

Chapter 17.40 PD PLANNED DEVELOPMENT DISTRICT

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17.40.010 Purpose.

In accordance with Colorado Revised Statutes, 24-67-101, et seq., the Planned Unit Development Act of 1972, the purpose of the PD district is:

- A. To permit diversification of the Town zoning plan or part of the plan without in any way jeopardizing or reducing zoning standards which promote the public safety, convenience, health and general welfare and preserve personal and property rights;
- B. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in harmonious fashion;
- C. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems and utilities;
- D. To promote creative flexibility in design and permit planned diversification in the location and use of structures;
- E. To allow compatible land uses to be developed in accordance with a general development plan which has been designed to be in harmony with surrounding neighborhoods;
- F. To combine and coordinate architectural styles, building forms and building relationships within the planned developments;
- G. To improve the design, character and quality of new development;
- H. To promote the most appropriate use of land;

- I. To promote the beneficial and economical use of land in the physical and economic development of Monument;
 - J. To provide for necessary commercial, recreational, employment and educational facilities conveniently located to housing;
 - K. To provide for well-located, clean, safe and pleasant industrial sites involving a minimum of strain on transportation facilities;
 - L. To lessen the burden of traffic on streets and highways;
 - M. To conserve the value of the land.
- (Ord. 13-97 (part): prior code § 13.11.010)

17.40.020 Scope and intent.

Applications for planned developments may be made for any lands located within the boundaries of the Town or any lands in the process of being annexed to the Town. However, it is the stated intent of the Town that the PD approach for a specific project will only be approved if it is deemed to be in accord with the Town's comprehensive plan and policies and the stated purposes and intent of the PD regulations. The utilization of the PD zone shall be considered a privilege, not a right.

(Ord. 13-97 (part): prior code § 13.11.020)

17.40.030 Prior PD zoning.

Prior to the effective date of the ordinance codified in this chapter, PD districts were established with use subcategories which limited and regulated uses within such subcategories. The provisions defining such subcategories are as follows:

A. Planned Residential Development (PRD). A PRD is a development which is under unified or single control composed of residential land uses designed to provide a desirable living environment for the residents.

1. Permitted uses:

- a. Residential uses;
- b. Municipal water wells and their appurtenant structures;
- c. Essential services.

2. Conditional Uses. Educational institutions, churches and synagogues, utility transmission lines and substations.

B. Planned Business Development (PBD).

1. Permitted uses:

- a. Retail business, except major commercial or service establishments or automobile repair or service stations;
- b. Eating establishments;
- c. Lodging, provided no more than ten (10) sleeping rooms are allowed;
- d. Offices;
- e. Banks;
- f. Personal and social services;
- g. Social and professional activities;
- h. Public and semi-public uses;
- i. Funeral homes or mortuaries, with crematories only as an accessory use;
- j. Municipal water wells and their appurtenant structures;
- k. Multi-family, provided no more than twelve (12) dwelling units per acre;

- l. Essential services;
- m. Wholesale business, indoor research;
- n. City, county and private parks.
2. Conditional uses:
 - a. Single-family residential use;
 - b. Utility transmission lines and substations;
 - c. Wireless telecommunication services facility;
 - d. Kiosk/mobile business.
- C. Planned Commercial Development (PCD).
 1. Permitted uses:
 - a. All uses allowed in the PBD business zone;
 - b. Any retail or commercial use, which shall mean any sale of goods or services for which monetary currency is exchanged;
 - c. Light industrial provided all uses conform to the following provisions:
 - i. Outside storage as a conditional use,
 - ii. Maximum square footage for a single use of twenty thousand (20,000) square feet,
 - iii. Noise and emissions are confined to the interior of the building.
 2. Conditional uses:
 - a. Kennels;
 - b. Public and private parks;
 - c. Utility transmission lines and sub-stations;
 - d. Water and sewage treatment facilities;
 - e. Water wells and storage facilities;
 - f. Outside storage as a principal use;
 - g. Wireless telecommunication services facility;
 - h. Kiosk/mobile business.
- D. Planned Industrial Development (PID).
 1. Permitted uses:
 - a. Professional and administrative offices;
 - b. Warehousing;
 - c. Research facilities;
 - d. Manufacturing and food processing;
 - e. Lumber yards and industrial supply facilities;
 - f. Kennels;
 - g. Outside storage, as accessory as conditional use;
 - h. Transmission towers as a conditional use;
 - i. Retail sales and service operated on the same property and in conjunction with uses specifically allowed within this district;
 - j. Municipal water wells and their appurtenant structures;
 - k. Essential services;
 - l. Indoor and outdoor recreational and team uses.
 2. Conditional uses:
 - a. All uses allowed in the PBD business zone except residential;
 - b. Any retail or commercial use, which shall mean any sale of goods or services for which monetary currency is exchanged;
 - c. Light industrial provided all uses conform to the following provisions:

