
18.28.300 (PUD) Planned unit development district.

- (1) The PUD district permits the community and economic development of land which is suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PUD district also provides for specific land uses not permitted in other zone districts. The PUD district is intended to provide a means of accomplishing the following objectives:
 - (a) To provide for development concepts not otherwise permitted within standard zone districts.
 - (b) To provide flexibility, unity and diversity in land community and economic development, resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type design and layout of housing and other buildings; and appropriate relationships of open spaces to intended uses and structures.
 - (c) To provide for the public health, safety, integrity and general welfare, and otherwise achieve the purposes as provided for within the Planned Unit Development Act of 1972, Title 24, Article 67, Colorado Revised Statutes 1973, as amended.
 - (d) To provide for phased development, the more efficient use of land and the public and private services needed therefor, and reflect changes in the technology of land development.
 - (e) To provide for land development flexibility in dwelling type, bulk, density, intensity and open space, as a policy which Golden wishes to encourage; and, as a corollary, regulate certain proposed land development which would distort the objective of Golden's zoning.
 - (f) To encourage integrated planning in order to achieve the above purposes.
- (2) Uses within a PUD development may be multiple in nature and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the comprehensive plan and other appropriate adopted and approved plans, including but not limited to locational criteria within that comprehensive plan.
- (3) When regulations governing setbacks, secondary and accessory uses, off-street parking, fences, walls and obstructions to view, open space, signage, and site elements are not specifically mentioned in the stipulations of the approved official development plan, the director of community and economic development shall have the following options:
 - (a) Require the application of regulations as set forth in the most similar zone category for any or all of the site elements listed above.
 - (b) Require the applicant to develop standards, prior to site plan submittal, which are in keeping with the intent of the PUD district. Such standards must be recorded as an amendment to the official development plan.
- (4) Except as provided herein, signage standards in any PUD district shall not be less restrictive than the standards of chapter 18.32 of this ordinance. Upon a finding of unique circumstances related to preexisting signs, topography, visibility, or size or shape of a property, city council may approve alternative signage standards, if such standards will not cause substantial detriment to public good, alter the essential character of the neighborhood, or not substantially impair the intent and purpose of this title or the comprehensive plan of the city.
- (5) The provisions of the Golden Municipal Code pertaining to the planned unit developments and the PUD district, including sections 18.28.300 through section 18.28.400 are intended to supersede the provisions of the Colorado "Planned Unit Development Act of 1972".

(Ord. No. 1997, § 5, 12-11-2014 ; Ord. 1631, 2003; Ord. 1451, 1999; Ord. 1179, exh. A, 1993; Ord. 769, § 2, 1976)

18.28.305 Land uses permitted only in the PUD district.

(1) The following land uses are permitted only in the PUD district:

- (a) Mining; mineral resource extraction.
- (b) Electric and natural gas substations, telephone exchanges, cellular communications receiving and transmitting stations and substations, including towers, but not to exceed 35 feet in height.
- (c) Correctional facilities.
- (d) Detoxification facilities.
- (e) District and county court facilities.
- (f) Commercial telecommunication sites other than as permitted in sections 18.28.040, 18.28.130 and 18.28.170.
- (g) Sanitary landfills.

(Ord. 1331, § 3, 1996; Ord. 1179, exh. A, 1993; Ord. 769, § 2, 1976)

18.28.310 Special regulations for mining; mineral resource extraction.

(1) A PUD application for mining or mineral resource extraction shall be subject to the following regulations in addition to other permits, regulations and provisions as may apply:

- (a) The PUD application shall contain the following documents and information in lieu of the standard application documents and information required by section 18.28.330.
 - 1. All information and maps required by C.R.S. 34-32-110, C.R.S. 34-32-111 and/or C.R.S. 34-32-112, depending on which section may be applicable;
 - 2. The reclamation plan required under 1. above, shall also comply with the following requirements:
 - A. All banks should be left with slopes no greater than 15 percent except that a greater slope will be permitted if it is in substantial conformity to the surrounding topography;
 - B. Upon the completion of the mining and reclamation, the land shall be left in a safe condition which provides drainage sufficient to prevent water pockets or undue erosion;
 - C. Where topsoil (overburden) is removed, sufficient available top soil shall be set aside for replacement. Trees, shrubs, grasses or other ground cover shall be planted and maintained for the length of time needed to become established in order to avoid erosion;
 - D. Within one year after completion of the mining operation, all mining and processing equipment, including all buildings, structures (except fences) and scale houses shall be entirely removed from the site;
 - 3. A statement of mining operation containing:
 - A. A description of the method or methods to be employed to avoid unreasonable depreciation or pollution of surface and subsurface water supplies; minimize slope hazard; minimize erosion, fugitive dust, airborne noise and seismic disturbances from blasting.

