

ARTICLE 2 - ZONING DISTRICTS

SECTION 2.1: *Districts Established*

A. Districts Established.

The Town of Foxfield is hereby divided into the following zoning districts:

RR - Large Lot Rural Residential

VC - Village Commercial

PD - Planned Development

B. Characteristics and Objectives.

This describes the locational, natural, and built characteristics and attributes which shall be applied to each zoning district classification for particular land parcels. In addition, this section describes the desired characteristics, functions, and attributes of appropriate uses for the zone district, carrying out the intent of the Town's Comprehensive Plan. Appropriate uses shall be located and designed to fulfill the desired characteristics and objectives of the zone district in which they fall.

C. Use Regulations.

Each zone district includes the following categories.

1. Permitted principal uses are uses by right, which are permitted anywhere within the particular zone district in which they are identified. Permitted principal uses, other than a single-family dwelling unit, require Site Development Plan approval. Single-family dwelling units require Plot Plan approval. All structures require building permit approval.
2. Permitted accessory uses are a use by right that are customarily incidental to the identified permitted principal uses, provided that they meet any applicable regulations. Permitted accessory uses require Plot Plan approval and building permit approval.
3. Special Review Uses are uses that may be allowed in the zoning district indicated subject to any applicable regulations. Special Review Uses may be permitted if it can be demonstrated that the location and the site proposed for the use are appropriate, facilitating the use in a manner which supports the purposes of the zone district and which is compatible with the surrounding area. Additional uses which are not listed, but which are consistent with the purpose and objectives of the zone district, and are similar in character and level of impacts as identified in the permitted principal and accessory uses for the zone district, may also be permitted subject to review. Special Review Uses require the issuance of a permit approved by resolution by the Town Board of Trustees, after public hearings before the Planning Commission and the Town Board.

D. Dimensional Requirements.

Dimensional Requirements are minimum restrictions, which apply to the siting and massing of buildings and structures on the lot, from which no variance will be permitted, except as provided under Variances and Appeals, Planned Developments, and Non-conforming Uses, Structures, Lots and Parking. Dimensional requirements include:

1. Minimum Lot Area and or Maximum Gross Density
2. Minimum Lot Width
3. Front Yard Setbacks
4. Side Yard Setbacks
5. Rear Yard Setbacks
6. Minimum Open Space
7. Maximum Impervious Coverage
8. Maximum Building Height
9. Minimum Separation Between Structures

E. Development Standards.

Development Standards are minimum standards that development and uses within the zone district must meet to obtain Site Development Plan or Plot Plan approval. Development Standards specific to each zone district are listed within each zone district. General Regulations and standards pertaining to all zone districts are found in Article 3, and apply to both residential and non-residential development.

SECTION 2.2: Zoning Map

A. Zoning Map Adopted.

The location and boundaries of the zone districts established by this Ordinance are shown on the Zoning District Map of the Town of Foxfield. The Zoning District Map, together with all data shown thereon and all amendments thereto, is by reference made part of this Ordinance. The Zoning District Map shall be identified by the signature of the Mayor of the Town and attested by the Town Clerk and shall bear the seal of the Town and the date of adoption. The Zoning District Map shall be located in the office of the Town Clerk and shall be available for inspection upon reasonable notice.

B. District Boundaries.

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines, right-of-way lines, or extensions thereof. In property where a zone district boundary divides a lot or parcel, the location of such

boundary, unless indicated by legal description with distance and bearing or other dimensions, shall be determined by using the graphic scale of the Zoning District Map. In interpreting the Official Zoning Map, unless otherwise specified on the Official Zoning Map, zone district boundary lines are intended to be property ownership lines or lot lines; centerline of streets, alleys, channelized waterways or similar rights-of-way; the centerline of blocks; section or township lines; municipal corporate boundaries; the centerline of stream beds; or other lines drawn approximately to scale on the Official Zoning Map.

C. Boundary Clarification.

1. In the event that a zone district boundary is unclear or is disputed, it shall be the responsibility of the Zoning Administrator to determine the intent and actual location of the zone district boundary.
2. Any appeal of the determination of the zone district boundary made by the Zoning Administrator shall be heard by the Board of Adjustment in accordance with the procedures outlined in Article 5. The Zoning Administrator shall have the final determination.

D. Amendments to Map.

Changes in the boundaries of any zone district shall be made only upon amendment to this Zoning Ordinance and shall promptly be entered on the Zoning District Map with an entry on the map giving the number of the amending Ordinance and the date with the signature of the Mayor, attested by the signature of the Town Clerk.

SECTION 2.3: Minimum Sizes for New Districts

Unless contiguous to the same zone district, all newly created zone districts shall be at least 5 acres in size. PD zone districts shall be a minimum of 7.5 acres in size. When contiguous to an existing district of the same designation, these minimums shall not apply.

SECTION 2.4: Listing of Permitted Uses

No use shall be allowed in any zone district unless it is specifically enumerated as an allowed principal use or accessory use in the particular zone district, or a Special Review Use has been approved. Designations in lists of uses shall be determined as follows: Permitted principal uses are uses by right and are permitted anywhere within the zone districts indicated. All principal and accessory uses require a building permit approval. Permitted principal uses, other than a single-family dwelling unit, which only require a Plot Plan, require a Site Development Plan. Uses indicated as accessory uses are permitted only if they meet specific criteria contained in this Zoning Ordinance and can demonstrate that they are clearly accessory to the principal use. No accessory uses are allowed if not associated with a principal use and are not allowed if the principal use has not been established. A Special Review Use may be allowed in the

district indicated if it can be demonstrated that the location and the site proposed for the use is appropriate, facilitates the use in a manner which support the purposes of the zone district, and is compatible with adjacent properties and uses. Special Review Uses require the issuance of a permit after public hearings have been held before Planning Commission and the Town Board of Trustees. Uses not listed as permitted principal or permitted accessory uses require determination by the Zoning Administrator. The Zoning Administrator will determine if a principal use or permitted use not listed in Article 2 for the district in which the use is proposed, is similar in character and impact to those listed. If it is determined by the Zoning Administrator to be a substantially different use, then it will be considered and deemed to be prohibited in that zone district.

SECTION 2.5: Large Lot Rural Residential District (RR)

A. Characteristics and Objectives.

The Large Lot Rural Residential District is designed to accommodate very low-density single-family residential uses on large lots. The purpose of the RR zone district is to promote the continuance of single-family neighborhoods by:

1. Allowing for larger lot development that assists in retaining the rural residential character of Foxfield;
2. Allowing for limited home occupations; and
3. Ensuring that new development retains the natural conditions of the environment and preserves the openness of the land.