- i. Outside storage as a conditional use,
 - ii. Maximum square footage for a single use of twenty thousand (20,000) square feet,
 - iii. Noise and emissions are confined to the interior of the building;
 - d. Outside storage as a principal use;
 - e. Wireless telecommunication services facility;
 - f. Kiosk/mobile business.
- E. Planned Heavy Industrial Development (PHID).
- 1. Permitted uses:
 - a. All uses allowed in PID zone;
 - b. Extractive industry;
 - c. Outside storage yards;
 - d. Truck and automotive parking;
 - e. Heavy equipment storage and maintenance yards;
 - f. Any similar lawful use which is not objectionable to nearby property by reasons of odor, dust, smoke, fumes, gas, noise or vibration or is hazardous to the health and property of surrounding area through danger of fire or explosion.
 - 2. Conditional uses:
 - a. Utility transmission lines and substations;
 - b. Water and sewage treatment facilities;
 - c. Water wells and storage facilities;
 - d. Wireless telecommunication services facility;
 - e. Asphalt or concrete batch plant;
 - f. Kiosk/mobile business.
- (Ord. 20-2004 §§ 2, 5, 6; Ord. 32-2004 § 1 (part); Ord. 19-99 (part); Ord. 13-97 (part): prior code § 13.11.030)
- F. PCDH Planned Commercial Development Highway District
- 1. Permitted uses: the PCDH zone has the same permitted and conditional uses as the PCD zone, except the following are additional permitted uses:
 - a. Lumber yard
 - b. Truck stop;
 - c. Office-warehouse.
- (Ord. 10-2001 § 1 (part))

17.40.040 Size of property.

Property of any size may be considered for PD zoning.
 (Ord. 13-97 (part): prior code § 13.11.040)

17.40.050 Permitted uses.

Any use regulated in accordance with the requirements of the preliminary and final site plans and written statement required in this title and approved by the Town is permitted. The proposed land uses and densities should be consistent with the Town's Comprehensive Plan and the intent and purpose and Approval and Review Criteria of the Town's PD regulations; provided however, that PDs which have been approved prior to the effective date of the ordinance codified in this chapter are classified as Planned Residential Development (PRD) and Planned Commercial Development (PCD), (PCDH) Planned Commercial Development Highway District, Planned Industrial District (PID) and Planned Heavy Industrial Development (PHID). Uses permitted in

such previously approved PDs are limited as set forth in Section 17.40.030 and made a part hereof if the property has been platted and at least one ~~land use and building permit~~ have certificate of occupancy has been issued prior to the adoption of this Code. Any such property that has not been platted and for which a certificate of occupancy has ~~been issued land use and building permit~~ has not been issued shall be rezoned (via a major PD amendment) to PD at no cost to the applicant. The applicant shall be responsible for submitting a Preliminary PD site plan and Final PD site plan or Preliminary/Final PD site plan and Preliminary and Final Subdivision Plat or Preliminary/Final Subdivision Plat prior to submittal of a land use permit application, and the applicant shall be responsible for all submittal requirements, including application fees. (Ord. 13-97 (part): prior code § 13.11.050)

17.40.060 Permitted planned uses and provisions in a planned development district.

A PD shall implement the purposes of this title. A PD shall meet the standards and requirements set out in this title and shall be consistent with the purposes and policies of the Town's comprehensive plan.

Unless otherwise stipulated or described in the approved PD site plan for a specific project, all sections of this title shall apply in PD districts, as such may be amended from time to time, except those specific use, bulk and area regulations applying to the various standard zone districts defined therein.

(Ord. 13-97 (part): prior code § 13.11.060)

17.40.070 Open space.

A. The preliminary and final PD site plans or Preliminary/Final PD site plans shall provide for open space use as defined in this section. The amount of open space to be dedicated shall be determined by the Town for each Planned Development (PD) Site Plan based on the specific, unique characteristics of the site and the proposed development and the standards herein. Open Space dedications shall be made in conformance with the Town of Monument Land Dedication requirements as outlined in the Monument Municipal Code Chapter 16.32 - Dedications, and in conformance with the Town of Monument Parks, Trails, and Open Space Master Plan and the Town of Monument Comprehensive Plan as amended from time to time. . "Open space" is defined as lands which are suitable for:

- 1.. Environmental preservation of significant natural areas such as buttes, bluffs, and other geologic formations, water bodies/resources, wildlife habitat areas, fragile ecosystems (wetlands), floodplains, riparian areas, and vegetative stands; and
2. Preservation of lands which preserve significant views, provide transitions between different densities and uses (buffers), and otherwise serve to give shape and form to the proposed development and surrounding community.

B. In evaluating and determining the proposed open space areas within a PD plan, the following factors shall be considered:

1. Conformance with the Town's Comprehensive Plan and conformance with the Parks, Trails and Open Space Master Plan, including the standards for Park Areas, Trails and Recreation Facilities, and the Monument Municipal Code, including Chapter 16.32 - Dedications;
2. The environmental characteristics of the site including the preservation of significant natural features and resources such as wildlife habitat, native vegetation (especially trees and shrubs), and scenic features such as rock formations and view corridors, buffers, and areas unsuitable for development;

