

Chapter 17.17
PLANNED UNIT DEVELOPMENTS

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17.17.010 GENERAL PURPOSES. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development of residential, business, commercial and industrial areas as part of a unified planned development for the entire proposed site, to accomplish the following purposes:

- A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;
- B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;
- C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;
- D. To conserve and make available open space;
- E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;
- F. To encourage a more efficient use of land and of public services, or private services in lieu

thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;

- G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics; and
- H. To encourage integrated planning in order to achieve the above purposes.

17.17.020 NEW URBANISM PLANNED UNIT DEVELOPMENT; PURPOSES

- A. Planned Unit Developments may be designed to incorporate the site and architectural design components of new urbanism or traditional neighborhood development. Characteristics of this development type include: neighborhoods with a range of uses and development types; mixing of uses with a non-residential core area, rather than the more traditional separation of uses; interconnected streets that are safe for bicyclists and pedestrians as well as motor vehicles; a range of transportation options based upon the proximity of buildings and uses; and public spaces used as an organizing feature for other aspects of the development.
- B. A new urbanism Planned Unit Development is intended to create a neighborhood which:
 - 1. Is physically recognizable and limited in size;
 - 2. Places residences, shops, workplaces, and civic buildings in close proximity to one another within the neighborhood to maximize transportation choices and reduce the number and length of vehicle trips;
 - 3. Establishes a hierarchy of streets serving the needs of pedestrians, bicyclists, and motorists. Streets are interconnected and blocks are small;
 - 4. Place civic buildings and public squares in prominent locations as focal points for community identity and places of assembly for social activities;
 - 5. Links buildings and parks with paths and greenways;
 - 6. Includes private buildings forming a consistent, distinct edge that spatially delineates the public street from the private block interior and is not broken by parking lots;
 - 7. Includes architecture and landscaping that are consistent with the unique character of the region; and

8. Avoids the negative impacts of sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation.
- C. A new urbanism Planned Unit Development may not be combined with a traditional Planned Unit Development or merely constitute a component or segment of a Planned Unit Development. The entire new urbanism Planned Unit Development must accomplish the purposes and meet the criteria and development design standards for a new urbanism Planned Unit Development as set forth in this Chapter.

17.17.030 GENERAL PROVISIONS. A Planned Unit Development constitutes a commitment to permit the development of a parcel of land under certain specific conditions. The use of the parcel, and the construction, modification or alteration of any use or structures within a Planned Unit Development project shall be governed by the conditions of approval. All subsequent buyers, as well as entities created by the developer such as homeowners' associations or architectural review committees, shall be obligated by the documents of the approval, as successors in interest to the developer, and the recorded control documents shall so state. A seller of a property zoned Planned Unit Development or in the process of receiving zoning approval shall apprise the buyer of the terms and conditions of the Planned Unit Development approval. The City bears no responsibility for misrepresentation of terms of an existing approval. The conditions of approval shall also be set forth within a written P.U.D. plan and control guide which shall be recorded in the office of the Mesa County Clerk and Recorder.

17.17.040 PLANNED UNIT DEVELOPMENTS INVOLVING SUBDIVISION. In the event a proposed Planned Unit Development also involves a proposed subdivision, the applications for Planned Unit Development approval shall be submitted and reviewed concurrently with the applications for subdivision approval. The application for P.U.D. concept plan approval shall be submitted and reviewed concurrently with the application for subdivision sketch plan approval. The application for P.U.D. preliminary development plan approval shall be submitted and reviewed concurrently with the application for subdivision preliminary plan approval. The application for P.U.D. final development plan approval shall be submitted and reviewed concurrently with the application for subdivision final plat approval. The time periods for submittal and review of such combined applications shall be governed by Sections 17.15.060 and 17.17.070 (sketch and concept plans); 17.15.080, 17.17.080 and 17.17.090 (preliminary plan and preliminary development plan); and Sections 17.15.110 and 17.17.100 (Final plat and final development plan).

17.17.050 CRITERIA FOR REVIEW AND DECISIONS. Recommendations of the Planning Commission to the City Council and decisions by the Council concerning a proposed Planned Unit Development shall be based upon the following standards and criteria:

- A. No Planned Unit Development shall be approved without the written consent of the landowner whose property is to be included in the Planned Unit Development. Such written

consent shall accompany submission of the application for approval of a Planned Unit Development;

