

## Section 10. Amendments to the Land Development Code and Official Zoning Map

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### §10.1 GENERAL

The text of this *LDC* and the boundaries of zone districts, as depicted on the Official Zoning Map, may be amended, supplemented or repealed pursuant to the procedures and standards of this Section.

### §10.2 INITIATION

- A. Initiation of Text Amendment.** An amendment to the text of this *LDC* may be initiated by the City Council, the Commission, the Community Development Director, a resident of the city, any person who holds a recognized interest in real property within the city, and/or the property owner's Authorized Agent as specified in §6.3.A.
- B. Initiation of Zoning Map Amendment.** An amendment to the Official Zoning Map may be initiated by the City Council, the Commission, the Community Development Director or the owner/authorized agent of, or holder of, a recognized interest in that real property whose zoning is proposed to be amended.

### §10.3 PROCEDURE

An applicant requesting an amendment shall follow the stages of the City of Gunnison land development process outlined below.

- A. Preapplication Conference.** Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit an application for an Amendment to the text of this *LDC* or the boundaries of zoning districts as depicted on the Official Zoning Map.
- B. Submit Application.** The applicant shall submit a complete development application to the Community Development Director containing those materials listed in §10.4, Application Contents. The Community Development Director shall be responsible for submitting the application materials for an Amendment initiated by the City Council or Commission.
- C. Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission summarizing the application's compliance with the applicable review standards contained in §10.5, or §10.6, and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.
- D. Public Notice.** Public notice that the Commission will conduct a hearing to consider the application for an Amendment to the text of this title or the boundaries of zoning districts, as depicted on the Official Zoning Map, shall be provided as specified in §6.7.
- E. Action by Commission.** The Commission shall hold a public hearing to review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall make a recommendation that City Council approve, approve with conditions, or deny the application, or shall remand the application to the applicant with instructions for modification or additional information or action.

**F. Public Notice and Action by Council.** The City Council shall consider the recommendations of the Commission at a public hearing. Public notice that the City Council will conduct a hearing to consider the recommendations of the Commission shall be provided as specified in §6.7. The Council shall, by ordinance, approve or deny the proposed Amendment or shall remand it to the applicant with instructions for modification or additional information or action.

**G. Actions Following Approval.** Upon approval of the amendment, and the filing and, if applicable, recordation of any documents required by the approval, the Community Development Director shall place the Amendment on the Official Zoning Map or shall cause the amended text of this *LDC* to be officially codified. Each Amendment shall be noted on the Official Zoning Map, together with the ordinance number and date, date of correction, and initials of the Community Development Director affirming the accuracy of the map change.

**§10.4 APPLICATION CONTENTS**

An application for Amendment to the text of this *LDC* or the boundaries of zone districts, as depicted on the Official Zoning Map, shall contain the following:

**A. Minimum Contents.** The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.

**B. Text Amendment.** In addition to the required Minimum Contents, a Text Amendment application to the *LDC* shall include:

1. A citation of the specific section/sub-section of the *LDC* that is proposed to be amended;
2. The precise amended wording, tabular data, or equations/measures that constitute the proposed Amendment;
3. A written statement by the applicant identifying the intended consequences of the amendment and how the application for amendment meets the review standards cited in §10.5.

**C. Zoning Map Amendment.** If the application requests an amendment to the Official Zoning Map, it shall include:

1. **Zone Districts.** The present zone district designation(s) of the property and the zoning of all adjacent properties.
2. **Survey Map.** A stamped survey map and legal description created under the direction of a surveyor licensed in the State of Colorado of the property proposed for Amendment, stating the area of the property proposed to be amended in square feet or acres.
3. **Existing Uses.** A description of existing uses on the property and on all adjacent properties.
4. **Statement of Intended Development.** A written statement by the applicant identifying the intended use or development of the subject parcel and the timing of said development, describing the community need for the change in zoning, and explaining the effect the change in zoning would have on surrounding uses, and how the application meets the review standards cited in §10.6. Review Standards for Zoning Map Amendments.