3. The location, use and relationship of the proposed open space areas to the development areas within the PD. Public or private common-use open space areas may be accessible and available to the occupants of the proposed residential dwelling units and to employees and visitors of non-residential developments depending on whether the open space area contains sensitive or fragile environmental features or wildlife habitat;
 4. Provision for adequate pedestrian and bicycle trail systems;
 5. The buffering needs of adjacent existing and planned land uses;
 - 6.
 7. View corridors within and through the property and other visual/scenic assets of the site;
 8. The degree to which the proposed open space areas contribute to the quality, livability and amenities of the PD, with regard to urban shaping of the development.
 9. For multifamily, townhome, and condominium developments, common open space and other recreational amenities accessible to the residents of the project that are privately maintained may be credited toward the overall PD open space requirement, but not to exceed a credit equal to fifty (50) percent of such requirement.
- C. For each planned development, PD open space areas shall be required to be dedicated to the Town and be maintained by a Metropolitan or Special District or other entity capable of maintaining the area for the life of the development. The Town may approve private ownership of the open space provided that the open space will be preserved and proper maintenance will be provided for the life of the development...
- D. Open Space and Public Land Dedication Plan. As part of the Preliminary PD site plan or as a Preliminary/Final PD site plan, an overall open space plan shall be included in each PD. The plan shall indicate major open space areas and public land dedication areas labeled according to general use and type. The open space plan shall also indicate the proposed trail system within the PD and planned linkages to adjacent community and regional trail systems. The open space plan shall include commitments for the amount and timing of public open space conveyances and any private open space reservations.. All water rights appurtenant to and necessary to service the PD open space areas (public or private) and public land dedication areas must be conveyed to the Town, or other acceptable ownership entity.
(Ord. 13-97 (part): prior code § 13.11.070)

17.40.080 Densities.

Residential and nonresidential densities shall be based upon the following factors:

- A. Monument's adopted Comprehensive Plan;
- B. Compatibility with the surrounding neighborhood;
- C. Traffic considerations;
- D. Impact upon public facilities, utilities and schools;
- E. The natural characteristics of the land;
- F. Community need;
- G. Water availability as such shall be conveyed to the Town at the time of annexation and zoning or major amendment.

(Ord. 13-97 (part): prior code § 13.11.080)

17.40.090 Setbacks.

Specific setbacks shall be established on the approved Final PD site plan. Setbacks from major roadways, setback buffers between use areas, and similar general setback issues should be addressed and defined with the Preliminary PD site plan.

(Ord. 13-97 (part): prior code § 13.11.090)

17.40.100 Phasing plan.

All planned development proposals, new or amended, shall include a comprehensive phasing plan. The phasing plan shall present a logical development sequence for sub-areas of the PD designed to provide for cost-effective roadway, utility and other infrastructure and service extensions. In order for developments to retain flexibility to address market conditions, amendments to PD phasing plans may be administratively approved by the Director of Development Services provided they are in compliance with this section..

(Ord. 13-97 (part): prior code § 13.11.100)

17.40.110 General procedure for establishment of a Planned Development Zoning District.

The procedure for the establishment of a PD district shall be as set out in this section. The three-step process begins with the submittal of a PD Sketch plan application, which is a conceptual land use plan. Staff and the Planning Commission make a recommendation to the Board of Trustees, who approves, approves with conditions, or denies the PD Sketch plan based on the adopted Review and Approval Criteria. The next step is the approval of a Preliminary PD site plan or Preliminary/Final PD site plan, either of which must include design guidelines and zoning regulations which constitute the overall zoning and development plan for the entire property. The final step is the approval of one or more Final PD site plans, which are site specific development proposals for individual parcels within the larger preliminary PD. A Site Plan Improvement Agreement (SPIA) must be approved by Staff and executed by the Mayor prior to approval of a Preliminary/Final PD site plan or Final PD site plan. The Director of Development Services may approve the submittal of a concurrent Preliminary/Final PD Site Plan application if the application will conform to the approval criteria and is not anticipated to be controversial. Final PD site plan approval, along with the Town's requirement for subdivision approval, is required prior to land use and building permit issuance.

(Ord. 13-97 (part): prior code § 13.11.110)

17.40.120 Preapplication conference.

For each step of the PD process, Sketch PD plan, Preliminary PD plan, and Final PD plan, or Preliminary/Final PD site plan the applicant must attend a pre-application conference with Town Staff and referral agencies in order to:

- A. Become acquainted with the Town's planned development (PD) procedures and requirements;
- B. Become familiar with related Town procedures and regulations;
- C. Become familiar with the approval criteria for the application including conformance with Town's Comprehensive Plan and other long-range plans and policies and receive feedback from Staff on any significant issues with the application.

(Ord. 13-97 (part): prior code § 13.11.120)

17.40.130 General requirements for PD sketch and site plans.

All Sketch, Preliminary, Preliminary/Final and/or Final PD site plans must conform to the following plan requirements:

- A. Format. All PD site plans must be in conformance with submittal checklists and the PD site plan format adopted administratively by Staff.

17.40.140 Sketch PD plan.

A. Description. The Sketch PD plan is a conceptual version of the Preliminary PD site plan. In preliminary fashion, the Sketch PD plan indicates the proposed uses and densities of the property including open space, parks, and regional trail corridors and major planned roadways and utility services.

B. Submittal Requirements and Review Process. Following the preapplication conference, the applicant shall submit a Sketch PD plan for review and comment by the Town Staff. The Director of Development Services may waive the Sketch PD plan submittal based upon a determination that the proposed development is consistent with the Town's Comprehensive Plan and the Preliminary PD site plan Review and Approval Criteria and is not anticipated to be a controversial application. If determined to be a requirement, the Director of Development Services shall refer the Sketch PD plan to the Planning Commission who will make a recommendation to the Board of Trustees who shall approve, approve with conditions, or deny the Sketch PD plan based on the Review and Approval Criteria herein.