- B. In no case shall the approval of a Planned Unit Development vary the health and safety requirements contained in Title 8, requirements concerning public peace, morals and welfare contained in Title 9, requirements concerning public improvements contained in Title 12, requirements concerning water and wastewater service contained in Title 13, or the requirements of the City's building codes as set forth in Title 15;
- C. No Planned Unit Development shall be approved without a finding by the City Council that it is in general conformity with the Master Plan of the City of Fruita, as defined in Section 17.03.419. Such a finding shall be made as part of the review procedure of the preliminary and final development plans for the Planned Unit Development;
- D. The following elements shall be considered by the Planning Commission and City Council in its review of the preliminary and final development plans for a proposed Planned Unit Development and no such plan shall be approved unless the Council is satisfied that each of these standards has been met or does not apply to the proposed Planned Unit Development:
1. Acceptable relationship to the areas surrounding the proposed Planned Unit Development, including existing and proposed land uses of the site and adjoining property, site layout, and existing zoning of the site and adjoining property;
 2. Proper transportation patterns for vehicles, bicycles and pedestrians, including consideration of safety, convenience, circulation, noise and exhaust control, access and aesthetic considerations;
 3. Open space, privacy and landscaping in consideration of the needs of individuals, families, and neighborhoods, and the preservation of natural site features and drainage patterns;
 4. Building types, size, design, lot coverage, placement, setbacks and landscaping, and their interrelationship with, suitability to, and effect on the neighborhood;
 5. Adequate availability of and provision for police, fire, utility, and other public services; and
 6. The General Performance Standards set forth in Section 17.07.070 of this Title.
 7. Impact of the proposed Planned Unit Development on the following:
 - a. Air quality;

- b. Noise;
 - c. Water;
 - d. Energy;
 - e. Soils;
 - f. Vegetation;
 - g. Schools;
 - h. Public services and utilities; and
 - i. Wildlife.
- E. All parks, open space and recreation facilities shall be developed, maintained and owned as common area by the developer or an organization established by the developer for the ownership and maintenance of the common area of a Planned Unit Development, unless the City accepts dedication of the park, open space or recreation facilities through mutual agreement between the developer or organization and the City Council. The City may accept dedication of any portion of such park, open space, or recreation facilities and the remainder shall be subject to the requirements of this subsection; and
- F. All Planned Unit Developments shall make the required dedications and pay applicable impact fees as set forth in Chapter 17.19.

17.17.060 PRE-APPLICATION AND PRE-SUBMITTAL CONFERENCES.

- A. A mandatory pre-application conference shall be held by the Community Development Department staff with the applicant in order for the applicant to become acquainted with the Planned Unit Development procedures and related City requirements, at which time the Community Development Department staff shall provide the applicant with a list of application requirements and copies of any guidelines or interpretations related to Planned Unit Developments.
- B. After the applicant has fully prepared its application for concept plan approval, preliminary development plan approval and final development plan approval, the applicant shall schedule and hold a pre-submittal conference with Community Development Department staff prior to the deadline for submittal of the application. An application for concept plan approval, preliminary development plan approval or final development plan approval will not be accepted or processed until such conference is held.

17.17.070 P.U.D. CONCEPT PLAN APPLICATION; SUBMITTAL, PROCESSING AND REVIEW.

- A. An applicant shall make application for approval of a Planned Unit Development by first submitting a concept plan application with the Community Development Department at least sixty (60) days prior to a regular Planning Commission meeting at which it will be heard. Submission of a concept plan application shall be accompanied by a fee as established by a resolution of the City Council. If the concept plan application is found to be complete and satisfactory, the Planning Commission, following a duly noticed public hearing in accordance with Section 17.01.130, shall recommend to the City Council that the proposed Planned Unit Development be approved for the parcel of land involved.
- B. The concept plan application shall be filed with the Community Development Department in the required form in the original and appropriate copies. The Planning Commission shall consider and comment on such concept plan application at its regular meeting within sixty (60) days following the first public hearing on the application. Said time period may be extended by mutual agreement of the applicant and the Planning Commission.
- C. There shall normally be a thirty (30) day review period for affected agencies or persons. If an agency responds that an extension of time for the application review is necessary, the Community Development Department Director may grant an extension of up to thirty (30) days beyond the normal thirty (30) day period for adequate review. The failure of any agency to respond within the thirty (30) day period, or within the period of extension, shall be deemed as an approval by the agency of the application.
- D. A concept plan application shall contain the following items:
1. The name of the proposed development which shall include the words "Planned Unit Development," and which shall not bear the same name as any other Planned Unit Development or subdivision in the City or County;
 2. An assessors map(s) with the subject property outlined in red;
 3. The names and addresses of the owner of the property and the developer, the owners and lessees of the mineral estate as defined in Section 24-65.5-102(5), C.R.S., and the owners of all property adjoining and located within two hundred fifty feet (250') of the boundary of the proposed Planned Unit Development;
 4. A proposed P.U.D. plan/control guide as defined in Section 17.03.519; and
 5. A map(s) showing the following:
 - a. Existing topographical characteristics of the land including any significant natural features of the tract or surrounding property which would affect the

