preserve natural and scenic features.
- B. Applicability.
1. A planned unit development (PUD) is an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or contractor trade uses or any combination of the above, the plan for which does not necessarily correspond in lot size, dimensional requirements, type of use, density, lot coverage, open space or other restrictions to the existing land use regulations. A Planned unit development is an overlay zoning district allowable under Section 24-67-101 et seq. Colorado Revised Statutes 1973 (1977 Replacement Volume) in all zoning districts.
  2. A minimum of three dwelling units or ten thousand five hundred (10,500) square feet of lot area is necessary to constitute a planned unit development. If a PUD is proposed on a lot that is existing legally nonconforming due to parcel size, then the minimum lot area requirement does not apply.
  3. Any PUD that proposes a change in type of use, beyond what is allowed in the underlying zone district, shall constitute a rezoning request, and shall be reviewed as to the proposed change in type of use under the rezoning criteria in Section 180-48.B. All other aspects of the PUD proposal shall be reviewed according to the PUD approval criteria contained in Section 180-28.F.
- C. Maximum Density. The allowable density on the total site shall not exceed the density allowed in the underlying zone district with the following exceptions:
1. Accessory Housing Unit Exemption: Any accessory housing unit meeting the town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 80% of the area median income, at a rate established by the Summit County Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit County Combined Housing Authority.
  2. Affordable Housing Exemption: A density bonus over the maximum allowable density is available. A density bonus is an increase in the allowable number of dwelling units over the maximum density, provided that:

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- a. A minimum of 50% of the total number of bonus units is provided as affordable housing.; or
- b. For each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Frisco or within one (1) mile of any corporate limit of the Town of Frisco

### D. Processing of planned unit developments.

1. Application procedure. An application for approval of a new planned unit development shall be filed by a person having an interest in the property to be included in the planned unit development, shall be made on a form provided by the Town of Frisco, and shall include written consent by the owners of all property to be included in the planned unit development. In cases where an amendment to a previously approved PUD is requested, the application to amend the PUD may be made by any owner within the PUD, with written notice of the proposed application to be provided to all other property owners within the PUD. A planned unit development shall be processed in three (3) stages: preapplication conference, preliminary plan and final plan. The subdivision review procedure shall be carried out concurrently as noted in Chapter 157 with the review of the planned unit development as outlined in this chapter. The preliminary plan may be used in place of the preliminary plat, provided that the final plat is submitted and approved at the final plan stage.

#### a. Preapplication conference.

- i. The purpose of the preapplication conference is to discuss the overall concept of the proposal early and informally, before the applicant has made substantial financial commitments. Major problems may be identified and solved before formal application. Community goals, plans and regulations which might affect the proposal can also be identified and discussed.
- ii. Sketch plans. All applications for large projects, as defined in Section 180-5, shall present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission. The applicant shall notify the Community Development staff in writing at least 10 days prior to the Planning Commission meeting at which the sketch plan is requested to be presented. At that time, 10 copies of the presentation materials must be submitted. Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development staff to provide informed feedback on the project. At a minimum the applicant must submit the following information:
  - (a) Written project description that includes, but is not limited to, discussion of all uses within the PUD.
  - (b) Site plan showing the location of the building(s)
  - (c) Existing and proposed topography

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- (d) Existing Conditions Map
- (e) Parking and traffic circulation
- (f) Proposed landscaping
- (g) Scaled drawings of all building(s) elevations
- (h) Samples of all colors and materials proposed

Colored renderings and sketches are recommended for presentation. The Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended. Presentation of a sketch plan does not bind the Planning Commission or Town Council to approve a preliminary plan or plat, nor does it confer the applicant any vested rights.

- b. Preliminary plan. The preliminary plan constitutes the major step in the review process. At this stage, the major substantive review of the proposal design takes place.
  - i. Following the preapplication conference, and sketch plan, if applicable, the applicant shall submit fifteen (15) copies of the following items, along with the required fee, to the Community Development Department: preliminary plans, draft planned unit development agreement and any other required supplemental materials. A complete application containing all of the applicable information required in Subsection E shall be furnished to the Community Development Department not less than fifty-two (52) days prior to an upcoming Planning Commission meeting. Within this time frame the Community Development Department shall have two working days to determine if the application has the items necessary for review, based upon checklist(s) available. The applicant shall within two working days supply the department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application is considered completed.

All complete applications will be placed on a Planning Commission meeting agenda on a first come, first served basis. Such scheduling of applications is subject to change if an application is defined on the basis of a deficiency as stated herein. Planning Commission agendas will be determined by the Community Development Director, based on a roughly four hour meeting length.

Complete applications processed for an upcoming Planning Commission agenda will be referred to the representatives of various departments and review agencies, as appropriate. Within fifteen (15) working days following the determination that an application is complete, the Community Development Department shall compile written comments into a staff report.