B. Use Regulations.

1. Permitted Principal Uses.
 - a. Single-family detached dwelling units.
 - b. Well-maintained and landscaped open space or neighborhood parks with structures of no more than five thousand square feet (5,000').
2. Permitted Accessory Uses.
 - a. Structures and uses, subordinate and incidental to the permitted principal structure or use, located on the same lot. Any structure less than one hundred and twenty (120) gross square feet shall not be deemed an accessory structure within the meaning of this Article 2, however all structures, regardless of size must meet established setbacks, separation between structures and all other dimensional requirements specified in C. Dimensional Requirements.
 - b. Parking for the principal use.
 - c. Home occupations, as specified in Article 4, Section 1.
 - d. Keeping of animals as specified in Article 4; Section 2. Kennels are

prohibited in the RR zone district.

- e. Private garages.
- f. Shelter for agricultural implements and tools used to maintain premises.
- g. Stable and Barns.
- h. Greenhouse (products to be for use or consumption of lot residents only) not to exceed 200 square feet GFA.
- i. Sporting courts, tennis courts, swimming pools, and other similar structures provided they are located in the side or rear yard of the zoning lot.
- j. Alternative energy technologies; including but not limited to roof or ground mounted solar arrays and solar voltaic systems; that serve a single residence or structure are permitted by right and may be constructed as an accessory use on any lot(s) so long as such a use does not create an unreasonable visual impact to any adjacent property.
- k. Small wind energy conversion system that is non-commercial and does not exceed fifteen feet (15') in height.
- l. Other uses which are clearly accessory or incidental to the primary permitted uses.

3. Special Review Uses.

- a. Public buildings, civic facilities, schools (except public schools exempt from municipal land use control pursuant to state law) and places of worship.
- b. An owner-occupied or nonprofit group home for the aged and homes for the developmentally disabled, handicapped and mentally-ill as these terms are defined by C.R.S. § 31-23-303, may be permitted if it serves as a permitted principle use and is for no more than eight persons, is not located within seven hundred and fifty feet (750') of another such group home, and the owner or operator resides and maintains primary residency within the group home. Where nine or more persons are to occupy a group home, or if the group home is not defined in C.R.S. § 31-23-303, such group home shall be permitted only upon approval of Special Review Use.
- c. Private garages, enclosed or partially enclosed, capable of housing more than four vehicles.
- d. Alternative energy technology not attached to a structure if over fifteen (15) feet in height and antennae exceeding fifteen feet (15') in height.
- e. Grading of a site that increases or decreases the original elevation by more than four feet (4').
- f. Public Utilities.
- g. Temporary structures over one hundred and twenty (120) gross square feet.

C. Dimensional Requirements.

1. Minimum Lot Area: One (1) dwelling unit per 105,000 square feet except that any lot in excess of 85,000 square feet but less than 105,000 square feet that was a parcel of record at the time of the adoption of these Regulations shall be considered a legal zoning lot.
2. Minimum Lot Width: one hundred and twenty-five feet (125')
3. Minimum Open Space: fifty percent (50%).
4. Maximum Impervious Coverage: twenty-five percent (25%).
5. Front Yard Setback: fifty feet (50') for principal and accessory structure.
6. Side Yard Setback: twenty-five feet (25') for principal and accessory structure.
7. Rear Yard Setback: twenty-five feet (25') for principal and accessory structure.
8. Maximum Building Height: thirty one feet (31') principal structure; twenty one feet (21') accessory structure except that small, ornamental rooftop appurtenances such as weathervanes may project five feet (5') above the roofline. The maximum height of the structure shall be reduced by the average height of any fill that increases the existing grade under or immediately surrounding the structure.
9. Minimum Separation Between Structures: twenty-five feet (25').

D. Development Standards Specific to the RR Zone District.

1. Residential development in the RR (Large Lot Rural Residential) Zoning District may be served by public or private water and sanitary sewer systems. Provided, however, in the event connection is sought to a public sewer system, connection to the public water system shall be required as a condition of connection to the public sewer system. Any development not consisting of solely single family residences approved in the RR (Large Lot Rural Residential) Zoning District shall be served by approved public water and sanitary sewer. Any development that is required to be served by the Town's public water system, or any property or development that chooses to be served by the Town's public water system, may still use any properly permitted wells for exterior irrigation use only.
2. The parking or storage of vehicles, materials and equipment shall be limited to vehicles and equipment intended for the personal use of the owner or occupant of the residence. A business vehicle provided to a resident for personal use is permitted.
3. Exterior lights, whether building mounted or free standing, shall be hooded or shielded and meet the requirements of an IES full cut off fixture so as not to cast light on adjacent properties nor dilute the night sky. Building mounted exterior lights shall not protrude above the eave line. Freestanding lights shall not exceed twenty-five feet (25') in height.

4. No accessory structure shall contain residential living quarters.
5. Accessory structures and uses are not permitted unless and until the principal permitted use has been established on the property.
6. The total building coverage (footprint) of all accessory structures may not exceed two thousand (2000) square feet and there shall be a maximum of two (2) accessory structures.
7. No accessory structure may exceed twenty one feet (21') in height except that small, ornamental rooftop appurtenances such as weathervanes may project five feet (5') above the roofline. In addition, accessory structures shall have a maximum side wall height of ten feet (10') from finished grade measured five (5) feet from the foundation. The side wall height may be increased one foot (1') vertically for each additional five feet (5') of setback, beyond the minimum required, to a maximum side wall height of fourteen feet (14').
8. The roof pitch shall approximate the predominant roof pitch on the primary residence.
9. Any roof overhang constructed on an accessory structure may not encroach into a required front, rear or side yard setback, or into the required separation distance between structures.
10. Accessory structures that house animals including stables and barns shall be located on the rear or side yard of the parcel, not closer than twenty five feet (25') to property lines, and not closer than fifty feet (50') to any dwelling unit.
11. Architectural renderings, elevation drawings, materials, and site plans for all proposed accessory structures must be submitted to the Town Clerk and approved by the Board of Trustees or the Board of Trustees' designee prior to applying for a building permit.
12. The exterior finish and design of an accessory structure shall either be visually similar to the primary structure on the property as specified below, or the exterior finish and design shall be in the style of a traditional barn or stable as specified below. Green houses, pavilions, pergolas, gazebos or similar structures are exempt from this subsection.
 - a. Design standards for accessory structures visually similar to the primary structure.
 - i. The roof pitch of the accessory structure must approximate the predominant roof pitch of the primary structure.
 - ii. The exterior finish material and appearance, including but not limited to color, siding, roof material, trim, window style, eaves and overhang, shall be visually similar to the exterior of the principal structure.
 - b. Design standards for accessory structures in the style of a traditional barn or stable.