C. Review and Approval Criteria. The Sketch PD plan must adequately address the following criteria in a manner consistent with the general public interest, health, safety and welfare:

1. Quality and functionality of open space reservations are appropriate to the site;
2. Appropriate relationship exists between use areas, both internal and surrounding, with adequate buffer areas provided if warranted;
3. Circulation system provides adequate accessibility;
4. Trail system provides adequate internal circulation and makes appropriate external connections;
5. Phasing plan presents a logical development sequence for sub-areas of the PD designed to provide for cost-effective roadway, utility and other infrastructure and service extensions, minimizes unnecessary utility extensions, and adequately addresses other fiscal concerns of the Town;
6. Utility service is physically feasible and economically capable of being connected to the Town system, unless such connection requirement is specifically waived by the Town;
7. The Sketch PD plan layout and density are sensitive to the site's major environmental characteristics including topography, view sheds, and vegetation;
8. The plan is consistent with Town's Comprehensive Plan in effect at the time of application, and other relevant Town goals and policies.

D. Public Notice for a Sketch PD plan shall be in accordance with Chapter 17.88 of this Title. The Board of Trustees hearing must be at least seven calendar days after the Planning Commission hearing. Recording of the Sketch PD site plan is not required. (Ord. 20-2004 § 7 (part); Ord. 12-2001 § 2; Ord. 28-2000 § 3; Ord. 13-97 (part): prior code § 13.11.140)

17.40.150 Sketch PD plan requirements. Sketch PD plans shall conform to the format and general requirements set forth in checklists adopted administratively by Staff.

17.40.160 Preliminary PD site plan and PD zoning regulations.

A. Submittal Requirements. Following the preapplication conference and the Sketch PD plan review, the applicant shall submit a Preliminary PD site plan, design guidelines, and zoning regulations, or if approved by the Director of Development Services, a Preliminary/Final PD site plan, which includes design guidelines and zoning regulations. In addition to the requirements of this chapter, the format and other requirements for a Preliminary PD site plan, design guidelines, and PD zoning regulations or Preliminary/Final PD site plans, design guidelines and zoning

regulations are set forth in administratively adopted checklists which may be amended from time to time.

BSite Plan Improvement Agreement (SPIA) The SPIA shall be administratively approved and executed by the applicants and Town prior to recordation of the Preliminary/Final or Final PD site plan. If a subdivision plat and PD site plan are being processed concurrently, an SPIA is required and the requirement for a SIA (Subdivision Improvement Agreement) may be waived by the Director of Development Services.

C. Public Notice. Public notice of the hearing on the request for approval of the Preliminary PD site plan, design guidelines, and PD zoning regulations or Preliminary/Final PD site plan, design guidelines, and PD zoning regulations shall be made in accordance with Chapter 17.88.

D. Review Process. After complete submittals of the Preliminary PD site plan, design guidelines, and PD zoning regulations, or Preliminary/Final PD site plans, design guidelines and zoning regulations have been properly received, reviewed by the Town Staff and other referral agencies, and modified plans and documents have been submitted if required, the Development Services Department shall schedule the Preliminary PD site plan, design guidelines, and PD zoning regulations or Preliminary/Final PD Site Plan, design guidelines, and zoning regulations for a public hearing before the Planning Commission and the Board of Trustees. The Planning Commission shall review the plan and send their recommendations to the Board of Trustees. The Board of Trustees shall approve, approve with conditions, or disapprove the Preliminary PD site plan, design guidelines, and PD zoning regulations or Preliminary Final PD Site Plan, design guidelines and zoning regulations.

E. Review and Approval Criteria. The Town must be satisfied that the Preliminary PD site plan, design guidelines, and PD zoning regulations or Preliminary/Final PD site plan, design guidelines, and zoning regulations have adequately addressed the following criteria in a manner consistent with the general public interest, health, safety and welfare:

1. Quality and functionality of open space reservations and parks are appropriate to the site in terms of recreation, views, density relief, convenience, and optimum preservation of natural features including trees, shrubs, wildlife habitat, scenic areas, riparian areas, and drainage areas in conformance with the Comprehensive Plan and Parks, Trails, and Open Space Master Plan and Town Subdivision Regulations (Title 16).
2. The trail system provides adequate internal circulation and makes appropriate external connections to schools, parks, employment centers, and transit; and trails conform to the Comprehensive Plan and Parks, Trails, and Open Space Master Plan;
3. The fiscal impact of project has been addressed; the project is expected to have a positive fiscal impact or otherwise provide a benefit to the Town such as increasing the variety of development to fill a need and/or provide amenities for the benefit of the Town residents.
4. Variety of development and housing types, styles, and densities, are proposed. Mixed land use is encouraged,
5. Appropriate relationship exists between use areas, both internal and surrounding, with adequate buffer areas provided if warranted;
6. Circulation system provides adequate capacity, connectivity, and accessibility;
7. Phasing plan is appropriate, minimizes unnecessary or premature grading, removal of vegetation and utility extensions and adequately addresses other fiscal concerns of the Town;
8. Utility service is physically feasible and economically capable of being connected to the Town system, unless such connection requirement is specifically waived by the Town and there is adequate capacity to serve the development, including that the water supply meets Town standards;

9. Plan design and layout are innovative and creative, and the architecture will enhance the architectural character of the Town and/or contribute other benefits such as providing affordable housing;

10. Plan design and density are sensitive to the site's major environmental characteristics including topography, geology, flood plains, view sheds, scenic features, wildlife habitat and vegetation;

11. The plan is consistent with Town's Comprehensive Plan in effect at the time of application, and other relevant Town goals and policies.