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If as noted in the preliminary staff report any deficiencies in the application warrant additional work by the applicant or require further discussion by staff and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Director may defer sending the matter to the Planning Commission until the applicant has adequately addressed all issues and staff and the review agencies have adequate new information. Once all necessary information has been received and reviewed and the Department is satisfied that sufficient information has been submitted to demonstrate whether the applicable standards of the Frisco Town Code have been met, the applicant will be placed on the next available Planning Commission meeting. PUD applications shall be subject to the noticing procedures outlined in Section 180-46.E. The applicant, by submitting a preliminary plan application, grants the Town staff, Planning Commission and their agents permission to enter upon his land to conduct such investigation, tests or site evaluations as they deem necessary to verify information contained in the application or shown on the plans.

- ii. The Planning Commission shall review the application, preliminary plan, report of the Community Development Department, public comments and comments received from public agencies reviewing the plans to determine whether the plans comply with the planned unit development regulations, the subdivision regulations, the Master Plan and all other applicable sections of this chapter and the Code. The Planning Commission shall recommend to the Town Council that it approve, conditionally approve or disapprove the preliminary plan.
  - iii. At its next regularly scheduled meeting, unless there are conditions which must be met prior to Town Council review, the Town Council shall approve, conditionally approve or deny the preliminary plan. The public hearing shall be subject to the noticing procedures outlined in Section 180-46.E
- c. Final plan.
- i. Following approval of the preliminary plan, the applicant shall submit fifteen (15) copies of each of the following items, along with the required fee, to the Community Development Department: the final plan(s), required supplemental materials and final planned unit development agreement. A complete application containing all of the applicable information required in Subsection E shall be furnished to the Community Development Department not less than fifty-two (52) days prior to an upcoming Planning Commission meeting. Within this time frame, the Community Development Department shall have two working days to determine if the application has the items necessary for review, based upon checklist(s) available. The applicant shall within two working days supply the department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application is considered completed.

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- ii. The Planning Commission shall review the application, final plan and planned unit development agreement, together with a report from staff, public and public agency comments. The Commission shall recommend to the Town Council that it approve, conditionally approve or disapprove the final plan and planned unit development agreement.
  - iii. At its next regularly scheduled meeting, unless there are conditions which must be met prior to Council review, the Town Council shall approve, conditionally approve or deny the final plan/plan.
- d. Effective period of a planned unit development. It is expected that progress on the development as a whole will begin and proceed in a timely manner. Approval for the development will expire as follows:
- i. Within a maximum of twelve (12) months following the approval of the preliminary plan, the applicant shall file a final plan. Upon application and for good cause, the Planning Commission may extend the period for filing a final plan for successive six-month periods. If no final plan is filed within such time, the right to proceed

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under the preliminary plan shall expire. Following approval of the final PUD plan, but not more than thirty (30) days after such approval, or prior to the building permit being issued, whichever occurs first, the applicant shall submit to the Community Development Department two copies of the final PUD plan on mylar film, the PUD agreement and all associated documents with all appropriate signatures. The Community Development Department shall then record the final PUD plan, the PUD agreement and all associated documents within the next five working days. The applicant shall reimburse the town for the cost of said recording.

- ii. The applicant must begin and substantially complete the development for which final plan approval has been granted within two (2) years from the date of final approval. Extensions for successive periods of six (6) months may be granted by the Planning Commission, provided that the applicant submits a written request for such extension demonstrating good cause prior to the date of expiration. If the final plan is to be developed in phases, the development shall proceed as outlined in the approved development schedule with each phase substantially completed within two (2) years of the time provided for the start of each phase in the schedule. Extensions may be granted for each phase as noted above. If development is not completed within four (4) years, the right to proceed under the final plan will expire and reapplication will be necessary.

e. Phased projects.

- i. If a project is to be built in phases, each phase shall include an appropriate share of the proposed open space, recreation facilities, public facilities and other amenities of the development. The appropriate share for each phase of a specific project shall be determined at the time of preliminary plan approval, and shall be based primarily upon a proportional share for the entire development.
- ii. Planned unit developments are to be developed under a unified control or unified plan. If the project is to be phased, final plans must be in substantial conformance with the approved preliminary plan regardless of any change of ownership. A substantial change in any phase of a plan will require that both a preliminary and final plan for the entire project be reviewed and that a public hearing be held in accordance with the procedures in this Article.

2. Application submittal requirements. For each stage of the review process, the following information shall be submitted unless the Community Development Department determines that the information is not necessary for proper evaluation of the development.

a. Preapplication conference.