- i. The exterior shall be a barn or stable design similar to those traditionally used on farms and ranches, including but not limited to designs traditionally used for horse stables, run-in sheds, pole-barns, shed row barns, raised center aisle barns, gable, gambrel or hipped roof barns.
- ii. Exterior walls may be constructed of any material intended for barn walls. Use of wood material or material that simulates the look of traditional wood barn siding is encouraged.
- iii. If siding material other than wood, material that simulates wood or steel is used, it shall be painted or stained to visually match the color of the primary structure. If the exterior walls are constructed of material intended for barn walls, they may be painted or stained in colors traditionally used on barns or colors matching the exterior of the primary structure.
- iv. The use of traditional barn ornamentation and architectural elements commonly used on barns such as Dutch doors, sliding barn doors, cupolas and weathervanes, is encouraged.

SECTION 2.6: *Village Commercial (VC)*

A. Characteristics and Objectives.

Village Commercial zone districts shall be established in those areas, which have direct access to Parker Road, Arapahoe Road, or the Ring Road. The VC zone is intended to provide shopping goods and services for surrounding neighborhoods, such as small-scale retail, professional services, live/work development, and offices located above sales tax generating establishments. The intent of this zone district is to encourage a mix of complementary sales tax generating commercial uses that share ingress and egress with clustered on-site parking, and that are linked by pedestrian walkways, corridors, and plazas. The intent is to develop a broad mixture of uses within a compact pedestrian-oriented environment and to facilitate small business development and vitality.

B. Use Regulations.

Any of the following uses are permitted provided that the gross floor area of a single building or structure containing the use does not exceed twenty-five thousand (25,000) square feet.

1. Permitted Principal Uses.
 - a. Retail establishments without outdoor storage such as but not limited to: clothing, hardware and building materials, furniture/home decor, and equipment, liquor stores, grocery and convenience stores, plant and garden centers.
 - b. Commercial establishments engaged in providing personal services including but not limited to pharmacies, dry cleaning, laundromats, print

shops, tailoring, customer-based shipping, and receiving services, barber and beauty shop, pet stores, and other businesses that offer services for sale.

- c. Offices including professional, financial, insurance, personal services, medical and studios for professional work or services and other office uses if located above sales-tax generating establishments.
 - d. Eating and drinking establishments, including but not limited to: restaurants with or without alcohol service, bars, entertainment establishments, and delicatessens, bakeries and confectioners with or without seating, all of which may provide off site catering services.
 - e. Convenience services including restaurants with or without a drive through.
 - f. Entertainment and cultural complexes including bowling, movie theatres, indoor amusements, public or private studios, arts and related cultural facilities.
 - g. Recreational clubs and spas, or wellness facilities.
 - h. Commercial establishments offering minor auto repair, including car washes and gas stations, but not including the sale of motor vehicles or major auto repair.
 - i. Commercial uses and professional services deemed to be of similar impact.
2. Permitted Accessory Uses
 - a. Storage of materials accessory to any of the uses listed in Permitted Uses for this district provided all such storage is located within a structure.
 - b. Any accessory buildings, structures, or uses required in addition to and in conjunction with any permitted use in the district.
3. Special Review Uses.
 - a. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
 - b. Public utilities may be permitted if it is needed to serve the area in which it is located, and is designed so as to be non-obtrusive and blend in with the surrounding area.
 - c. Meeting rooms and convention centers.
 - d. Hospitals and clinic facilities.
 - e. Child care facilities.
 - f. Private schools, including special schools for dance, arts, trade, or vocational studies.

C. Dimensional Requirements.

1. Minimum Lot Area: twenty thousand (20,000) square feet
2. Minimum Lot Width: thirty feet (30') frontage on a public street or easement.
3. Maximum Impervious Coverage: eighty-five percent (85%).
4. Minimum Open Space: fifteen percent (15%)
5. Maximum Building Height: twenty-five feet (25'); or thirty-five feet (35') if applicant demonstrates that views from all existing principal structures within the RR zone district are preserved as demonstrated through a View Shed Analysis that indicates how the predominant views from existing single-family dwelling units will be preserved.
6. Setbacks:
 - a. Twenty-five foot (25') setback regardless of whether its front, rear, or side setback for non-residential buildings over 15' adjacent to residential lot or abutting a public street next to a residential zone district. If the structure is not abutting a residential lot or a public street next to a residential lot then the following setbacks apply.
 - b. Front lot setback: zero feet (0').
 - c. Side lot setback: per building code unless the structure is on a corner lot, then the building must meet the site visibility requirements found in Article 3.
 - d. Rear lot setback: twenty feet (20'). Loading spaces and loading bays are allowed in the rear lot setback.
 - e. Minimum distance between structures: per building code.

D. Development Standards for the VC Zone District.

1. All buildings and structures must also adhere to the all General Regulations and Standards in Article 3.
2. Entrances to buildings shall be designed to ensure smooth and safe pedestrian circulation, and ease of snow removal.
3. Loading and unloading facilities shall be located in the rear of buildings and shall be screened from public view.
4. Buildings will be designed so as to minimize snow shedding and runoff onto pedestrian areas and public ways.
5. Within the VC district, driveways crossing sidewalks on arterial streets may serve parking and loading only, but may not serve any drive-in, drive-through or auto service facility.
6. All activities within the VC district shall be wholly contained within buildings except for access, parking, loading and if screened by sight impervious fencing or plantings, storage and refuse containers.