12. A Site Plan Improvement Agreement (SPIA) shall be approved by Staff and executed by the owners/applicant and the Town prior to recordation of a PD site plan. F. Recording and Approval Lapse Period. Upon approval by the Board of Trustees, the applicant shall have one year (365) days from the approval date to satisfy any conditions of approval and submit to the Town the approved Preliminary PD site plan, design guidelines and zoning regulations or a Preliminary/Final PD site plan, design guidelines and zoning regulations on twenty-four (24) inch by thirty-six (36) inch Mylar sheets in recordable form with all landowner, lien holder and mortgagee, surveyor, and title commitment signatures and recordation fee. If approved by the Director of Development Services, the design guidelines and PD zoning regulations may be submitted as separate documents. The applicant may make a request to the Staff for an extension of the approval and recordation period prior to the end of the initial three hundred and sixty five (365) day period. It shall be the applicant's responsibility to ensure the request is made prior to the expiration of the approval period. Staff may grant an extension(s) not to exceed a total of two additional years if the site plan is consistent with the Review and Approval Criteria and there is adequate justification for the extension. Beyond three years from the Board of Trustees approval date, the granting of any additional request for an extension shall be in the sole discretion of the Board of Trustees, and shall be based on a finding of whether the project conforms to the current Town Code and Review and Approval Criteria and that there is adequate justification for the extension. After the 365 (365) days if the approval time period has not been extended in accordance with this section the approval of the Preliminary PD site plan, design guidelines, and PD zoning regulations or Preliminary/Final PD Site Plan, design guidelines and zoning regulations shall lapse. A fee may be imposed for processing the extension requests.

G. The effective period for a recorded Final PD site plan or Preliminary/Final PD site plan shall be five years from the date of recording. Once a certificate of occupancy has been issued, the project shall be considered vested and the approval shall not expire. If no construction commences within five years from the date when the PD site plan is recorded, then the approval shall expire and the PD site plan shall become null and void and a new PD site plan must be approved prior to any building permit issuance and construction occurring.

(Ord. 20-2004 § 3 (part); Ord. 01-2005 § 1; Ord. 32-2004 § 1 (part); Ord. 13-97 (part): prior code § 13.11.160) 7.40.170 Submission of Final PD site plans.

Following approval of the Preliminary PD site plan, the property owners shall submit a Final PD site plan for all or any portion or portions of the general use areas as are then ready for development. If approved by the Director of Development Services, a combined Preliminary/Final PD site plan may be submitted in conformance with the administratively adopted checklist and format. No land use or building permit will be issued until a Final PD site plan or Preliminary/Final PD site plan (and final subdivision plat per the subdivision regulations) have been approved for the property by the Board of Trustees and duly recorded.

(Ord. 13-97 (part): prior code § 13.11.170)

17.40.180 Final PD site plan--Specific requirements.

The Final PD site plan or Preliminary/Final PD site plan shall provide the information required by a checklist adopted administratively by Staff.

17.40.190 – Final PD site plan – submittal and review

A. Description. The Final PD site plan is the detailed development plan for a property which generally indicates the final planned use of the property, building and parking locations, building elevations, service connections, and final landscape plan and other important site improvements, including but not limited to, grading and erosion control, utilities, and lighting. A PD-zoned property must obtain Final PD site plan and Final Plat approval prior to the issuance of land use permit and a building permit.

B. Submittal Requirements. After the Board of Trustees has approved a Preliminary PD site plan, design guidelines, and PD zoning regulations, the applicant may submit a Final PD site Plan. The Final PD site plan shall substantially conform to the approved Preliminary PD site plan and must comply with the established PD design guidelines and zoning regulations. Format and other requirements for a Final PD site plan are set forth in administratively adopted checklists. If the Director approves the submittal of a combined Preliminary/Final PD site plan, the plan shall conform to the submittal requirements and Approval and Review Criteria for both Preliminary and Final PD site plans

C. Public Notice. Public Notice for a Final PD site plan or Preliminary/Final PD site plan shall be in accordance with Chapter 17.88 of this title. Final PD site plans eligible for administrative approval do not require public notice.

D. Review Process. After all documentation for the Final PD site plan or Preliminary/Final PD site plan submittal has been properly received, reviewed by the Town Staff and other referral agencies, and modified plans and documents have been submitted if required, the Development Services Department shall schedule such plan for review and recommendation by the Planning Commission, and for the final determination by the Board of Trustees. The Board of Trustees shall approve, approve with conditions, or disapprove the Final PD site plan. If the Preliminary PD Site Plan authorizes administrative approval by Staff, then Staff shall approve, approve with conditions, or deny the Final PD site plan approval.

