

**Chapter 17.19**  
**PLANNED UNIT DEVELOPMENTS**

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**17.19.010 PURPOSE.**

The purpose of this Chapter is to encourage flexibility and innovation in developments in exchange for a community benefit that could not otherwise be realized through the strict adherence to the code. This Chapter allows for modification of the normal use, density, size or other zoning restrictions.

**17.19.020 APPLICABILITY.**

This chapter may apply to any development within the City of Fruita. There shall be no prohibition on the size or location of a development requesting review as a Planned Unit Development. As part of the application for PUD, the application is assumed to request a deviation from the existing underlying zone district, unless the applicant requests a new underlying zone district as part of the application. Properties that are unzoned must identify an underlying zone district as part of the PUD request.

- A. Recommendations and decisions concerning a proposed Planned Unit Development shall be based upon the criteria in Section 17.19.030. In no case shall the approval of a Planned Unit Development vary the health and safety requirements contained in Title 8, requirements concerning public peace, morals and welfare contained in Title 9, requirements concerning public improvements contained in Title 12, requirements concerning water and wastewater service contained in Title 13, or the requirements of the city's building codes as set forth in Title 15 of the Municipal Code. To the extent that other regulations in this code conflict with the standard contained in an approved Planned Unit Development as allowed herein, such regulations shall not be applicable and the provisions of this chapter shall control.
- B. City Council may modify any specifications, standards, or requirements of this Code, provided that the PUD Ordinance established different specifications, standards, and requirements for the PUD. No Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development

- C. Unless specifically modified through the PUD process, uses and dimensions within a PUD shall comply with the requirements of this Code, including but not limited to minimum lot area, maximum lot coverage, minimum setbacks, maximum heights, parking standards, landscape requirements, and required permits and processing procedures.
- D. Subdivisions. In the event a proposed Planned Unit Development involves a subdivision, the applications shall be combined and reviewed simultaneously according to the review procedures within this PUD Chapter. Approval criteria for Planned Unit Developments must be considered in addition to the approval criteria required to be considered for subdivisions, pursuant to Chapter 17.21.
- E. Site Design Review. In the event a proposed Planned Unit Development does not require a subdivision, Planned Unit Development will follow the Site Design Review application procedures of Chapter 17.09, except the Site Design Review for the Planned Unit Development shall be reviewed through the public hearing process in accordance with Section 17.07.040 (Common Development Review Procedures). Approval criteria for Planned Unit Developments must be considered in addition to the approval criteria required to be considered for Site Design Review, pursuant to Chapter 17.09.

**17.19.030 PUD REVIEW PROCESSES.**

All PUDs shall be processed in accordance with the Procedures outlined in Section 17.07.040, Common Development Review Procedures. Additionally, the following process steps are applicable to all PUDs.

- A. Concept Plan. An applicant may choose to complete a Concept Plan review with the City to receive initial feedback on the proposed Subdivision. An application for Concept Plan is optional and approval shall be reviewed for compliance with this Title, other requirements of the city, and requirements of other agencies, as applicable. Applications for Concept Plan approval shall be reviewed in a work session process (not a public hearing) with the Planning Commission and City Council. All comments and feedback in the work session are non-binding and are intended to provide overall direction to an applicant. The Planning Commission is a recommending body to City Council for all Concept Plan applications.
  - 1. The Planning Commission and City Council shall evaluate the Concept Plan application according to the following approval criteria:
    - a. Conformance to the City of Fruita’s Comprehensive Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;
    - b. Consistency with one or more of the following general goals for a PUD justifying a deviation from the requirements of the Code, including but not limited to:

- i. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services; or
  - ii. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design; or
  - iii. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics; or
  - iv. To conserve and make available open space; or
  - v. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions; or
  - vi. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes; or
  - vii. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics.
- c. Conformance to the approval criteria for Subdivisions (Chapter 17.21) and/or Site Design Review (Chapter 17.09), as applicable; except where Adjustments to the standards of this Title are allowed, and;
  - d. Conformance with applicable Design Standards and Guidelines as outlined in Chapter 17.13, unless approved as an Adjustment pursuant to the Adjustment criteria set forth in Section 17.13.020(B).
2. The applicant shall provide the following information as part of the Concept Plan application:
- a. Identification of uses, dimensions, or other standards that are requested to be adjusted through the PUD process.
  - b. Identification of proposed uses, dimensions, or other standards that will supersede the requirements outlined in this Title or other regulations adopted

by the City of Fruita.

3. The Concept Plan application may be continued or withdrawn by the applicant at any time in writing to the Community Development Department.
4. Preliminary Planned Unit Development Plan applications must be submitted within one hundred eighty (180) days of the approval of the Planned Unit Development Concept Plan unless a time extension has been granted pursuant to Section 17.19.070. If more than 180 days have elapsed from the date of the City Council's approval of the Concept Plan application, and if no extension is granted, the Concept Plan approval shall expire.

B. Preliminary Planned Unit Development Plan. An application for Preliminary Planned Unit Development approval is subject to all requirements of this Title, and other applicable regulations. A Preliminary PUD is reviewed by the Planning Commission, who shall make a recommendation to City Council. City Council is the final review authority for all Preliminary PUDs.