7. New development shall minimize unused or unusable public or private areas in the side or rear yards.
8. All development within the VC district shall be designed so that for the given location, egress points, grading, and other elements of the development could not be reasonably altered to:
 - a. Reduce the number of access points onto an arterial or collector street.
 - b. Minimize adverse impacts on any existing or planned residential uses.
 - c. Improve pedestrian or vehicle safety within the site and egressing from it.
 - d. Reduce the visual intrusion of parking areas, screened storage areas and similar accessory areas and structures.
 - e. Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
9. Parking and loading areas within the VC zone district that are adjacent to residential properties must be screened from view, by use of a combination of fences, berms, and landscaping.
10. All development including buildings, walls, and fences shall be so designed and sited to:
 - a. Complement existing development in scale and location.
 - b. Provide sidewalks at least five feet (5') in width or an off road system of pedestrian and bicycle trails of greater than five feet (5') in width; and
 - c. Create pocket parks or green spaces that are accessible to the public and at a minimum provide seating and landscaping.
11. An exterior front wall of a building (street grade) shall not exceed an increment of twenty-five feet (25') without being differentiated by providing structural bays, clearly expressed columns or other architectural elements to add interest at the sidewalk edge.
12. All development within the VC Zone District must be served by approved public water and sanitary sewer systems.

SECTION 2.7: Planned Development District

A. Purpose and Objectives.

Planned Developments are intended to facilitate the purposes and objectives of this Zoning Ordinance, the Town of Foxfield's Comprehensive Plan and to permit the application of new site, land planning, and design concepts in land development than may be possible under the application of standard zone districts of Large Lot Rural Residential or Village Commercial. Developments, however, must demonstrate that flexibility from the provisions of the existing zoning will result in

higher quality development. An applicant for a PD zone district designation must demonstrate that one or more of the following purposes can be achieved:

1. The provision of necessary commercial, recreational, and educational facilities conveniently located to housing;
2. The encouragement of innovations in residential, commercial, and limited industrial development and renewal so that the growing demands of the area population may be met by greater variety in type, design, and lay-out of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
3. A better distribution of induced traffic on the streets and highways;
4. Conservation of the value of the land; and
5. Preservation of the site's natural characteristics.

B. Conditions.

The use of the PD Zone District must be in accordance with the Town's Comprehensive Plan and is dependent upon the submission of an acceptable plan, and satisfactory assurances that the plan will be carried out.

1. The PD is an entire development program concept and shall be reviewed as a whole.
2. A PD may be developed for any property within the Town that is greater than seven and one-half (7.5 acres) in size.
3. The Planned Development shall be considered by the Planning Commission and Town Board from the point of view of the relationship and compatibility of the individual elements, which make up the development; and, only after specifically and properly applied for, may be approved by the Planning Commission and Town Board in accordance with the provisions of this Zoning Ordinance.
4. The parcel being considered for a PD must be a legal building lot.
5. The request for PD approval is a voluntary act by the applicant and does not require or imply any acceptance or approval by the Town. The proposed uses and densities may be deemed inappropriate after review by the Town, and alternative action may be required of the applicant.
6. Phasing of Development: Each phase within a PD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD or its surroundings at any stage of the development.
7. Consent of landowners required. No Planned Development may be approved by the Planning Commission or Town Board without written consent or a letter of authorization of the landowner or landowners whose properties are included within the PD. All owners of land within the proposed PD shall sign each

application form requesting consideration or approval of any PD.

C. Standards Generally.

The following standards and requirements shall govern the application of a Planned Development:

1. No PD shall be approved without an Official Development Plan setting forth the provisions for development of the PD, including but not necessarily limited to development standards, allowable uses, location, and bulk of buildings and other structures; density of development; utilities, streets, roads, pedestrian areas and parking; common (or dedicated) open spaces; and other public facilities.
2. A Planned Development Zone District is created as an amendment to the Official Zoning Map if it is consistent with the intent and policies of the Town's adopted Comprehensive Plan and upon approval of an application for zoning or rezoning. Land uses within a Planned Development Zone District development may be multiple in nature, and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans.
3. Each development phase shall provide its planned share of open space, recreational facilities, and common amenities. The Official Development Plan shall include mechanisms to coordinate the provision and improvement of open space, recreational facilities, and common amenities with the construction of any non-residential space, dwelling units, or other land uses.
4. The Official Development Plan shall include adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking, and loading space.
5. The PD is a negotiated zone district. While there may be no fixed lot size or lot widths, the Planning Commission and Town Board requires minimum dimensional standards including setbacks, height, parking, space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light, air and snow melt between buildings, and to ensure that the PD is compatible with other developments in the area and that the PD does not adversely impact areas zoned Large Lot Rural Residential (RR). If the Official Development Plan does not specify lot size, setbacks, or other dimensional requirements for a particular use within the PD, such dimensional requirements shall be those dimensional requirements otherwise required for the particular use under this Zoning Ordinance.
6. The plans for the proposed PD shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages, and permitted uses shall be detailed for all development areas within the PD zone district. A summary chart indicating development standards applicable to the entire PD and/or separate areas within the PD is required.

7. Open space for the PD shall be planned to produce maximum usefulness to the residents of the development for purposes of recreation, provision of view corridors, and scenery and to produce a feeling of openness. All areas designated as common or public open space pursuant to the requirements of this Section shall be accessible by proper physical and legal access ways.
8. The developer shall provide within the PD central water, wastewater, and stormwater drainage facilities as required by the Town of Foxfield.
9. The development shall be designed to provide for necessary commercial, recreational, and educational facilities conveniently located to residential housing.
10. Clustered development and a mix of uses shall be encouraged to promote maximum open space, economy of development, and variety in type, design, and layout of buildings.
11. Relationship to the Subdivision Regulations. All development within a PD zone district requires a Subdivision Plat. The provisions of this Zoning Ordinance concerning Planned Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in State statutes and the Ordinances and regulations of the Town. However, the uniqueness of each PD may require that specifications for the width and surfacing of streets, public ways, public utility rights of way, curbs, and other standards may be subject to modifications from the specifications established in the Subdivision Regulations adopted by the Town of Foxfield, if the reasons for such exceptions are well documented. Modifications may be incorporated only with the approval of the Planning Commission and Town Board as a part of its review of the Official Development Plan for a PD and shall conform to acceptable engineering, architectural, and planning principles and practices.

D. Standards for Approval.

The following standards shall be utilized by the Planning Commission and the Board of Trustees in evaluating any plan for Planned Development:

1. Open space. A minimum of eight percent (8%) of the total non-residential PD area and twenty-five percent (25%) of any residential use shall be devoted to open lands, useable open space and common areas that are public or quasi-public. No more than five percent (5%) of the required percentage of usable open space shall be in the form of water surfaces, floodplains, steep slopes, or storm water detention areas. Acreage dedicated for school sites and other public land dedications shall be considered at a negotiated percentage in the open space calculation.
2. Residential density. Residential density shall be limited to one (1) dwelling unit per acre unless the applicant pursues a major amendment to the adopted Comprehensive Plan.