- development of the tract, including but not limited to access and drainage, water courses, wetlands, steep slopes, rock out croppings, cliffs, flood plains, and existing trees and significant vegetation;
- b. Existing and proposed land uses for the proposed tract, adjoining property, together with the approximate location of existing and proposed buildings and other structures, roads and highways, subdivisions, irrigation ditches, public park, recreation and open space uses;
 - c. The acreage of the entire tract and the percentage of the total area of the tract to be devoted to each type of public and private use; and
 - d. Conceptual bike/pedestrian circulation system.
- 6. Identification of residential building type mix, including approximate number of units in each identified type;
 - 7. Maximum square footage of non-residential uses;
 - 8. Estimated gross acreage allocated to residential, commercial, civic, park and open space uses;
 - 9. Outline of proposed development phasing;
 - 10. Preliminary identification of proposed alternative infrastructure standards (including: streets, sidewalks, lighting, stormwater, wastewater, water, emergency services); and
 - 11. Conceptual landscaping plan.
- E. The procedures and schedules for review of sketch plan applications for subdivisions in Chapter 17.15 shall apply to concept plan applications for Planned Unit Developments. Approval of a concept plan application shall only approve a “design density” which sets maximum density limits fully contingent upon approval of subsequent submittals. The approved “design density” constitutes no commitment to approve subsequent submittals. The specific allowed density shall be established in the approved final development plan.

17.17.080 P.U.D. PRELIMINARY DEVELOPMENT PLAN APPLICATION; SUBMITTAL REQUIREMENTS.

- A. An application for a preliminary development plan shall be submitted within one hundred eighty (180) days of the approval of the concept plan by the City Council. Failure to file the

preliminary development plan application in a timely manner will result in reconsideration of the concept plan approval by the Council. Fees for this application will be set by resolution of the City Council.

- B. The preliminary development plan application shall be submitted at least sixty (60) days prior to the scheduled Planning Commission public hearing on the plan.
- C. All application materials specified in this Section shall be submitted, as well as the appropriate number of copies specified by the Community Development Department.
- D. New Urbanism Planned Unit Development preliminary plan applications shall conform to the design requirements established in Section 17.17.130.
- E. A preliminary development plan application for a proposed Planned Unit Development shall include the following items:
 - 1. The name of the proposed development which shall include the words "Planned Unit Development," and which shall not bear the same name as any other Planned Unit Development or subdivision in the City or County;
 - 2. An assessors map(s) with the subject property outlined in red;
 - 3. The names, addresses, telephone numbers and fax numbers of the owner of the property and the developer, the owners and lessees of the mineral estate as defined in Section 24-65.5-102(5), C.R.S., and the owners of all property adjoining and located within two hundred fifty feet (250') of the boundary of the proposed Planned Unit Development;
- F. A map(s) meeting the requirements of subsection (H) of this Section and narrative materials including the following:
 - 1. Existing and proposed land uses of the site and adjoining property, site layout and existing zoning of the site and adjoining property;
 - 2. Net and gross acreage for each type of proposed use;
 - 3. Building unit size, number and floor area;
 - 4. Lot dimensions, lot area, street frontage, set back limitations and height limitations;

5. Proposed public uses, park, trail, recreation areas and open space uses and the ratio of the following to gross acreage, each listed separately: Streets, driveways, parking areas and building coverage;
 6. Parking requirements, including provisions for off-street parking;
 7. Location, construction and placement of existing and planned streets, highway systems, and accesses;
 8. Vehicle, bicycle, and pedestrian transport patterns;
 9. Existing and proposed drainage patterns, plan, any required improvements, irrigation ditches and irrigation systems;
 10. Existing and proposed restrictions on uses;
 11. Existing utility easements and location, together with a composite proposed utility easement and location plan covering water, wastewater, gas and electrical utilities, telecommunications and cable television;
 12. Detailed landscaping plan to include, but not limited to, planting list, existing vegetation and ground cover;
 13. Significant vegetation patterns and natural, planted, and artificial buffers;
 14. Sign detail and requirements;
 15. Lighting detail; and
 16. Vicinity sketch.
- G. The following textual materials shall accompany the preliminary development plan application:
1. Plans showing a description of building materials to be used and a general architectural intent statement;
 2. Height, elevation, dimensions and square footage of building(s);
 3. Ratio of low and moderate income housing in residential developments;

4. Accessory uses proposed;
5. Time limitations on, and sequence of, development and construction, or each phase thereof;
6. Platting requirements, including limitations;
7. Written proof of the unified ownership of the land sought to be included in the Planned Unit Development. An abstract of title or title insurance for the property, together with such additional documentation as may be reasonably required to show ownership;
8. The written consent of the landowner(s) whose property is to be included in the proposed Planned Unit Development;
9. A legal description of the property signed and prepared by a registered land surveyor, with seal affixed;
10. A copy of the proposed declaration of protective covenants, and proposed articles of incorporation and bylaws for any homeowners or property owners association that will be formed to maintain the common properties. Such declaration, articles of incorporation, and bylaws shall be drafted or approved by a licensed attorney selected by the developer and shall comply with the requirements of the Colorado Common Interest Ownership Act (“CCIOA”). The developer shall provide the Community Development Department with written proof that such documents were drafted or approved by an attorney;
11. An impact analysis provided by the developer analyzing the relationship of the proposed Planned Unit Development to the following factors:
 - a. Air quality;
 - b. Noise;
 - c. Domestic and irrigation water and drainage;
 - d. Energy;
 - e. Soils;
 - f. Vegetation;