E. Review and Approval Criteria. The Town must be satisfied that the Final PD site plan or Preliminary/Final PD site plan has adequately addressed the following criteria in a manner consistent with public health, safety and welfare:

1. The Final PD site plan conforms to or is consistent with the Preliminary PD site plan.
2. There is an appropriate relationship to the surrounding areas;
3. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, handicap access, noise and exhaust control. Though generally discouraged, private internal streets may be considered where appropriate to the development. A proper institutional framework, such as a metropolitan or special district must be established for maintenance thereof for the life of the streets. The streets shall be accessible by police and fire department and other emergency vehicles for emergency purposes, and to service vehicles such as trash trucks. Bicycle and pedestrian circulation and connections shall be provided ;4. Functional parks, open space, and trails in terms of recreation, views, density relief, convenience, function, connectivity, and optimum preservation

of natural features including trees, shrubs, wildlife habitat, scenic areas and riparian and drainage areas are provided in conformance with the Comprehensive Plan and Parks, Trails, and Open Space Master Plan and Town Subdivision Regulations (Title 16) .

5. A variety of development and housing types and styles, and densities are proposed. Mixed land use is encouraged ;6. Privacy for individuals, families and neighbors is provided as appropriate;

7. The adequacy, safety, separation, convenience, access to points of destination, and connectivity, and attractiveness of pedestrian and bicycle facilities ;

8. Building type in terms of appropriateness to density, site relationship and bulk;

9. Building design in terms of orientation, spacing, materials, exterior color and texture, storage and lighting result in a quality architectural design that is compatible with the surrounding neighborhood. The Town discourages the placement of identical or similar residential models on any two adjoining lots along a street;

10. The landscaping is a quality design that enhances the site and is compatible with the surrounding neighborhood as shown by amount, types and materials used. Entrance features are encouraged. The proposed landscaping will not create maintenance problems and is suitable for the site and neighborhood including plant hardiness. A xeriscape design that will conserve water is required;

11. Adequate off-street parking will be provided:

a. Particularly for single-family residences in a PD, required front-yard setbacks should be established and driveways should be arranged so as to provide off-street parking therein without causing parked autos to block sidewalks.

b. The Town may increase or decrease the normally required number of off-street parking spaces based on a consideration of the following factors:

i. The relationship of the proposed modifications to the stated purposes and intent of this PD regulation.

ii. Probable number of vehicles owned by residents in the planned development,

iii. Parking needs in non-residential areas,

iv. Varying time period of use, whenever joint use of common parking areas is proposed.

v. Availability and use of alternative transportation methods;

12. The Final PD or Preliminary/Final PD site plan has been shown to fit within the context of the planned land use pattern and roadway and utility systems of the larger surrounding area.

F. Recording. Upon approval by the Board of Trustees, the applicant shall have three hundred and sixty-five (365) days to submit to the Town the approved Final PD or Preliminary/Final PD site plan, design guidelines and zoning regulations on twenty-four (24) inch by thirty-six (36) inch sheets appropriate for recording, with all landowner, lienholder and mortgagee, surveyor and title commitment signatures and recordation fees, Any other documents approved in conjunction with the Final PD site plan or Preliminary/Final PD site plan must be recorded simultaneously. The Director of Development Services may approve the recording of the design guidelines and zoning regulations as separate documents. The applicant may make a request to the Staff for an extension of the approval and recordation period prior to the end of the initial three hundred and sixty-five (365) day period. It shall be the applicant's responsibility to ensure the request is made prior to the expiration of the approval period. Staff may grant an extension(s) not to exceed a total of two additional years if the site plan is consistent with the Review and Approval Criteria and there is adequate justification for the extension. Beyond three years from the Board of Trustees approval date, the granting of any additional request for an

extension shall be in the sole discretion of the Board of Trustees, and shall be based on a finding of whether the project conforms to the current Town Code and Review and Approval Criteria and that there is adequate justification for the extension. After the three hundred and sixty-five (365) days if the approval time period has not been extended in accordance with this section, the approval of the Final PD site plan, design guidelines, and PD zoning regulations or Preliminary/Final PD Site Plan, design guidelines and zoning regulations shall lapse. A fee may be imposed for processing the extension requests.

17.40.200 Amendments to approved Preliminary or Final PD site plans, or Preliminary/Final PD Site Plans--Applicability.

The Director of Development Services shall determine whether an amendment request shall be considered a minor administrative amendment, or major amendment based on the criteria established in this chapter.

(Ord. 13-97 (part): prior code § 13.11.200)

17.40.210 Major amendments/rezoning requests.

After approval and recordation of the Preliminary, Preliminary/Final or Final PD site plan the same shall not be modified nor shall any additions be made thereto except with the approval of the Board of Trustees. Such approval shall be made following a recommendation by the Planning Commission and based on standards analogous to those for the approval of the original Preliminary, Preliminary/Final, or Final PD site plan. The determination upon any such amendment to a Preliminary PD site plan or Preliminary/Final PD site plan shall be held at a public hearing in accordance with the public hearing procedure set forth in this title. Public notice shall be given based upon the boundary of the geographic area proposed for amendment. The determination upon any such amendment to a PD site plan shall be made in accordance with the hearings and review procedures set forth in this title.