3. Gross Building Floor Area. The gross building floor area of any use may be limited as required by the Town Board upon consideration of the Official Development Plan and individual characteristics of the subject land.
4. Architecture. The following architectural standard is intended to prevent monotonous streetscapes and to avoid uniformity and lack of variety in design among non-residential development within any PD. Building facades facing a primary access street or a parking area should have clearly defined, highly visible pedestrian entrances that feature the following:
 - a. Canopies or porticos;
 - b. Overhangs, recesses/projections;
 - c. Distinctive roof forms;
 - d. Arches;
 - e. Outdoor patios, plazas, or courtyards;
 - f. Display windows; and/or
 - g. Planters or wing walls that incorporate landscaped areas and/or places for sitting.
5. Internal compatibility of land use elements. It is recognized that certain individual land uses, regardless of their adherence to all the development standards provided for in this Zoning Ordinance, might not exist compatibly with one another. Therefore, a proposed PD shall be considered from the point of view of the relationship and compatibility of the individual elements of the plan, and no PD shall be approved which contains incompatible elements.
6. The PD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, and separation from living areas, convenience, and access. Private internal streets may be permitted provided that adequate access for police and fire protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the Planning Commission and Town Board. Bicycle lanes, horse paths, and trails shall be provided for, if appropriate for the land use.
7. The PD shall provide parking areas in conformance with the minimum parking standards of this Ordinance in terms of number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation and screening.
8. The PD shall strive for optimum preservation of the natural features on the site.
9. Any residential PD shall provide for a variety in housing types and densities, other facilities, and common open space.
10. Any residential PD shall provide adequate privacy between dwelling units.
11. The PD shall provide pedestrian ways adequate in terms of safety, separation,

convenience, and access to points of destination and attractiveness.

12. The uses within any PD must be served by an approved public water and sanitary sewer system.
13. The maximum height of buildings may be increased or decreased above the maximum permitted for like buildings in other zone districts in relation to the following characteristics of the proposed building:
 - a. Its geographic location;
 - b. The probable effect on surrounding slopes and terrain;
 - c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity;
 - d. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view;
 - e. Influence on the general vicinity, with regard to extreme contrast, vistas and open space;
 - f. Uses within the proposed building; and
 - g. Fire protection.
14. Any use that, in the opinion of the Board of Trustees, creates sensory impacts (visual, odor or noise), or traffic impacts that may adversely affect the adjacent properties or property owners, shall provide a plan for the mitigation of those impacts. The plan shall be included as part of the approved PD.

E. Common Open Space and Maintenance.

1. Organization for Maintenance. No PD shall be approved unless the Board of Trustees is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives and parking to ensure maintenance of such areas.
2. Lot area and coverage, setbacks and clustering. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types, which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings.
3. Maintenance provisions. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any

time after approval of the Planned Development fail to maintain the common open space in reasonable order and condition, the following procedures may be initiated by the Town Board:

4. The Town Board may serve written notice upon such organizations or upon the owners of the lots within the PD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the time, date and place of a hearing thereon, which shall be held within fifteen (15) days of the date of notice.
5. At such hearing, the Town Board may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.
6. If the deficiencies set forth in the original notice and in the modifications thereof are not cured within the period set, the Town, in order to preserve the taxable values of the properties within the PD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. Such entry and maintenance shall not vest in the public any rights to use the common open space except when it is dedicated to the public by the owners.
7. Prior to the expiration of the year of Town maintenance, the Town Board shall call a public hearing upon notice to the organization responsible for the maintenance of the open space, or to the residents of the Planned Development, at which hearing the organization or the residents shall show cause why such maintenance by the Town shall not continue for the succeeding year. If the Town Board determines that the responsible organization is not ready and able to maintain the open space in a reasonable condition, the Town, in its discretion, may continue to maintain the open space during the next succeeding year, and subject to a similar hearing and determination, in each year thereafter.
8. The cost of maintenance by the Town shall be paid by the owners of properties within the PD that have a right of enjoyment of the open space, and any unpaid assessment shall become a tax lien in the office of the County Clerk and Recorder upon the properties affected by such lien to the Town Board and Town Treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

SECTION 2.8: *Submittal and Processing Requirements for the Official Development Plan*

A. Application Process for the Official Development Plan.

The Planned Development process requires the preparation of an Official Development Plan for any project proposed for PD zone designation and the preparation of a Final Development Plan for each phase of the PD. An applicant must enter the subdivision process no later than at the time of Final Development Plan preparation. An Official Development Plan is the first step in the PD process. This document establishes the permitted uses, siting restrictions and official development controls and standards for the entire PD zone. The Official Development Plan constitutes the zoning plan for the property. The Town Board may adjust Official Development Plans over time to reflect changing conditions through Minor and Major Adjustments, see Section 2.9 Amendments to an Approved Official Development Plan. No building, structures, or improvements shall be constructed without first obtaining approval for a Final Development Plan and Final Subdivision Plat.

B. Application Form, Application Fee, and Cost Reimbursement Agreement.

The Town Clerk shall provide Land Use Application forms, an Application Fee Schedule, and a Cost Reimbursement Agreement form to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the Town as well as the Town's cost for notification and publication. The amount to be paid shall be determined based on the current Town Fee Schedule to be established by Resolution. An applicant for Planned Development Zoning shall submit an original signed application form and required number of paper plan set copies to the Town Planner for review of completeness and subsequent referral to the Town Attorney, Town Engineer, and other agencies for comment. Additional copies may be required after initial review. A signed Cost Reimbursement Agreement shall accompany the original application. The applicant shall include the following information with the Application Form:

1. Applicable Fees
2. Letter of Intent explaining the uses, type if development proposed and reasons for the requested PD zone classification.
3. List Names and Addresses of Property Owners within 750 feet and One set of mailing labels for the properties.
4. Proof of Ownership.

C. Pre-application conference (Step 1).

The applicant is required to have a meeting with the Town Planner. The meeting shall occur prior to submitting a zoning or rezoning application for a PD zone designation.