- g. Schools;
 - h. Vehicle, bicycle and pedestrian transportation patterns;
 - i. Public services and utilities, including estimation of water and wastewater treatment requirements; and
 - j. Wildlife.
- 12. Elevation or perspective drawings of all proposed structures and improvements on the tract;
 - 13. Draft of P.U.D. plan/control guide as defined in Section 17.03.519; and
 - 14. Proposed development improvements agreement meeting the requirements of Chapter 17.21.
- H. The drawing requirements for maps and plans required in the submission of a preliminary development plan shall be as follows:
- 1. Prints of the map shall be black on white or blue on white and reproduction shall be clear and crisp;
 - 2. Maps shall be drawn to a scale of not less than one inch equals fifty feet (1" = 50'). Provided; however, the vicinity map may be drawn to a scale of not less than one inch equals two hundred feet (1" = 200');
 - 3. Topographical contour maps for preliminary plans shall show existing and proposed con-tours at two foot (2') intervals;
 - 4. All maps shall indicate their scale, true north, and the name of the proposed Planned Unit Development;
 - 5. The basis of bearings, township, range, principal meridian, section, or portion thereof, or lot and block number of property under consideration;
 - 6. The dimensions of each map submitted shall be twenty-two inches by thirty-four inches (22" x 34"), standard D size. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

17.17.090 P.U.D. PRELIMINARY DEVELOPMENT PLAN APPLICATION; PROCESSING AND REVIEW.

- A. A complete preliminary development plan application for a Planned Unit Development shall be referred to the Planning Commission for its consideration.
- B. The Community Development Department shall distribute copies of the preliminary development plan application for review and appropriate comments of a general nature to the agencies contained on the list developed and maintained by the Community Development Department Director as an administrative regulation, entitled "Fruita Review and Referral Agencies."
- C. There shall normally be a thirty (30) day review period for affected agencies or persons. If an agency responds that an extension of time for the application review is necessary, the Community Development Department Director may grant an extension of up to thirty (30) days beyond the normal thirty (30) day period for adequate review. The failure of any agency to respond within the thirty (30) day period, or within the period of extension, shall be deemed as an approval by the agency of the application.
- D. The Planning Commission shall initially consider the preliminary development plan application at its regularly scheduled meeting next following by at least one (1) week the expiration of the period permitted for agency comment. The Commission may recommend such amendments to the plan at any stage as it determines to be necessary and reasonable to achieve the purpose, criteria and standards and objectives referred to in this Chapter, and to eliminate as many adverse impacts as possible.
- E. The Planning Commission, prior to submitting its recommendations with regard to the preliminary development plan application to the City Council, shall:
1. Consider all documents submitted as part of the application and the recommendations of City staff, agencies and interested citizens to determine the compatibility of the plan with applicable purposes, criteria and standards; and
 2. Hold at least one (1) public hearing on the preliminary development plan application, which shall meet the requirements of Section 17.01.130 of this Title.
- F. The Planning Commission shall refer the preliminary development plan to the City Council, together with its comments, suggestions, and recommendations, within sixty (60) days of the first public hearing on the preliminary development plan application, unless said time is extended by mutual agreement of the applicant and the Planning Commission.

- G. The City Council, prior to approval, disapproval, or conditional approval of the preliminary development plan, shall hold at least one (1) public hearing to review the recommendations of the Planning Commission, together with all materials and information submitted to the Commission in order to assess the compatibility of the proposed Planned Unit Development with the purposes set forth in Section 17.17.010, the criteria set forth in Section 17.17.050, and Section 17.17.020, if applicable, the Master Plan of the City, and other requirements of this Chapter. The City Council may require such amendments to the plan as it determines to be necessary and reasonable to achieve those ends, and to eliminate as many adverse impacts as possible. The Council, or its representatives, may request such additional information or materials as it deems necessary and appropriate. The City Council may submit or resubmit any portion or all of the plan to any individual or agency for comment which the Council deems to be affected by the plan.
- H. Each preliminary development plan application shall be reviewed as set forth above and approved, disapproved, or conditionally approved by the City Council within a period of sixty (60) days from the date of referral of the preliminary development plan to the City Council by the Planning Commission, unless said period is extended by mutual agreement of the applicant and the City Council.