(Ord. 13-97 (part): prior code § 13.11.210)

17.40.220 Minor amendment requests.

Minor amendments to an approved Preliminary PD site plan, design guidelines, and zoning regulations or Preliminary/Final PD site plan, or Final PD site plan may be authorized in writing by the Director of Development Services, and shall be recorded with the El Paso County Clerk and Recorder. The applicant shall submit a revised Preliminary or Preliminary/Final PD site plan or Final PD site plan that meets the administratively adopted submittal checklist and the Review and Approval Criteria for the type of application as determined by Staff. The applicant shall document in writing that such development adjustments meet the following provisions and shall submit a revised Preliminary or a Preliminary/Final PD site plan or Final PD site plan titled as to the number and type of administrative amendment from the original PD:

A. Density. The density of any permitted use area shall not be increased administratively, except as provided for in subsection E of this section.

B. Building Location. The changes, modifications, or adjustments shall not impact more than twenty (20) percent of any building footprint.

C. Setbacks. A decrease of the required setback when such decrease is no more than a ten (10) percent change to the originally approved setback is permitted (e.g. a ten (10) percent decrease of a setback of thirty (30) feet is 3.0' resulting in a new setback of twenty-seven (27) feet). Setback amendment requests exceeding a ten (10) percent change shall be reviewed by the Planning Commission and Board of Trustees for an individual lot.

D. Minimum Lot Size. A decrease of

the minimum lot size is allowed when such decrease is no more than a ten (10) percent change to the originally approved minimum lot size. (i.e., a ten (10) percent decrease of a ten thousand (10,000) square foot lot is one thousand (1,000) square feet resulting in a new minimum lot size of nine thousand (9,000) square feet). Reductions in minimum lot size may not result in an increase in the overall density approved as part of the Preliminary or Final PD.

E. Density Transfers. Where the specific PD ordinance permits, density adjustments between use areas involving no more than a twenty (20) percent increase in density in any one use area and no change in dwelling type, e.g., single-family detached to multifamily may be made.

F. Decreased Number of Dwelling Units. A decrease of the number of dwelling units in a use area of up to twenty (20) percent with no change in dwelling type is allowed.

G. Text Changes. Nonsubstantial changes to the text of an approved Preliminary PD site plan, design guidelines, and PD zoning regulations, as determined by the Director of Development Services, may be made to add clarity, when such changes do not change standards or commitments.

H. Street alignment. Minor changes may be made to the alignment of an arterial or collector roadway as shown on a Preliminary PD or a Preliminary/Final PD site plan or Final PD site plan if warranted due to engineering considerations. The Director of Development Services shall determine whether the change is significant enough to require going through a major amendment process in order to be approved.

I. Curb Cuts/Access Points. The location of curb cuts/access points may be adjusted through the administrative amendment process when minor in nature and if justified from an engineering perspective. Curb cuts/access points may not be eliminated or added without formally amending the PD plan and/or any other applicable access management plan document.

J. Off-Street Parking. Changes affecting off-street parking if not resulting in more than a ten (10) percent change to the required or approved number of spaces may be permitted.

K. Sidewalks, Pedestrian Trails and Bike Trails. Minor alignment and design changes to sidewalks and trails may be made. Elimination of sidewalks and trails may not be approved administratively.

L. Finished Grade and Drainage System. Changes to the proposed finished grade affecting less than ten (10) percent of the site and not resulting in significant changes to the site drainage system may be made.

M. Open Space Configuration. Minor changes in the configuration of open space areas, parks, and/or trails public or private are allowed. Reduction in the amount of open space, parks and/or trails provided may not be approved administratively. Enlargements of planned open space areas, parks, and/or trails may, however, be considered administratively.

N. Use Area Boundary. Use area boundaries may be administratively adjusted when no more than ten (10) percent of the acreage of any one planning area is affected, where building or lot density is not increased, where open space is not reduced, and where such does not involve an inclusion or exclusion of land from the overall PD.

O. The Director of Development Services shall not have the authority to approve plans which are changed, modified or adjusted in such a manner that they increase density beyond the limits noted in subsection E of this section, decrease total dedication lands or open space, include additional land, add permitted uses, or repeal any specific conditions imposed on the plan by the Board of Trustees.

(Ord. 13-97 (part): prior code § 13.11.220)

17.40.230 Minor amendment review process.

A. Staff shall refer the request for minor amendment to the appropriate departments and referral agencies for their written recommendations on the request.

B. Upon receipt of their comments, the Director of Development Services may approve a minor amendment to an approved plan and document which shall be duly recorded at the applicant's expense. A copy of the minor amendment approval letter shall be kept on file.

C. Should the minor amendment be denied, the applicant has the option to either:

1. Withdraw the request fully;
2. Modify the request and resubmit for review;
3. Appeal the decision to the Board of Trustees; or
4. Submit the request as a major amendment.

(Ord. 13-97 (part): prior code § 13.11.230)

17.40.240 Administration and enforcement--Permit issuance.

No land use permit shall be issued for construction pursuant to a PD plan until a Preliminary/Final PD site plan or Final PD site plan shall have been approved by the Town and recorded with the Clerk and Recorder of El Paso County, and further, until there has been compliance with all platting procedures of the subdivision regulations. The Town may, however, issue a grading permit after Final site plan approval, but prior to recordation, if there are not significant outstanding issues or conditions affecting the drainage study or grading plan. The Director of Development Services or designee shall have the authority in unusual circumstances to issue a grading permit prior to final site plan approval including but not limited to grading needing to be accomplished in conjunction with adjacent public improvements. When such circumstances exist, the Director of Development Services or designee shall clearly note the unusual circumstances justifying the issuance of the grading permit prior to Final PD site plan or Preliminary/Final PD site plan approval. Certificates of occupancy shall not be issued for any structure located within a PD until all required landscaping, Town-required private improvements, and other amenities related to the structure are completed or appropriate sureties have been filed with the Town to assure their completion.