### §10.5 REVIEW STANDARDS FOR TEXT AMENDMENTS

An application for an Amendment to the text of this *LDC* shall comply with the following standards:

- A. Consistent with Purposes.** The proposed Amendment shall be consistent with the purposes of this *LDC*.
- B. No Conflict with Other Provisions.** The proposed Amendment shall not conflict with any other applicable provisions of this *LDC*, or shall repeal or amend provisions of this *LDC* which are inconsistent, unreasonable or out-of-date.
- C. Consistent with Master Plan.** The proposed Amendment shall be consistent with the *City of Gunnison Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *LDC*.
- D. Public Health, Safety and Welfare.** The proposed Amendment shall preserve and/or enhance the public health, safety, general welfare and environment and contribute to the orderly development of the city.

### §10.6 REVIEW STANDARDS FOR ZONING MAP AMENDMENTS

An application for an Amendment to the Official Zoning Map shall comply with the following standards:

- A. Consistent with Master Plan.** The proposed Amendment shall be consistent with the *City of Gunnison Master Plan*.
- B. Consistent with Purpose of Zone District.** The proposed Amendment shall be consistent with the purpose of the zone district to which the property is to be designated.
- C. Compatibility with Surrounding Zone Districts and Uses.** The development permitted by the proposed Amendment shall be compatible with surrounding zone districts, land uses, and neighborhood character.
- D. Changed Conditions or Error.** The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one or more errors in the boundaries shown on the Official Zoning Map have occurred.

### §10.7 ESTABLISHED REVIEW PROCESS, REQUIREMENTS AND STANDARDS FOR PLANNED UNIT DEVELOPMENT ZONING DISTRICTS

- A. Purposes.** In that the public health, safety and general welfare may be furthered in an era of increasing urbanization, commercial and industrial development, and growing demand for housing of all types and design, these procedures are intended to encourage Planned Unit Developments (PUDs) in the City for the following purposes:
  - 1. to allow and encourage compatible uses to be developed in a manner sensitive to natural features and processes, and that are compatible with surrounding land uses;
  - 2. to promote greater flexibility in the placement of structures so as to preserve and take advantage

of the site's unique, natural resource or scenic features and to avoid or mitigate any hazardous area;

3. to encourage more efficient use of land, public streets, utilities, and governmental services;
4. to provide quality open space and recreational amenities, and create interesting public spaces and neighborhoods through exceptional and innovative design;
5. to achieve a compatible land use relationship with surrounding areas;
6. to promote architectural variety and design, focusing on enhancing the character and quality of the development; and,
7. to incorporate streetscape designs, landscaping, public spaces, and multi-modal transportation facilities, and building façades that enhance the community's built environment.

**B. Planned Unit Development Types.** Two types of PUDs, summarized below, may be contemplated by the City.

1. **Planned Unit Development - Zone District Overlay.** A PUD Zone District Overlay is intended to promote infill and redevelopment. It permits greater flexibility in the application of §2.6, Base Zone District Dimensional Standards and Section 4, General Development Standards, established for the City's traditional zone districts. Permitted uses in a PUD Zone District Overlay are restricted to those permitted and Conditional Uses of the underlying base zone district.
2. **Planned Unit Development Mixed-Use Zone District.** A PUD – Mixed-Use (PUD-M) is created to provide for the residential development in conjunction with Civic/Institutional or Accommodation/Retail/Service land use categories established in Table 2-3 (Principal Use Table) of the *LDC*. It is intended to promote developments with a balanced mix of residential use and compatible non-residential uses that provide services and employment opportunities in close proximity to housing. Planned Mixed-Use zone districts are only allowed in existing RMU, R-3 and Commercial zone districts.

**C. Established Review Process.** The initial application for PUD zoning or a Major Change to an existing PUD shall constitute a Zoning Amendment and will follow §10.3 (Procedure) of the *LDC*.