17.17.100 P.U.D. FINAL DEVELOPMENT PLAN APPLICATION; SUBMITTAL, PROCESSING AND REVIEW.

- A. A final development plan application based upon and conforming in all major respects to the previously approved preliminary development plan, and all conditions of approval, and meeting the requirements of Section 17.17.050 shall be submitted to the Community Development Department within one hundred eighty (180) days following approval or conditional approval of the preliminary development plan by the City Council unless such time is extended by the City Council. Appropriate copies of the final development plan application shall be submitted at least sixty (60) days prior to a regularly scheduled meeting of the Planning Commission in order to be considered at that meeting.
- B. The Community Development Department shall distribute copies of the final development plan application for review and appropriate comments of a general nature to the agencies contained on the list developed and maintained by the Community Development Department Director as an administrative regulation, entitled "Fruita Review and Referral Agencies."
- C. There shall normally be a thirty (30) day review period for affected agencies or persons. If an agency responds that an extension of time for the application review is necessary, the Community Development Department Director may grant an extension of up to thirty (30) days beyond the normal thirty (30) day period for adequate review. The failure of any agency to respond within the thirty (30) day period, or within the period of extension, shall be deemed as an approval by the agency of the application.

- D. Following a duly noticed public hearing in accordance with Section 17.01.130, the Planning Commission shall deliver its comments, suggestions and recommendations regarding the final development plan to the City Council and the developer within sixty (60) days of the first public hearing on such plan, unless the applicant and the Planning Commission agree to an extension of such deadline.
- E. The City Council prior to approval or disapproval of the final development plan shall review the final plan application in the same manner as provided for the review by the Planning Commission of the preliminary development plan. In addition, the Council shall hold at least one (1) public hearing on the final development plan application, including the proposed development improvements agreement, conforming to the public notice requirements contained in Section 17.01.130. The City Council shall approve or disapprove such plan within sixty (60) days following the first City Council public hearing on the plan, unless the applicant and City Council agree to an extension of such period.
- F. Upon approval of the final development plan and development improvements agreement, the City Council shall enact an ordinance zoning the subject property as a Planned Unit Development (P.U.D.). The developer shall then prepare a final development plan for review and recording following the process set forth in Section 17.15.140 for the recording of subdivision final plats. The P.U.D. final development plan and development improvements agreement shall then be recorded by the Community Development Department in the manner and by the deadline provided for approved subdivision final plats and related documents in Section 17.15.140. No P.U.D. final development plan or development improvements agreement shall be recorded until the developer has paid to the City all review, filing and recording fees, as well as any applicable impact fees.

17.17.110 P.U.D. IMPROVEMENTS.

- A. All public and other required Planned Unit Development improvements shall be designed, constructed and installed in accordance with the requirements for subdivision improvements set forth in Chapter 17.15 and in accordance with a development improvements agreement entered into by the City Council and the developer pursuant to Chapter 17.21. Such improvements shall also be constructed pursuant to the P.U.D. plan/control guide as approved. Construction and installation of all required development improvements shall be completed in accordance with the time limitations set forth in the development improvements agreement. The City Council may extend such time limitations if, in the opinion of the City Council, after consideration and any recommendation by the Planning Commission, substantial construction of physical improvements has occurred prior to the expiration of such time limitations justifying an extension. Failure to complete construction and installation of all required development improvements prior to the expiration of the initial or any extended time limitation shall be grounds for the Planning Commission to initiate proceedings to withdraw approval of the Planned Unit Development and rezone the

property. The City Council may then proceed to rezone the site, or, for good cause shown, extend the time limits contained in the development schedule.

- B. No excavation, trenching or other site development work shall begin until the following minimum requirements have been met:
1. Final development plan, development improvements agreement, P.U.D. control guide, and declaration of covenants have been recorded and the required performance guarantee has been provided to the City;
 2. Approved For Construction Drawings have been approved by the City Engineer;
 3. All fees, including review fees, filing fees and impact fees have been paid;
 4. A pre-construction meeting has been held with the City Engineer, and a signed copy of the inspection/approval form for the development has been received by the developer; and
 5. All other documents required by this Chapter have been submitted to the Community Development Department.
- C. Exceptions - - Specific work tasks may be undertaken prior to compliance with subsection 17.17.110(B) above only with the written approval of the City Engineer, and only after the execution of a waiver and release of liability by the developer. Such work tasks shall be limited to the following:
1. Surveying;
 2. Installation of erosion control measures;
 3. Placement of equipment or construction trailers, including utility hookups;
 4. Demolition, under a valid demolition permit;
 5. Tree removal;
 6. Removal/relocation of irrigation facilities necessary to maintain irrigation service to adjoining properties;
 7. Undergrounding of overhead electric or telecommunication lines;

8. Work within a Grand Junction Drainage District easement with its written permission; and
 9. Other required infrastructure which, in the opinion of the City Engineer, is desirable to expedite due to weather or environmental conditions, or which require close coordination with critical City managed infrastructure or utility projects.
- D. If the time limitations for completion of construction of the development improvements established by the development schedule contained in the development improvements agreement have expired, and the development improvements have not been completed and approved by the City, no planning clearance for a building permit and no certificate of occupancy shall be issued except as otherwise provided in this Title.
- E. Subject to the restrictions contained in this Chapter, planning clearances for a building permit shall be issued by the Community Development Department for structures within an approved Planned Unit Development only if the proposed construction is in conformity with the P.U.D. plan/control guide and all other applicable City ordinances and regulations.