1. The purpose of this meeting is:
 - a. To review the general feasibility of the proposal;
 - b. To inform the applicant about procedures, process and submittal requirements;
 - c. To review applicable development standards and provide the applicant with any other information necessary to ensure the formal application furthers the intentions stated within the adopted Comprehensive Plan and meets the objectives and requirements of the Town of Foxfield; and
 - d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal (NOTE: Town staff's opinions presented during the pre-application conference are intended to be informational only and do not represent a commitment on behalf of the Town regarding the acceptability of the proposal.)
2. In addition to a pre-application review with the Town Planner, the Town Engineer shall review the PD zoning application to determine if public improvements may be necessitated because of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements as specified by the Town Engineer shall be outlined in a Public Improvements Agreement detailing the owner's obligations to design and construct the public improvements necessary to serve the development. The Public Improvements Agreement shall be executed prior to the recordation of the required Final Subdivision Plat. The need for public improvements shall consider:
 - a. The extent of existing and contemplated development of the surrounding area.
 - b. The need to ensure that the health, safety, and welfare of the public will be maintained.
 - c. Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.
 - d. All rights-of-way, easements, and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the Town Engineer.
3. Within fourteen (14) days after the date of the pre-application review, the Town Planner shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items:
 - a. Foxfield Zoning Ordinance.
 - b. Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.
 - c. Need, if any, to replat pursuant to the Subdivision Regulations. Subdivision is required for any PD.

- d. Any required Site Development Plan considerations.
- e. General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.

D. Mandatory Neighborhood Meeting (step 2).

After receiving the written conclusions of the pre-application review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site. It shall be the obligation of the applicant, unless otherwise waived by the Town, to provide notice of the hearing to the following people or entities:

1. The fee owners of the subject property(ies).
2. The applicant.
3. The fee owners of real property within 750 feet from the boundary of the subject property(ies).
4. The registered representative of neighborhood homeowners' organizations within 1,000 feet of the subject property(ies).

E. Official Development Plan Submittal (Step 3).

1. Graphic Plan. The plan document shall have an outer dimension of 24" x 36", and shall also be duplicated in 11"x17" reproducible size; along with an electronic file contain the following information:
 - a. Parcel size stated as gross acres and square footage; and Perimeter boundary.
 - b. Existing topographical character of the land with elevation contours at ten (10') intervals or less, showing all water bodies and courses, wetlands, floodplains, unique natural features, and existing vegetation, critical wildlife habitat as identified by existing habitat conservation plans and/or the Colorado Division of Wildlife.
 - c. Approximate acreage and gross density of each area proposed for residential and non-residential uses; number and type of residential units; and estimated floor area and types of non-residential uses.
 - d. Total land area and location and amount of open space.
 - e. Approximate alignment of proposed and existing streets and pedestrian, trail, and bicycle routes, including major points of access. Major points of access must be in conformance with the adopted CDOT Access Control Plan.
 - f. Internal traffic and circulation systems, off street parking areas and loading areas.
 - g. Approximate location and number of acres of any public use such as parks,

trails, school sites, and other public or semi-public uses.

- h. Height, yard, lot, setback, and other dimensional standards in a Development Stipulations Table as outlined in Appendix A.
- i. Location of existing and proposed primary utility lines.
- j. An “existing conditions” map of the area surrounding the site to a distance of at least one-quarter (1/4) mile showing the following:

Zoning districts.

General location of existing (to remain) with square footage and heights.

Major public facilities.

Location of existing municipal boundaries, service and school district boundaries.

Location and building envelope for all new structures and improvements.

- h. A preliminary landscaping plan that illustrates the following:

Areas to be landscaped.

General types of plantings (shrubs, trees, groundcover and indicate whether deciduous or coniferous).

Berms, buffers and other treatments that serve to mitigate the impact of new development on adjacent land uses.

- i. Signature Blocks for Board of Trustees, Arapahoe County Clerk and Recorder, and Owner.

2. **Written Narrative.** The applicant shall provide the following written information:

- a. A legal description of the total site including any recorded easements proposed for development, including a statement of present and proposed ownership. This statement shall include the address of the Applicant, all the property owners, developers, parties of interest, and any lien holders.
- b. Evidence of the present ownership or agents thereof of all lands included within the Planned Development in the form of a current commitment for Title Insurance or Title Insurance Policy issued within 30 days of application.
- c. A statement of planning objectives.
- d. A statement of proposed ownership of public and private open space areas.
- e. A proposed development phasing schedule.

- f. General physiographic conditions and environmental studies of the proposed site.
- g. A statement of the proposed method for controlling architectural design throughout the development.
- h. A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
- i. Water and sewer demand for projected uses and a statement concerning proposed water and sanitary sewer systems including source and availability prepared by qualified engineer registered in the State of Colorado.
- j. A letter from the Town, appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.
- k. A generalized trip generation study for the entire development and its sub-parts. Also, a statement of the general intent of the Applicant as regards the use of public versus private roads.

F. Completeness Review and Referral.

1. **Information Required for Adequate Review.** Any information or reports required by this Section may be postponed or waived by the Town Planner or Town Engineer on the basis that the information is not necessary for a review of the application. There may be additional information or reports required by the Town staff, the Planning Commission, or the Board of Trustees to evaluate the character and impact of the PD zone request.
2. **Acknowledgement of Complete Application.** When all required submissions and copies have been received by the Town Planner, the Town Planner will transmit notify the applicant in writing that the application is complete and the Town Planner shall forward the complete application to the Town Attorney, Town Engineer, and other Town consultants. The Town Planner shall determine the number of copies required for each required item.
3. **Referral of PD Zoning Request.** Copies of the application shall be referred to the following agencies for their review and comment, if any. Upon receipt of the application for PD zoning, the Town Planner will check the application to determine if additional submissions or copies are needed for referral agencies. If additional submissions or copies are required, the Town Planner will notify the applicant. A referral comments must be received from the referral agencies within 15 days of any scheduled public hearings. All referral comments shall be reflected in Town Staff reports regarding the PD zoning application.