**D. PUD Zoning Amendment Application Submittal**

1. **PUD Plan Submittal.** Along with the submission of the application as defined in §10.3 B, the applicant shall provide to the Community Development Director:
  - a. the minimum contents listed in §10.4 A, and the map amendment information in §10.4 C;
  - b. four copies of the PUD zoning plan map which shall be 24 inches by 36 inches in size; with north arrow and scale; with title and date in the lower right corner at a scale of one inch equals 50 feet or larger, depicting the area within the boundaries of the proposed PUD; and, which depicts all of the information as follows:
    - i. a zoning plan indicating the broad concept of the proposed development, the location

of each use and the location of existing lots, blocks or other parcels within each area. The plan shall indicate:

- a) generally, where each type of use is located within the PUD and an indication of the total acreage which will be devoted to each use;
  - b) proposed zone districts labeled on the plan with the symbol of the most similar zoning classification in the *LDC*. In the case of residential zone districts, the symbol shall be followed by a hyphen and a numerical representation of the maximum density allowed in that zone district. For example: a single-family residential zone district with a minimum lot size of 12,000 square feet would be labeled R1-12,000.
  - c) for areas designated for residential uses, the maximum number of dwelling units per net acre permitted for each residential area including sizes of building lots and types of dwellings anticipated;
  - d) the minimum acreage which will be dedicated to common open space, the proposed use and location of open space;
  - e) internal circulation systems including locations of arterial streets, collector streets, pedestrian and bike trails;
  - f) the acreage and location of areas to be dedicated for school sites or other public uses;
  - g) descriptions of the general character of all proposed land use zone districts in the PUD and plans showing the location and size of each zone district within the PUD;
  - h) provisions for water, irrigation ditches, sewer, refuse collection, stormwater collection, telephone, electricity, gas and cable television, if applicable;
  - i) descriptive overview of the written statement development standards and the intent and benefits derived by the PUD from existing standards established by the *LDC*; and,
  - j) written and graphic material demonstrating to the Commission and City Council how modifications will produce a living environment, landscape quality and lifestyle better than that produced by the existing standards.
- ii.** a site topographic map showing at least two-foot contour intervals for slopes of 10 percent or less; five-foot contour intervals for slopes over 10 percent; major vegetation elements; streams, rivers, ditches and areas subject to 100-year flooding;
- iii.** a written statement of concept for the PUD containing the following information:
- a) an explanation of the objectives to be achieved by the PUD and a statement of purpose for each zone district within the PUD;

- b) a development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD are anticipated to begin and be completed;
- c) copies of any special covenants, conditions and restrictions which will govern the use or occupancy of the PUD; provided, that the applicant may impose additional covenants, conditions and restrictions on any particular area in connection with the platting of such area;
- d) the written statement shall include a detailed PUD Development Standards document, which will include but not be limited to defined permitted uses; dimensional standards; design standards, special use standards; buffer and screening standards; floodplain development standards; wetland avoidance; access requirements; grade and slope restrictions; parking standards; landscape standards; general development standards, natural resource protection standards; and other technical code standards;
- e) a report containing detailed statements and data relevant to §4.1 (Adequate Public Facilities), prepared by a Colorado licensed engineer, which shall provide evidence of the following:
  - i) based on anticipated demand, the proposed water source is adequate to serve the PUD;
  - ii) based on anticipated demand, the proposed method of sewage treatment and existing sewage treatment facilities are adequate to serve the PUD;
  - iii) based on development and design standards applied to the PUD, adopted *Fire Code* standards are fully met;
  - iv) based on contemporary traffic analysis in conjunction with development site design, the proposed streets are safe, efficient, aesthetically appealing, and built to meet the existing *City of Gunnison Construction Standards*;
  - v) based on site-plan designs the rights-of-way are of adequate size to easily accommodate utility extensions and functional snow storage;
  - vi) based on site-layout and electrical demands the proposed electrical utility system meets *City of Gunnison Construction Standards*; and,
  - vii) based on site layout and landscape function the proposed irrigation system complies with existing *City of Gunnison Construction Standards*.
- f) a report and detailed statements and data relevant to Section 5 (Natural Resource Protection Standards) which shall provide evidence to the following:
  - i) the general manner in which storm drainage will be handled that shall meet or exceed policies and standard of the *City of Gunnison Stormwater Management Manual*;