17.17.120 AMENDMENTS TO P.U.D. FINAL DEVELOPMENT PLAN AND CONTROL GUIDE.

- A. Conditions for Amendment. An approved P.U.D. final development plan or control guide may be amended if the applicant demonstrates that the proposed modification:
1. Is consistent with the efficient development and preservation of the entire Planned Unit Development;
 2. Does not affect in a substantially adverse manner either the enjoyment of the land abutting within or adjoining the Planned Unit Development, or the public interest;
 3. Is not granted solely to confer a special benefit upon any person;
 4. Does not contain proposed uses that adversely affect other uses approved for the P.U.D.;
 5. Does not contain a public site, park or open space plan that differs substantially in quantity or quality from that originally approved;
 6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the P.U.D.; and
 7. Is consistent with the purposes and criteria set forth in Sections 17.17.010 and 17.17.050, and Section 17.17.020 if applicable.

- B. Classification of Amendments. For the purposes of considering a proposed amendment to a P.U.D. final development plan or P.U.D. control guide, amendments shall be classified as minor amendments or major amendments. A minor amendment shall include minor changes in location, siting, and bulk of structures, or height or character of structures required by engineering or other circumstances not foreseen at the time the plan or control guide was approved. A minor amendment shall not alter the dimensions of any building or structure by more than ten percent (10%). A major amendment shall include all other modifications such as changes in use, arrangement of lots or structures, and all changes in the provisions concerning public sites, parks, open space or density.
- C. Pre-application Conference. When proposing any amendment to a P.U.D. final development plan or P.U.D. control guide, the applicant shall first request a pre-application conference with the Community Development Department Director to discuss procedures, requirements and the City's goals and policies. The applicant shall provide for the conference:
1. An application for P.U.D. amendment on a form provided by the Community Development Department with any applicable review fee;
 2. A sketch of any amendments to the P.U.D. final development plan which shall be a free-hand drawing depicting: topography of the land, existing street system and any proposed changes with approximate right-of-way widths, the existing allowed uses and any proposed changes in densities and types of uses permitted within the P.U.D. and their locations, existing and any proposed changes to public sites, common areas, park areas and open space;
 3. A written summary of the modifications requested and a statement setting forth the reasons the proposed modifications meet the conditions for amendment contained in subsection (A) of this Section;
 4. Proof of ownership of the land affected by the proposed amendment. This land shall be under one (1) ownership or shall be subject to a joint request for a P.U.D. amendment executed by the owners of all property affected by the proposed amendment; and
 5. Any additional information requested by the Community Development Department Director.

At the pre-application conference, the Community Development Department Director shall classify the proposed amendment as a minor or major amendment, based upon the classification criteria set forth in subsection (B) of this Section. If the Community Development Department Director cannot determine on the basis of the criteria specified whether the proposal is to be classified as a minor or

major amendment, the application shall be referred to the Planning Commission for a determination at its next meeting.

Within one (1) week following the pre-application conference, the Community Development Department Director shall prepare and deliver or mail to the applicant a written list of the information which must be submitted and which shall constitute the applicant's P.U.D. amendment application. The Community Development Department Director may require all or part of the information set forth in this Chapter for new P.U.D. applications, or any other information which the Community Development Department Director determines is necessary to determine whether the proposed amendment will comply with the provisions of this Chapter.

- D. Review of P.U.D. Amendments. Minor P.U.D. amendments shall be reviewed and may be approved by the Planning Commission, following a duly noticed public hearing. Major P.U.D. amendments shall be reviewed and approved in the manner set forth for original P.U.D. applications as contained in this Chapter.

17.17.130 NEW URBANISM PLANNED UNIT DEVELOPMENT DESIGN STANDARDS.

A. Definitions.

1. For the purposes of this Section, where possible, all terms shall be defined as provided in Chapter 17.03.
2. Articulation. To divide into meaningful parts; placing emphasis on distinct parts of a building rather than the whole.
3. Facade. Exterior walls of a building that are set along a frontage line.
4. Front of a Building. The widest side of the building fronting on the widest street interconnected with other streets, which has no fewer entrances than any other side of the building.