(Ord. 31-2006 § 1; Ord. 13-97 (part): prior code § 13.11.240)

17.40.250 Additional requirements for industrial uses.

A. Site Features.

1. Adjacency. The structure containing the use shall be located a minimum of five hundred (500) feet from the boundary of any residential zone or any residential PD.

2. Traffic. Traffic generated by the use shall not impact nearby residential streets.

3. Buffer. A minimum fifty (50) foot wide landscaped buffer shall be provided along any property line where an industrial use is adjacent to a less intense use or Zone District. If an industrial use has already been established, then a buffer shall be provided within the new less intense development.

4. Screening. A fence, wall, hedge, landscaping, earth berm, natural buffer area, or any combination thereof shall be provided to obscure an industrial use. The following specific uses or features in any PD zone district shall be screened so as to not be visible from adjacent property or from public right-of-way:

- a. Dumpster or trash-handling areas;
- b. Service entrances and utility facilities;
- c. Loading docks or spaces;
- d. Storage, material stocks, and equipment.

Minimum height of screen shall be six feet at the time the screen is installed.

5. Screening-Trees. For every twenty-five linear feet of property line where screening is required, an evergreen tree meeting the standards of these regulations shall be planted and maintained.

6. Enclosure. Every industrial use in a PHID or PID, or PD zone district, unless expressly exempted by the Board of Trustees, shall be operated in its entirety within a completely enclosed structure. Screening of large commercial vehicles such as trash collection trucks, etc. from the public right-of-way and any surrounding residential properties is required.

7. Prevention of Road Damage. Roads serving heavy industrial uses shall be designed and built to support the maximum axle weight for vehicles serving the property on a recurring basis. New industrial uses with heavy vehicles may be required to upgrade the street they are located on to accommodate heavy vehicles.

B. External Effects. Town Staff shall ensure that the following standards are met. If a consultant's services are necessary, the applicant/owner shall be responsible for the consulting fees.

1. Noise. Noise generated on the property shall not exceed eighty (80) dB between six a.m. and six p.m. and seventy-five (75) dB between six p.m. and six a.m. Noise generated on the property shall not exceed the above levels at the perimeter of the property.

2. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located. The owner of an industrial use regularly emitting vibrations shall be required to submit an annual report from a qualified professional documenting compliance with the following standards. The Town may request additional reports if there is a complaint and/or evidence to suggest that vibrations being emitted may be exceeding the standards. Exceptions: (1) Vibrations from temporary construction, (2) Vehicles in an adjoining right-of-way.

Maximum permitted steady state and impact vibration displacements:

Frequency (Cycles per Second)	Vibration Displacement in Inches	
	Steady State	Impact
Under 10	.0055	.0010
10-19	.0044	.0008
20-29	.0033	.0006
30-39	.0002	.0004
40 and over	.0001	.0002

3. Material Handling and Waste Disposal. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces.

4. Radioactivity. The airborne emission of radioactive material shall comply with the latest provisions of the state of Colorado rules and regulations pertaining to radiation control.

5. Prevention of Water Pollution. All uses shall comply with all applicable federal, state and local laws, orders and regulations concerning the prevention and abatement of water pollution, including the Clean Water Act. use will be conducted by methods that will prevent entrance or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into streams, flowing or dry water courses, and underground water sources. Such pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sewage effluent, industrial waste, radioactive substances, oil and other petroleum products, aggregate processing tailings, mineral salts and thermal pollution.

Wastewater shall not enter streams, water courses or other surface waters. 6. Abatement of Air Pollution. The use shall comply with all applicable federal, state and local regulations concerning the prevention and control of air pollution. In conduct of construction activities and operation of equipment, the use will incorporate such practicable methods and devices as are available to control, prevent and otherwise reduce atmospheric emissions or discharges of air contaminants. The emission of dust into the atmosphere will not be permitted. The use shall incorporate such methods and equipment as are necessary for the collection and disposal or prevention of dust during operations.

7. Carcinogens. Use of carcinogens in the manufacturing or distribution process is prohibited. Carcinogens shall be defined as agents determined by the federal or state government to be cancer-causing and which agents have been banned by either the federal or state government. The Board of Trustees may also consider whether or not it is in the health, safety and welfare of the residents of the Town of Monument if the applicant is using carcinogenic materials in the manufacturing or distribution process which have been found in laboratory research to produce cancer in human beings.

8. Smoke Emissions. No person shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density as to obscure an observer's vision to a degree in excess of twenty (20) percent opacity.

9. Odors. It is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.

10. Other Emissions. Emissions of electromagnetic radiation, heat or glare shall in no case endanger human health, cause damage to vegetation on property, interfere with the normal operation of equipment or instruments, or interfere with the reasonable use and enjoyment of property located outside the lot on which a use is operated.

(Ord. 01-2005 § 2; Ord. 32-2004 § 1 (part))