- ii) based on existing soils and geology data and the proposed land use, that adequate slope protection standards are in place to accommodate future development;
  - iii) based on existing land uses, buffer standards and other mitigation measures, the proposed land use and future development meet minimum standards for the protection of wetlands and stream corridors; and
  - iv) the general manner in which provision will be made for any potential natural hazards in the area such as steep slopes, erosive soils, avalanche areas, landslide areas, floodplain areas and unstable soils.
- g) easements showing vested legal access for ingress and egress from a public road to the PUD in accordance with Section 4 (General Development Standards);
  - h) evidence that the PUD has been designed with consideration of the site's natural environment and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation or unique natural or historic features; and,
  - i) any other information or exhibits which the applicant or the Community Development Director deems pertinent in evaluating the proposed PUD.

**E. PUD Requirements and Standards.** All requirements and standards identified herein shall be applied to PUD applications, regardless of the type of PUD and are subject to approval by the decision-making body.

- 1. Permitted/Conditional Uses.** Uses in a PUD Zone District Overlay shall only include permitted and Conditional Uses contemplated by the underlying zone district. Uses within a PUD-M zone district shall be limited to residential uses contemplated in the RMU and Commercial zone districts.
- 2. Dimensional Standards.** Dimensional standards may be amended but must comply with the following provisions:
  - a. the maximum height of any building, structure or facility shall be 35 feet;
  - b. setbacks may be amended but provisions providing solar access to all lots and/or occupied buildings must be made in the PUD zone district development standards;
  - c. the maximum residential density shall only be that of the RMU zone district in the PUD-M.
- 3. Landscaping Standards.** Amendment to the City's landscaping standards must comply with the following provisions:
  - a. **Percent Coverage.** The minimum landscape area percent coverage (§2.6, Base Zone District Dimensional Standards) may not be reduced.
  - b. **Landscaping.** Excepting the minimum percent coverage, buffering and landscaping standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.6 of this *LDC*.

4. **Special Use Regulations.** Specific Use Regulations (Section 3) shall be maintained.
5. **Road Standards.** Street section dimensions may be modified. The designated width of rights-of-way and other geometric designs established in §4.2 may be amended for dedicated public rights-of-way, but only if the amendments provide safe and efficient accommodation for pedestrians and vehicles; adequate emergency access; functional utility services; and integrated streetscape design.
6. **Off-Street Parking.** The standards for minimum off-street parking may be amended, but only if they are justified by a parking study prepared by the applicant as contemplated in §4.4 D.2 of this *LDC*. Disabled access parking ratios may not be reduced.
7. **Pedestrian Circulation.** Pedestrian circulation standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.5 of this *LDC*.
8. **Subdivision Regulations.** The requirements of Section 12, Subdivision, shall apply to all PUDs unless otherwise specifically exempted by this Section of the *LDC*.
9. **Open Space Areas.** Open space in a PUD zone district shall be limited to indoor and outdoor recreation and community facilities characterized by potentially light or moderate impact on traffic, the natural environment, and surrounding neighborhoods. Such facilities include, but are not limited to: country clubs; golf courses; athletic fields; skateboard parks; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, and basketball courts; and ice skating rinks. Open space land area may also include natural areas such as public parks, trails, greenbelts or natural land preservation areas. Open space land area may not be used for high intensity commercial recreation such as aerial tramway; alpine or water slides; amusement rides; auto, cycle and go-cart race tracks; campgrounds; stadiums; drive-in theaters; horse or dog racing tracks; shooting ranges; stables; zoos or other similar commercial recreation uses.
10. **Required Open Space Area.** At a minimum, a PUD development shall set aside 15 percent of the site's total gross area for open areas, plazas, courtyards, sitting areas and other similar public-accessible spaces. At its discretion, the decision-making authority may require additional private open areas or public trail dedications based on a review of the following factors:
  - a. the *City of Gunnison Master Plan* and adopted sub-area master plans;
  - b. unique drainage, topographic, vegetation or other such physical conditions;
  - c. type and density of development; or
  - d. overall need for open space and recreational facilities.
11. **Open Space Ownership and Maintenance.** All open areas or trails provided in a PUD shall be owned and maintained as common (private) open areas by the developer, owner of the property or an organization established for the ownership and maintenance of common open areas, unless the City Council accepts public dedication of the open areas.
12. **Phased Development and Open Space.** When a PUD is developed in phases, a proportional amount of any required open space, recreation areas and other community benefits shall be