B. Design Review. The Planning Commission shall serve as the Design Review Board for the purposes of this Section.

C. Neighborhood Uses. A new urbanism Planned Unit Development should consist of a mix of residential uses, an area of mixed residential and non-residential uses, and public sites, parks and/or open space. Similar land use categories should front across streets.

1. Residential uses can be located anywhere within the development, and may include: single family detached dwellings; single family attached dwellings (duplexes, townhouses, row houses); and multi-family housing, including senior housing.

2. The mixed use area may include commercial, residential, civic, or institutional uses, and/or parks and open space. This area should be within an approximately five to ten (5-10) minute walk from residential areas. Individual businesses should not exceed ten thousand square feet (10,000 sq. ft.) in size, and shall not include drive-through services. Uses may include: food services, retail uses, services, and accommodations. Residential uses in this area may include: single family attached dwellings (duplexes, townhouses, and row houses); multi-family housing, including senior housing; residential units located on the upper floors of commercial buildings; and live/work units that combine a residence and workspace.
3. Parks, plazas and/or open spaces should be incorporated into the traditional neighborhood development as appropriate. These may include: environmental corridors; protected natural areas; community parks; streams, lakes and other water bodies; and stormwater detention/retention facilities. A minimum of five percent (5%) of the overall development shall be allocated to such uses.

D. Residential dwelling units and non-residential units shall be distributed as follows:

1. In residential areas:
 - a. At least fifty percent (50%) of the developable acreage shall be designated for residential use.
 - b. A maximum of thirty percent (30%) of the developable area shall be designated for average to large lot detached homes.
 - c. A minimum of fifteen percent (15%) and a maximum of thirty percent (30%) of the developable area shall be designated for attached houses and/or small lot detached houses.
 - d. Accessory dwelling units shall be permissible in addition to the number of dwelling units authorized in this Section; however, the number of accessory dwelling units shall be limited to not more than ten percent (10%) of the total number of single family and detached units.
 - e. For each affordable housing unit provided, one (1) additional dwelling unit shall be permitted, up to a maximum ten percent (10%) increase in dwelling units.
2. In mixed-use areas:

- a. The number of single family and multi-family dwelling units permitted shall be calculated as set forth in the previous subsection (base calculation), with an additional number of permitted dwelling units not to exceed ten percent (10%) of the base calculation.
- b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized in this subsection.
- c. The total ground floor area of the nonresidential development shall, including off-street parking areas, not exceed thirty percent (30%) of the area of the overall development.
- d. Residential uses are not permitted on the ground floor of nonresidential buildings.
- e. At least two percent (2%) of the mixed-use area must be designed for civic use lots (including but not limited to: meeting space, library, post office, school, child care center, clubhouse, religious building, recreation facility, museum, and municipal buildings).

E. Lot and Block Standards.

1. The entire area of the development shall be divided into blocks, street and lots and optional natural or greenbelt areas.
2. All lots shall share a frontage line with a street or a square.
3. Street layouts should provide for perimeter blocks that are generally in the range of two hundred to four hundred feet (200' - 400') deep by four hundred to eight hundred feet (400' - 800') long. A variety of lot sizes should be provided.
4. Lot widths. Lot widths should create a relatively symmetrical street cross-section.
5. Building Setback, Front/Mixed-Use Area. Structures in the mixed-use area have no minimum setback, but abutting and adjacent buildings should have similar setbacks to maintain continuity. Commercial and civic uses should abut the sidewalk.
6. Building Setback, Front - Residential Areas. Single family detached residential uses shall have a front building setback of zero to twenty-five feet (0' - 25'). Single family attached and multi-family residences shall have a front building setback of zero to fifteen feet (0' - 15'). Setback lines may vary by housing type and by area, but they shall be consistent along any individual street.

7. Stoops, chimneys, awnings, projecting signs, and front porches may encroach up to ten feet (10') into the front setback, as long as sufficient space for the required sidewalk width is retained.
 8. Large street setbacks to accommodate parking lots in front of a building are prohibited.
 9. No building shall cover more than fifty percent (50%) of the lot area.
- F. Circulation Standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed-use area, and park or open space of the Planned Unit Development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes - especially off-street bicycle or multi-use paths, control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the development.
1. **Pedestrian Circulation.** Convenient pedestrian circulation systems that minimize pedestrian/motor vehicle conflicts shall be provided continuously throughout the development.
 2. All streets, except for alleys, shall be bordered by sidewalks on both sides, as follows:
 - a. In residential areas, clear and well-lighted sidewalks of three to five feet (3'-5') in width, depending upon projected pedestrian traffic, shall be provided.
 - b. In mixed-use areas, clear and well-lighted sidewalks at least five feet (5') wide shall be provided.
 - c. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be clearly marked with contrasting paving materials or striping.
 3. **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths.
 4. **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, and medians are encouraged to slow traffic.