MANDATORY REFERRAL AGENCIES

COLORADO DEPARTMENT OF TRANSPORTATION
ARAPAHOE COUNTY
ARAPAHOE PARK AND RECREATION DISTRICT
CHERRY CREEK SCHOOL DISTRICT
SOUTH METRO FIRE DISTRICT
TRI-COUNTY HEALTH DEPARTMENT

OPTIONAL REFERRAL AGENCIES

ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (ACWWA)
EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT
RANGEVIEW WATER ASSOCIATION
OTHER MUNICIPALITIES WITHIN ONE MILE
CHERRY CREEK BASIN AUTHORITY
HOMEOWNERS ASSOCIATION AS APPROPRIATE

G. Review Criteria used by Planning Commission and the Town Board.

Any Official Development Plan shall be reviewed to ensure that the general public health, safety, and welfare are safeguarded and for substantial conformance to the following applicable review criteria:

1. The Official Development Plan is consistent with the Town's Comprehensive Plan and other adopted plans.
2. The Official Development Plan achieves the stated objectives of the Planned Development District, by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher-quality living environment, encouraging innovative design and a variety of housing types, and managing the increase in demand for public amenities.
3. The proposed land uses are compatible with other land uses in the development and with surrounding land uses in the area and the type, density, and location of proposed land uses are appropriate based on the findings of any required report or analysis.
4. The street design and circulation system are adequate to support the anticipated traffic and the proposed land uses do not generate traffic volumes, which exceed the capacity of existing transportation systems, or that adequate measures have been developed to effectively mitigate such impacts.
5. The Official Development Plan adequately mitigates off-site impacts to public utilities facilities and the large lot residential development, which is the predominant land use within the Town of Foxfield.
6. The fiscal impacts have been satisfactorily addressed and the Town or special

district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or that adequate measures have been developed to effectively mitigate such impacts.

7. Higher levels of amenities, including open spaces, parks, recreational areas, and trails will be provided to serve the projected population.
8. The Official Development Plan preserves significant natural features and incorporates these features into parks and open space areas.
9. There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.
10. The adjacent and nearby neighborhoods and existing non-residential development will not be detrimentally affected by the proposed PD and rezoning approval.
11. The applicant adequately demonstrates that the proposal is feasible and complies with all adopted development standards set forth in the Official Development Plan and other requirements of the Zoning Ordinance. In cases of conflicting provisions, the more restrictive shall apply.

H. Planning Commission Approval of the Official Development Plan.

Unless waived by the Board of Trustees, the Planning Commission shall hold at least one public hearing. The Planning Commission shall, within thirty (30) days of the Official Development Plan review meeting, make to the Board of Trustees at least one (1) of the following recommendations:

1. Approve the Official Development Plan as submitted, with certain conditions as stated, if any;
2. Deny the Official Development Plan, or certain portions thereof, with all the reasons clearly stated; or
3. The Planning Commission may table the Official Development Plan for a period not more than ninety-five (95) days for additional study to obtain additional necessary information or to have the applicant make major revisions to the plan.

I. Official Development Plan; Board of Trustees Action.

The Board of Trustees shall hold at least one public hearing. The Board of Trustees, within thirty (30) days after receiving the Planning Commission's recommendations, shall notify the applicant and the Planning Commission in writing of any of the following actions taken:

1. Approval of the Official Development Plan as submitted, with certain conditions as stated, if any;
2. Denial of the Official Development Plan as submitted or certain portions thereof, with all reasons clearly stated. Denial means that application for an Official

Development Plan shall not be accepted;

3. Tabling of the Official Development Plan for a period of not more than thirty (30) days, for additional study, to obtain additional necessary information, to have the applicant make major revisions to the plan, or for any of the stated reasons; or
4. Referral of the Official Development Plan back to the Planning Commission with specific instructions for additional study and recommendations, for a period not to exceed thirty (30) days.

J. Filing and Recording of an Approved Official Development Plan.

1. Following the decision of the Board of Trustees, the Town Clerk will inform the applicant in writing of the Board's decision and, if the Official Development Plan was approved, instructions on the preparation of the signature Mylar, including any special notes or revisions required as a condition of approval, and the amount of outstanding fees, if any, that are due. The fees shall include the amount necessary to record the Official Development Plan and other materials. The letter shall also state the submittal requirements and required fees for the Final Development Plan.
2. The applicant shall have one hundred eighty (180) days to submit a final Mylar of the Official Development Plan, the required written narrative and an electronic file to the Town Planner for the Mayor's signature. In its discretion and for good cause shown by the applicant, the Planning Commission may extend the time a maximum of sixty (60) days. Upon lapse of the two hundred forty (240) day period and any time extension, the approval of the Official Development Plan shall be void.
3. The Official Development Plan is valid for a period not to exceed three (3) years unless the applicant proceeds to a Final Development Plan for any portion or phase of the subject property.
4. Signature Mylar. The applicant will submit three check prints of the signature Mylar to the Town Planner who will send a copy to the Town Attorney and Town Engineer, if necessary. After review by the Town Planner, the applicant will be notified to prepare two (2) sets of the signature Mylars, with any corrections as directed by Town Staff. The applicant shall sign and submit the Mylar set to the Town Clerk.
5. The Mayor will sign the signature Mylar sets and return them to the Town Clerk to have one set recorded in the office of the Arapahoe County Clerk and Recorder.
6. The second signed reproducible Mylar sets will be maintained in the files of the Town Clerk. Paper copies of the signed Mylar set will be maintained in the files of the Town Planner and Town Engineer.
7. Amend the Official Zoning Map. Following the recording of the Official Development Plan map, the Town Planner will amend the Official Zoning Map.

SECTION 2.9: Amendments to an Official Development Plan

A. Intent.

From initial concept and approval to final construction, unforeseen changes and ordinary refinements occur which may require changes to the approved Official Development Plan. In order to streamline the review process and to eliminate unnecessary delays, the intent of this section is to establish a procedure for approving minor Official Development Plan revisions. It is also the intent of this section to establish a procedure to review and approve significant changes to the approved Official Development Plan.

B. Minor Amendments.

Minor amendments to an approved Official Development Plan may be approved administratively by the Town Planner after written authorization from the Board of Trustees stating that the amendments are minor in nature.

1. Minor amendments shall not represent more than a ten percent (10%) change in the location, height, yard, lot, and other development standards, and can only be granted if required by engineering or other circumstances not foreseen at the time the Official Development Plan was approved so long as no modification violates any standard or regulation set forth in this Zoning Ordinance.
2. The applicant shall make a written request to the Town Planner justifying the proposed minor amendment and clearly showing on the Official Development Plan, and accompanying written narrative that portion which is proposed for amendment. A record of such approved minor amendment shall be filed and recorded in the same manner as the original.