included in each phase such that the project, as it is built, will comply with the overall density and open space requirements of this *LDC* at the completion of each phase of development.

**F. PUD Review Criteria.** In addition to meeting the Review Standards for a zoning amendment (§10.6), PUD zoning applications must meet the following review criteria:

1. The proposed PUD encourages innovation in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space.
2. The proposed PUD encourages land development that, to the greatest extent possible, preserves natural vegetation; respects natural topographic and geologic conditions; incorporates the unique, natural and scenic features of the landscape; and refrains from adversely affecting flood corridors, soil, drainage, and other natural ecological conditions.
3. The proposed PUD design standards combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
4. The proposed PUD allows efficient design and use of solar access.
5. The PUD provides for adequate, accessible, and properly located open and recreation space, schools or other facilities.
6. The PUD promotes the efficient use of land resulting in a network of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
7. The PUD proposes specific uses permitted within a PUD zone district and must be of a type and so located as to be compatible with surrounding neighborhoods, community character, the *City of Gunnison Master Plan* and other adopted plans.
8. The PUD plan protects environmentally sensitive areas, and occurs on land physically suited to construction.
9. The PUD proposes residential density and maximum non-residential floor area that will be compatible with the internal neighborhood design and will not have an adverse effect on the adjacent community area.
10. The PUD plan proposes at least 15 percent of the total gross area for common open space, and at least one half of this common open space shall be developed for recreation which may include playing fields, tennis courts, picnic sites, trails, fishing access and similar recreation sites.
11. The PUD plan provides a higher quality development than found in traditional zone districts.
12. The boundary between a PUD and adjacent land uses shall provide an adequate transition between land uses.

**G. Development Plan.** If a PUD zoning plan falls within Section 12, Subdivision, and requires subdivision approval as defined in §12.3, within one year of a PUD zoning plan approval the

applicant shall submit a Land Use Development for the PUD according to the requirements of Section 6, Development Review Procedures. If the developer cannot submit a development plan within one year of the zoning plan approval, the developer shall submit a letter requesting an extension of time to the Community Development Director prior to expiration of the one-year period. The Community Development Director may grant extensions for reasonable waiver requests for up to a total of three years from the date of the zoning plan approval. Should a developer not be able to submit a development plan in a timely manner, the City has the right to rezone the property in accordance with this *LDC*.

**H. Changes.** The PUD shall be developed only according to the approved zoning plan and development plan and all supporting data. The final PUD zoning plan and development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the PUD as set forth therein. Changes to the final PUD zoning plan may be made as follows:

**1. Major Changes.** Changes which alter the concept or intent of the planned unit development including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in the final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.

If major changes are proposed, a new public hearing shall be required during resubmission of the PUD zoning plan.

**2. Insubstantial Changes.** The Community Development Director may approve changes in the Planned Unit Development which insubstantially change the concept, intent or substance of the development. Insubstantial changes shall be limited to changes addressing the engineering or technical constraints discovered during the development which could not be anticipated during the original approval process, or any other change which has no material effect on the character of the approved PUD zoning plan, the representations made by the applicant or the conditions of the approval.