- a. The development should not be bisected by arterial streets.
 - b. The development should maintain or establish a traditional street grid.
 - c. The applicant may suggest alternative street widths to those established in Chapter 17.43 and the Mesa County Road and Bridge Standards, which must be approved by the City Engineer and City Council.
 - d. All streets should terminate at other streets or at public land, except local/residential streets may terminate in stub streets where such streets act as connections to future phases of development.
 - e. Alleys can provide parking access to residential properties. Alley rights-of-way shall be twenty feet (20') wide, with at least ten feet (10') of pavement. Alley pavement shall be built to local street standards as provided by the Mesa County Road and Bridge Standards.
5. Parking. Parking areas for shared or community use shall be encouraged. In addition:
- a. The minimum number of parking spaces required by Chapter 17.39 is the maximum number allowed. This number may be reduced through approval of a parking study as part of the Planned Unit Development approval.
 - b. In the mixed-use area, any off-street parking shall be located at the rear or side of a building. If located on the side, screening shall be provided as specified in subsection (G) below.
 - c. Adjacent on-street parking may apply toward the minimum parking requirements. Parallel parking is encouraged. On-street parking is not allowed in alleys.
 - d. A parking lot or garage may not be adjacent to or opposite a street intersection.
 - e. Parking lots shall be landscaped pursuant to subsection (G) below.
 - f. Properties with more than one (1) street frontage shall not provide access from the primary street frontage.

- G. Landscaping. Overall composition and location of landscaping shall complement the scale of development and its surroundings.
1. Trees shall be planted within the rights-of-way parallel to the street along all streets except alleys. Spacing shall be determined by species type.
 2. The planted area should not form a continuous band between the curb and the sidewalk in mixed-use areas.
 3. Greenbelts should be left natural.
 4. Screening shall be at least three feet (3') in height and at least fifty percent (50%) opaque throughout the year.
- H. Architectural Design. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
1. Structures within the development shall be no more than three (3) stories in height for a single family residential unit, or three (3) stories for commercial, multi-family residential, or mixed use.
 2. Entries and Facades:
 - a. The architectural features, materials, and articulation of a façade shall be continued on all sides visible from a public street or parking area.
 - b. The front facade of the principal building on any lot shall face onto a public street.
 - c. The front facade of any building shall not be oriented to face directly toward a parking lot.
 - d. For commercial buildings, a minimum of fifty percent (50%) of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior. Windows or glazed areas facing a sidewalk on the first story of a commercial building shall use glass that is at least eighty percent (80%) transparent.
 - e. No more than twenty feet (20') of horizontal distance of wall on a commercial building shall be provided without facade articulation or architectural relief. Facade articulation shall maintain a distinction between the street level story and upper stories.

- f. The rhythm established by the repetition of the facade elements shall be maintained.
- g. New structures on opposite sides of a street should follow similar design guidelines.

3. Materials.

- a. Unless otherwise provided in this Chapter, all walls visible from public streets or public parking lots shall be clad in brick, cast concrete, stone, stucco, approved metal paneling, or material similar in appearance or texture.
- b. Screening walls shall be made of materials which match the principle structure. If a structure consists of more than one (1) material, the heavier material shall be used.
- c. Two (2) wall materials may be combined horizontally on one (1) facade. The heavier material shall be located below the lighter one.

4. Height and Massing.

- a. In mixed-use areas, the height and massing of a building shall be no more than twice the height and massing of structures adjacent to or across the street from the building.
- b. A commercial or mixed-use building must integrate its appearance with the surrounding area and shall not exceed twice the height.

I. Building Standards.

1. Requirements for Commercial Structures.

- a. Commercial structures shall be oriented to the street with front yard setbacks not to exceed twenty-five feet (25').
- b. Commercial front yards shall contain a sidewalk and landscaping in compliance with the Mesa County Roadway Landscape Guidelines and CSU Tri River Extension Service Landscape Specifications as found in the City of Fruita Land Use Code Appendix.
- c. Commercial structures shall have a street frontage sidewalk or front yard sidewalk with a minimum width of eight feet (8').

- d. Commercial windows and signage shall be oriented to the street.
 - e. Street frontages shall be constructed of brick, split block, or stucco.
 - f. Signage shall comply with the Downtown Commercial/Residential Design District Zone standards (see Chapter 17.11).
 - g. Second floor apartments and combined commercial/residential structures are encouraged.
2. Specific Requirements for Residential Single Family and Multi-family Dwellings.
- a. Dwellings shall be oriented to the street and shall have a front porch of at least eighty square feet (80 sq. ft.) and garage(s) shall be placed so that the front facade of the garage is constructed on the rear half of the lot. Attached or detached garages are allowed.
 - b. Front yard setbacks shall be landscaped with at least two (2) street trees of 1 1/2 inch caliper utilizing the approved tree list from the City of Fruita Community Development Department.