1. At a public hearing in accordance with Section 17.07.040, the Planning Commission and City Council shall evaluate the Preliminary Plan application according to the Concept Plan criteria in Section 17.19.030(A)(1) and:
  - a. Adequate resolution of all review comments; and
  - b. Proposed zoning and adjustments are generally consistent with the character in the immediate area, or are necessary to address an important community purpose, as determined by City Council.
  - c. Conformance to the approval criteria for Subdivisions (Chapter 17.21) and/or Site Design Review (Chapter 17.09), as applicable; except where Adjustments to the standards of this Title are allowed, and;
  - d. Conformance with applicable Design Standards and Guidelines as outlined in Chapter 17.13, unless approved as an Adjustment pursuant to the Adjustment criteria set forth in Section 17.13.020(B).
  - e. Compliance with conditions of approval on the Concept Plan, if any.
2. As part of the Preliminary Planned Unit Development Plan/Plat, the City Council shall enact an ordinance zoning the subject property as a Planned Unit Development.
3. The Preliminary PUD application may be continued or withdrawn by the applicant at any time in writing to the Community Development Department. The applicant may be responsible for paying for the cost of an additional public notice if public notice for the public hearing has already been sent out.
4. Final PUD applications must be submitted within 180 days of City Council

approval of the Preliminary PUD unless a time extension has been granted pursuant to Section 17.19.070. If more than 180 days have elapsed from the date of the City Council's approval of the Preliminary PUD application, and if no extension is granted, the Preliminary Plan approval shall expire.

- C. Final Planned Unit Development Plan. An application for Final Planned Unit Development shall conform to the previously approved Preliminary Planned Unit Development Plan, including all conditions of approval, the requirements of this Title, and any other applicable regulations. Final PUD applications are administratively reviewed and approved by the Community Development Director, and may be combined with the related Development Agreement. Final PUD applications shall be submitted to the Community Development Department within one hundred eighty (180) days following approval or conditional approval of the Preliminary Planned Unit Development Plan by the City Council, unless such time is extended by the City Council.
1. The applicant may withdraw the Final PUD application at any time in writing to the Community Development Department.
  2. Final Approval and Recording of Planned Unit Development. The Final Planned Unit Development Plan/Plat shall be recorded by the Community Development Department in the manner and by the deadline provided for approved subdivision Final Plats and related documents in Section 17.21. No Final Planned Unit Development Plan, development or subdivision improvements agreement shall be recorded until the developer has paid to the city all review, filing and recording fees, as well as any applicable impact fees. The applicant shall sign the Planned Unit Development Guide before it is recorded.

#### **17.19.050 PLANNED UNIT DEVELOPMENT IMPROVEMENTS.**

All required improvements for an approved Planned Unit Development shall be designed, constructed and installed in accordance with the requirements for subdivision improvements set forth in Chapter 17.21 and in accordance with a development or subdivision improvements agreement entered into by the City Council and the developer pursuant to Chapter 17.49 for Planned Unit Development involving a subdivision or in accordance with requirements for Site Design Review approval if no subdivision is required. Improvements shall be constructed pursuant to the city approved Planned Unit Development construction plans and Planned Unit Development Guide.

#### **17.19.060 AMENDMENTS TO PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT PLAN OR PLANNED UNIT DEVELOPMENT GUIDE.**

- A. Conditions for Amendment. An approved Final Planned Unit Development Plan or Planned Unit Development Guide may be amended, if the applicant demonstrates that the proposed modification:

1. Is consistent with the efficient development and preservation of the entire Planned Unit Development;
  2. Does not affect, in a substantially adverse manner, either the enjoyment of the land abutting within or adjoining the Planned Unit Development, or the public interest;
  3. Is not granted solely to confer a special benefit upon any person;
  4. Does not contain proposed uses that adversely affect other uses approved for the Planned Unit Development;
  5. Does not contain a public site, park or open space plan that differs substantially in quantity or quality from that originally approved;
  6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the Planned Unit Development; and
  7. Is consistent with all applicable regulations of this Title, except as specifically allowed through the subject Planned Unit Development approval or where an amendment is allowed pursuant to this Section.
- B. Classification of Amendments. For the purposes of considering a proposed amendment to a Final Planned Unit Development Plan or Planned Unit Development Guide, amendments shall be classified as minor amendments or major amendments. A minor amendment shall include minor changes in location, siting, and bulk of structures, or height or character of structures required by engineering or other circumstances not foreseen at the time the Planned Unit Development or Planned Unit Development Guide was approved. A minor amendment shall not alter the dimensions of any building or structure by more than ten (10) percent. A major amendment shall include all other modifications; such as; changes in use, arrangement of lots or structures, and all changes in the provisions concerning public sites, parks, open space or density.
- C. Pre-application Conference. When proposing any amendment to a Final Planned Unit Development Plan and/or Plat, the applicant shall first request a pre-application conference with the Community Development Department to discuss city procedures, and requirements. The applicant shall provide information that is sufficient for the Community Development Director to determine whether the request meets the criteria for a minor or major amendment.
- D. Review of Planned Unit Development Amendments. Minor Planned Unit Development amendments shall be reviewed and may be approved by the Community Development Director. Major Planned Unit Development amendments shall be reviewed and may be approved in the manner set forth for original Planned Unit Development applications as contained in this Chapter.

**17.19.070 TIME EXTENSIONS.**

- A. The Community Development Director may grant an extension of the deadline to submit Preliminary Plan or Final Plat applications, record the final plat or commence development of the subdivision for a period of up to 365 days. All time extension requests are evaluated on the following criteria:
1. There have been no changes to the area in which the PUD is located that would affect the proposed PUD,
  2. There have been no changes to the city's rules, regulations and policies including changes to the city's Comprehensive Plan and this Land Use Code that would affect the proposed PUD, and
  3. There has been no significant increase in impact fees required to be paid for the proposed subdivision.