-
- B. A statement setting forth anticipated:
- (i) Haul routes including ingress and egress to the site,
 - (ii) Hours of haulage,
 - (iii) Size of trucks,
 - (iv) Anticipated number of trips per day both to and from site.
- (b) The continued operation of the open mine is contingent upon the operator submitting an annual reclamation plan to the city council containing all of the information required by C.R.S. 34-32-116. If terms of the reclamation plan are violated or if the report contains reclamation plans which violate or are contrary to the terms of the final development plan, the council may institute enforcement procedures authorized by section 18.28.400, or seek state enforcement assistance.
- (c) In addition to the above requirements, the operator must obtain necessary state open mining permits pursuant to Colorado Mined Land Reclamation Act, Chapter 149, 1976 Session Laws of Colorado; and be subject to all laws contained therein.
- (d) The planning commission and city council shall apply the following standards in reaching their final decision on open mining PUD applications in addition to the criteria in section 18.28.350 and 18.48.060:
- 1. Does the application provide reasonable protection for the health, safety and welfare of the surrounding neighborhood from:
 - A. Noise and seismic disturbances;
 - B. Traffic hazards and congestion;
 - C. Depreciation and pollution of surface and subsurface water supplies;
 - D. Other health or safety hazards not listed above;
 - E. Depreciation of air quality and visibility;
 - F. Unnecessary visual disruption.
 - 2. Does the application provide a reclamation plan reasonably designed to minimize as much as practicable the disruption of the ecology and provide for the rehabilitation of any surface resources adversely affected by such open mining operations or provide other reclamation measures appropriate for the subsequent beneficial use of such mined and reclaimed lands.

(Ord. 1406, § 5, 1998; Ord. 1179, exh. A, 1993; Ord. 769, § 2, 1976)

18.28.320 Procedure for PUD zoning and official development plans.

- (1) In addition to the submittal and format requirements of this chapter, applications for PUD zoning shall comply with the application and hearing procedures for rezoning contained in chapter 18.48. The application to establish PUD zoning must include written consent from all the real property owners within the boundaries of the property that is the subject of the application. For applications to establish a PUD zoning, the planning commission and city council shall each hold a hearing on the rezoning request, including approval of the official development plan. The city council may approve the requested PUD rezoning and the official development plan in a single ordinance.
- (2) Within existing PUD zone districts, an application for approval of a new or amended official development plan for all or a portion of an the property encompassed within an existing official development plan shall

comply with the submittal and format requirements of this chapter and the application and hearing procedures for rezoning contained in chapter 18.48, except that the application to amend or replace an official development plan need only include written consent from all the real property owners within the boundaries of the property that is the subject of the new application. City council's action regarding an application for a new or amended official development plan shall be by ordinance.

(Ord. 1809, § 1, 2008)

18.28.330 Official development plan.

An application for PUD zoning shall include a document hereinafter referred to as an official development plan which will govern development of the PUD district. This official development plan shall consist of:

- (1) A written statement containing the following information:
 - (a) The present ownership, legal description, existing zoning and total acreage of all the land within the planned unit development;
 - (b) An explanation of the proposed character of the planned unit development and of the manner in which it has been designed to take advantage of the planned unit development regulations;
 - (c) Proposed land uses and accessories including dwelling unit density, parking, maximum commercial square footage or floor area ratio, setbacks, height limitations, and buffering;
 - (d) A tentative time schedule containing prospective completion dates for various stages of development, including major utility installation schedules;
 - (e) An explanation of public facilities and service needs and availability, including water supply and distribution, sewage collection and treatment, and water resource needs above current zoning;
 - (f) Impact statements by qualified consultants regarding the effects of the proposed rezoning on air quality, water quality, wetlands, soils and geology, grading, floodplains, biotic resources and cultural (historic) archaeological resources. These statements will be referred to the appropriate agency to determine if additional analysis is required;
 - (g) Statements regarding the affects of the proposed rezoning on existing drainage and how increased drainage runoff will be handled, and regarding anticipated traffic and transportation impacts; and
 - (h) Copies of any proposed special agreements, performance guarantees, conveyances, restrictions or covenants which will govern the development and use of land and building(s) maintenance and continued protection of the PUD and any of its common use areas.
- (2) An official development plan site map which shall be a map of the site to a scale of not less than one inch equals 100 feet, unless a different scale is approved by the director. Contours shall be at two-foot intervals, provided that five-foot intervals, provided that are acceptable for slopes over ten percent grade. The official development plan site map shall include:
 - (a) Existing topography, land use, roads, availability of utilities and rights-of-way;
 - (b) Proposed lots and/or usage areas;

-
- (c) Spatial location of building clusters in relation to site topography and adjoining land use, when known;
 - (d) Proposed spatial arrangement of pedestrian and vehicular circulation areas (shown separately), off-street parking and loading areas, public or private common park(s) and/or open space, when known;
 - (e) Proposed public rights-of-way, easements, open space or park(s) which are to be conveyed, dedicated or reserved for common or recreation areas and sites for schools and/or public buildings;
 - (f) If the PUD official development plan includes a request for site development plan approval all information required by chapter 18.40 shall also be included.
- (3) A vicinity map showing street and tract lines of all abutting subdivisions within one-half mile radius and major thoroughfares in the immediate area;
 - (4) A certification statement must be attached to the official development plan map to read as follows:

A. "OWNER'S AGREEMENT STATEMENT"

I, _____, owner of the property herein described, do acknowledge and agree that such property shall be developed in compliance with the PUD Official Development Plan, the original of which is on file with the County Clerk and Recorder of Jefferson County, Colorado, and a copy of which is on file with the City Clerk of the City of Golden, Colorado. No variation from any provision of said Official Development Plan shall be permitted unless the plan is amended in accordance with procedures established by ordinance of the City of Golden. Any variation from provisions of said Official Development Plan without prior amendment or addendum of the Plan shall be grounds for revocation of the rezoning ordinance establishing this Planned Unit Development or other appropriate sanctions. I further agree that the Official Development Plan regulations and covenants for this PUD Zone District will be executed to those standards, densities, land uses and criteria specified by the City Council of the City of Golden, Colorado.