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- i. Data regarding site conditions, land characteristics, available community facilities and utilities.
  - ii. Plan showing:
    - (a) Location of proposed land uses and approximate building locations.
    - (b) Existing Conditions Map
    - (c) Proposed residential unit densities and square footage of commercial or other nonresidential uses.
    - (d) Proposed access and circulation plans.
    - (e) Locations of proposed public facilities.
    - (f) Location and proposed uses of open space and parks.
    - (g) General location of water and sewer main lines.
    - (h) General concepts and principles of building and circulation layout, site drainage, landscape treatment, treatment of the site perimeter, architectural treatment of buildings and measures to harmonize with the surrounding development and infrastructure networks.
  - iii. Vicinity map of the area within one-fourth (1/4) mile surrounding the site showing zoning districts, traffic circulation and major public facilities (schools, parks, etc.).
- b. Preliminary plan. The application for a planned unit development shall include all documentation specified in § 180-19 plus the following:
- i. Existing site map indicating existing structures and their current uses.
  - ii. A written statement of intent containing the following information:
    - (a) A statement of the present and future ownership and tenancy and a legal description of the land included in the planned unit development, including identification of all mortgages, liens and judgments that may affect the site, and easement or covenant restrictions on land use.
    - (b) A development schedule indicating the dates when construction of the planned unit development, or stages of development, will begin and be completed.
    - (c) Copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and/or continued protection of the planned unit and any of its common areas.

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- (d) Written consent from all owners within the PUD, unless an amendment to an existing PUD is sought, in which case proof of written notification to all owners is required.
  - (e) An explanation of the objectives to be achieved by the development, including building descriptions, variations in building setbacks, height, parking or other characteristics that are sought, sketches of elevation or other information as may be required by the Commission to describe objectives.
  - (f) Other information, justification or exhibits deemed by the Commission to be pertinent in evaluating the planned unit development application.
- iii. Documentation by a licensed engineer(s) describing and/or providing evidence of:
- (a) Soil, geological and groundwater conditions.
  - (b) Commitment from public utility and service agencies, municipal or otherwise, that adequate and dependable water, sewer, utilities and fire and police protection will be available prior to completion of construction.
  - (c) Traffic analysis indicating anticipated average daily traffic volumes.
- iv. Declaration of nightly rentals, time-sharing units or similar uses shall be included in the application.
- v. The required information and documentation shall form the basis of and be incorporated into a planned unit development agreement.
- vi. Basic project data:
- (a) Parcel size in gross acres and square feet.
  - (b) Total number, type and density per type of dwelling unit and gross residential density.
  - (c) Total bedrooms per each dwelling unit type, and total number of parking spaces.
  - (d) Estimated total floor area and breakdown by land use.
  - (e) Preliminary location and percentage as well as square footage of building coverage, parking, streets and drives, and open space and landscape area.
- vii. Preliminary grading and drainage plan prepared and stamped by an engineer licensed in Colorado.

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- (a) Contour map prepared by a land surveyor licensed in Colorado.
  - (b) Storm water runoff calculations based on the twenty-five-year, twenty-four-hour storm that includes estimates of the rate of runoff before and after development.
  - (c) Calculation of detention volume required to maintain historic runoff rates under post development conditions for the twenty-five-year, twenty-four-hour storm.
  - (d) Preliminary location of all existing and proposed watercourses, drainageways, the one-hundred-year floodplain and floodway location and elevation as delineated by the Federal Emergency Management Administration Flood Boundary and Floodway Maps.
  - (e) Preliminary location of all proposed streets, drives, parking, buildings and other site improvements.
  - (f) Preliminary location of all on-site retention detention basins, including volumes of each facility and stormwater infiltration system.
  - (g) If located in a flood hazard area as defined by the Federal Emergency Management Administration, preliminary location of all ground floor basement and garage elevations (in USGS) of all structures. USGS data shall be the same as that used for FEMA flood hazard elevations.
- viii. Preliminary architectural elevations and floor plans of all buildings sufficient to convey the basic architectural intent of the proposed improvement, including the maximum building height of all buildings and architectural overlay including bulk plane, if applicable.
- ix. A preliminary landscaping plan showing areas to be landscaped and type and general size of landscaping proposed. Location of existing trees with a diameter of six (6) inches or more for coniferous trees and three (3) inches or more for deciduous trees measured one (1) foot above grade should be shown. If the site is heavily wooded, a photograph or graphic indication on the site plan illustrating the density of the trees will suffice.
- c. Final plan submittal. The items under the preliminary plan submittal in final form including:
- i. Final site plans on sheets twenty-four by thirty-six (24 x 36) inches at a scale no less than one (1) inch equals thirty (30) feet:
    - (a) Final PUD Plan meeting the requirements of § 180-19, §180-20, and showing: exact location of lot lines, easements, public

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rights-of-way, executed easements on dedications for any rights-of-way, property or facilities proposed for public ownership or maintenance; exact location of all buildings and structures.