Witness my hand and seal this day _____ of _____, 20 ____

Signature

State of Colorado)

) ss

County of Jefferson)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____

Witness my hand and notarial seal

My Commission expires:

Notary Public

(B) "Approved by the Planning Commission of the City of Golden, this _____ day of _____, 20____.

Chairman

(C) "Adopted and approved as a Planned Unit Development and passed by the City Council of the City of Golden, Colorado, this _____ day of _____, 20____.

Mayor

Attest:

City Clerk"

(Ord. 1809, § 2, 2008; Ord. 1436, § 20, 1999; Ord. 1179, exh. A, 1993; Ord. 894, § 1, 1982)

18.28.350 Standards for approval.

The official development plan shall be approved only if the city council finds that the proposal meets the following standards:

- (1) The proposed development will be in harmony and compatible with the character of the surrounding areas and neighborhood in terms of use, scale, site design, and operating characteristics (e.g. hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts) or which are made compatible through appropriate transitions at the boundaries of the PUD district plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design);
- (2) Will be in accordance with of the Golden Comprehensive Plan and also result in positive benefits for the surrounding area or an improvement in the quality of the project not possible under existing zoning;
- (3) Will not result in an over-intensive use of land;
- (4) Will not have a material adverse effect on community capital improvements programs;
- (5) Will not require a level of community facilities and services greater than that which is available;
- (6) Will not result in undue traffic congestion or traffic hazards;
- (7) Will not cause significant air, water, or noise pollution;
- (8) Will be landscaped, buffered, and screened to be compatible with the surrounding neighborhood;
- (9) Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Golden.

(Ord. No. 2064, § 7, 10-12-2017 ; Ord. No. 1997, § 6, 12-11-2014 ; Ord. 1179, exh. A, 1993)

18.28.370 Modifying approved PUD official development plans.

- (1) The applicant must develop the PUD zone in compliance with the approved PUD official development plan. The director of community and economic development after consultation with the city engineer may approve minor modifications in the official development plan. Minor modifications are those modifications that will not cause any of the following:
 - (a) Change in physical character of the development;
 - (b) Ten percent or more increase in gross floor area of any building;
 - (c) Ten percent or more increase in residential density of any usage area;

-
- (d) Any increase in overall residential density;
 - (e) A change in permitted land use that would result in a more intensive use;
 - (f) Changes which significantly alter traffic circulation, or increases safety, utility service, or environmental concerns;
 - (g) Ten percent or more reduction in the originally approved setbacks;
 - (h) Ten percent or more increase in the ground coverage by buildings;
 - (i) Ten percent or more increase in building height.
- (2) Approved minor modifications shall be recorded as addendums to the official development plan.
 - (3) Changes in approved official development plans other than minor modifications require a new official development plan and must be approved by the procedures as set out in this chapter.
 - (4) The owner(s) of the fee interest of land in a PUD district or their designated agent may apply for a minor modification of the PUD office development plan on forms available at the community and economic development department. Minor modifications shall be reviewed and approved or denied by the director of community and economic development based upon the standards in section 18.28.350, or referred to the planning commission pursuant to subparagraph (5) of this section.
 - (5) The director of the department of community and economic development may, at his discretion, refer a modification to the planning commission for consideration. The planning commission may also hear an applicant's appeal from the director's decision with regard to a minor modification. A public hearing before the planning commission shall be held with prior notice thereof as provided in section 18.48.040. Any action by the planning commission shall require payment of an additional review fee in an amount to be established by city council resolution.
 - (6) An appeal from a planning commission decision on a requested minor modification may be made to the city council. A public hearing before city council shall be held with prior notice thereof as provided in section 18.48.040. Any action by city council shall require payment of an additional review fee in an amount to be established by city council resolution.
 - (7) Denial of a minor modification does not preclude the filing of a new rezoning or PUD application.
- (Ord. 1632, 2003; Ord. 1179, exh. A, 1993; Ord. 769, § 2, 1976)

18.28.400 Review and enforcement.

Construction shall be in accordance with the official development plan and shall be completed within any time limitation established by the official development plan if applicable. Such time limitation may be based on the extent of proposed development in relation to size, amount of physical construction necessary, cost, and other time factors felt to be involved with the subject proposal. If, in the opinion of the city council, circumstances warrant an extension, the city council may extend the initial time period.

(Ord. 1942, exh. A, 2013)