- (b) Final architectural drawings of all buildings and structures in accordance with any architectural overlay, if applicable, or at a minimum showing all four (4) elevations and floor plans with gross square footage indicated.
- (c) The developer shall execute an agreement with the town in recordable form providing for the installation, construction, or completion of site improvements, in accordance with the approved plans, prior to the issuance of any building permit or certificate of occupancy.
- (d) If a parcel resubdivision is proposed with the Final PUD Plan, a Final plat shall be submitted that meets the requirements of Chapter 157-12.

- d. Combined submittal. The applicant may choose to combine the preliminary plan and final plan/plat approval. Submittal requirements for preliminary and final plans must be complete. If the applicant chooses to combine steps, it will be at the applicant's own risk. The Commission may require changes which are more expensive to make after final plans are prepared than at the preliminary stage.

### E. Development standards.

1. A minimum of fifty-five percent (55%) of the site shall be devoted to usable open space. The Planning Commission may determine whether portions of stream areas, floodways, floodplains, wetlands, accessible bodies of water and outdoor recreational facilities may or may not be included in the calculation of usable open space (see definition). In making such a determination, the Planning Commission shall consider the following criteria:
  - a. The relationship of these areas to other areas, structures and uses within the planned unit development.
  - b. The degrees to which these areas contribute to the quality, aesthetics and overall objectives of the planned unit development.
2. The development shall be made accessible by public streets that conform to the street standards established by the Town of Frisco's Minimum Street Design Criteria, Chapter 155, and shall provide direct access to the existing street system.
3. Structures within the planned unit development shall be placed no closer than thirty (30) feet from the planned unit development boundary line, provided that this provision may be modified subject to Planning Commission approval, if the Commission finds the following to be true:

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- a. That the interests of the town concerning harmonious design, environmental amenities and the efficiency of public services are thereby enhanced.
  - b. That the modification has no adverse effect on neighboring properties.
  - c. That it is consistent with the purposes of the planned unit development regulations.
4. No building shall be more than thirty-five (35) feet in height unless a review of the following factors indicates no adverse impacts will occur if this height is exceeded:
    - a. Building orientation in relation to the natural and built environment.
    - b. Adverse visual effects to adjoining districts or property owners, including potential problems caused by shadows, loss of solar access or loss of view.
    - c. Other related impact(s) to existing uses in the area.
  5. Planned unit developments shall be required to meet all requirements specified in Article III, including, but not limited to, signage, parking, steep slope, snow storage, lighting and landscaping regulations.
  6. If the Planned Unit Development is located within one of the town's architectural overlay districts, all applicable requirements of that overlay district shall be met.
- F. Planned Unit Development approval. ) In order for Planning Commission to recommend approval and for Town Council to approve any application for or any amendment to a Planned Unit Development, the applicant shall establish that the following criteria are met:
1. That the project is beneficial or necessary for the economic development of Frisco; and
  2. That the application preserves or contributes to usable open space, and natural and scenic features; and
  3. That the application achieves a compatibility of land uses with neighboring land uses; and
  4. That the modifications to the underlying zoning district by the project are in the best interests of the town, and neighborhood in which the development is planned; and
  5. That the projected capacity to fully serve the project site(s) with water and sewer is available; and
  6. That Town services shall be provided in the most efficient manner practicable; and

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7. That more than one housing type, or housing price, or housing forms of ownership (i.e. for sale and rental) to satisfy the needs of more than one segment of the community be provided (when residential uses are proposed); and
  8. That the project contributes amenities to the development itself, and to the community at large; and
  9. That an owners association is established to promote a sense of community and to ensure the continued existence of a viable entity responsible for maintenance of private open space and other similar duties; and
  10. That the project meets all of the applicable requirements of this zoning chapter that are not expressly varied in the final PUD plan, contributes to design aesthetics and layout, and promotes efficient use of land.
- G. Enforcement and amendments to a planned unit development.
1. To further the mutual interest of the residents, occupants and owners of a planned unit development and of the public in preservation of the integrity of the plan, the provisions of the plan shall run in favor of the Town of Frisco and shall be enforceable in law or in equity by the Town of Frisco without limitation on any powers or regulation otherwise granted by law.
  2. All those provisions of the plan authorized to be enforced by the Town of Frisco may be modified, removed or released by the town, subject to the following:
    - a. No modification, removal or release of the provisions of the plan by the Town of Frisco shall be permitted except upon a finding by the town, following a public hearing called and held in accordance with the provisions of this chapter, that the modification, removal or release is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, is not granted solely to confer a special benefit upon any person, and meets the criteria for PUD approval specified in Section 180-28.F.