C. Major Amendments.

1. Major amendments to an approved Official Development Plan shall be processed in the same manner as the original Official Development Plan. Approval of a major amendment to an approved Official Development Plan shall be by Ordinance. Major plan amendments include, but are not limited to the following:
 - a. A change in land use or development concept.
 - b. An increase building coverage of non-residential uses or an increase in residential density levels.
 - c. An increase in the height of any proposed structure.
 - d. A realignment of major circulation patterns or a change in functional classification of the street network.
 - e. A reduction in approved open space or common amenities.
 - f. Other significant changes that involve policy questions or issues of overriding importance to the community.

2. Submittal requirements. A request for a major amendment shall be accompanied by the same type and quality of information as was necessary for the original final approval and passage of the Official Development Plan, in addition to the following:
 - a. A map of the entire Official Development Plan area, which clearly defines that portion which is proposed for amendment.
 - b. A justification of the proposed amendment, including a discussion of any changes in impact, which would result from the amendment.

SECTION 2.10: Obsolete Official Development Plan

A. Findings Necessary to Declare an Official Development Plan Obsolete.

An Official Development Plan may be considered obsolete if the Planning Commission or Board of Trustees finds that any of the following conditions exist for an Official Development Plan that is not a Site Specific Development Plan within the meaning of Section 1.18 of the Zoning Ordinance:

1. The original development concept has not been followed and is deemed a zoning violation.
2. The Official Development Plan has been inactive and no Final Development Plans have been approved and filed for the past three (3) years.
3. A Final Development Plan has been approved but no building permits have been issued for the past five (5) years.
4. In the event an Official Development Plan is found to be obsolete, a new Official Development Plan shall be required subject to the submission and approval process of this Section.
5. The Town may withdraw or rescind approval of any Official Development Plan deemed obsolete.

SECTION 2.11: Submittal and Processing Requirements for the Final Development Plan (Step 4)

A. Application Process.

1. Approval of a Final Development Plan is the last stage of the Planned Development process. Whereas the Official Development Plan establishes permitted land uses and general development stipulations, the Final Development Plan provides more detailed specifications regarding, including, but not limited to:
 - a. Building envelopes.

- b. Building design (scaled architectural elevations).
 - c. Detailed Landscape Plan (design and materials).
 - d. Parking lot layout.
 - e. Lighting Plan and fixtures.
 - f. Signs.
 - g. Access and on-site circulation.
2. The Final Development Plan may include all or a portion of the site covered by the approved Official Development Plan. The Final Development Plan application is intended to specify design components of the Planned Development District or portions thereof and provide for the review of additional items not required by the Official Development Plan. A Final Development Plan application may be made for all or a portion of the entire District as previously approved at the Official Development Plan stage. All Final Development Plans must have accompanying them appropriate Subdivision Plats, which either have been approved or are undergoing the approval process if they are integral to the proposed development. Final Development Plans must include structure locations and foot print dimensions. In any Planned Development District, an approved Final Development Plan for all or portions of the District must be in effect before any Building Permits may be issued for the construction of structures in the approved portions of the District. The completed application shall be known as the Final Development Plan.

B. Application Form.

An applicant for Final Development Plan approval shall submit an original signed application form to the Town. A deposit check for review expenses and a signed Charge Back Agreement (if one is not already on file in the Town Clerk's office) shall be submitted with the original application. Copies will be transmitted to Town consultants and outside referral agencies for comment.

C. Submittal Requirements.

The Final Development Plan shall include all of the information required in the Official Development Plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.

1. Final Development Plan -Written Documentation (15 copies or as directed by Town Staff.).
 - a. Proof of Ownership. (Ordinance Commitment with Schedule B dated within 30 days of the application.
 - b. Letter of Intent describing the proposed development.
 - c. List of properties within 750 feet, plus a set of mailing labels for the

- properties.
- d. A final development schedule indicating the approximate date(s) when construction of the phases of said Development can be expected to begin and to be completed.
 - e. A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; total amount of open space (including a separate figure for usable amount of open space); a statement explaining anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.
 - f. Copies of proposed final covenants, declarations, architectural design standards, grant of easements, or other restrictions to be imposed upon the use of the land, including common open spaces, buildings and other structures within the development.
 - g. Physiographic and environmental studies of the proposed site(s) prepared and attested to by qualified professional authorities in the follow-in fields: soil quality, slope and topography, geology, water rights and availability, ground water conditions, and impact on wildlife.
 - h. Any required dedication documentation and/or improvement agreements and bonds plus an updated title insurance commitment.
 - i. Any new items or studies not submitted with the Official Development Plan.
 - j. Applicant shall submit required fees.
 - k. Quantitative data for the following: final number of dwelling units, number of bedrooms in multi-family residential units, final figures for previously agreed upon design or development standards any other negotiated items and footprint sizes of all proposed non-residential buildings.
 - l. A detailed study of the traffic impact of the development on the regional street system.
 - m. Any written documents associated with providing utility service and demonstrating water and wastewater availability.
 - n. Approved access permit from Colorado Department of Transportation, if applicable.
2. Final Development Plan- Graphic Documentation. Fifteen (15) paper sets of the Final Development Plan map set or as directed by Town Staff, which shall be a blackline print or photocopy of original drawings (24" x 36" size) containing the following information:
- a. Project name, type of proposal (Final Development Plan), legal description of the Plan's land area, date of the drawing, scale, north arrow, and existing zoning of the site.

- b. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
- c. Non-Residential: The graphic locations (building envelopes), dimensions, maximum heights and gross floor area of all existing and proposed structures and the location of entrances, loading areas, location of outdoor trash receptacle systems and emergency vehicle access, if any. Location of parking spaces with typical dimensions.
- d. Residential: Graphic representation showing lots, street names and dimensions, sidewalks or pedestrian walkways.
- e. Any plan maps that have been revised since the Official Planned Development Plan approval.
- f. A landscape plan indicating the treatment and materials used for parking lots, public and common open spaces, and a revegetation plan showing treatment of disturbed areas.
- g. Information on land areas adjacent to the proposed development to indicate integration of circulation systems, public facilities and utility systems and open space.
- h. The planned pedestrian, trail, bicycle and vehicular circulation system including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict. Show all proposed curb cuts and driveway locations and dimensions, off-street parking in terms of location, dimensions and total numbers by type (full size, compact, handicap, etc.), and types of surfacing.
- i. A soil erosion and prevention plan.
- j. The proposed treatment of the perimeter of the development including materials and techniques used such as screens, fences, walls, and landscape plan.
- k. A detailed engineered drainage plan indicating general on-site and required off-site facilities and proposed treatment and abatement of run-off drainage to adjoining properties.
- l. Preliminary or Final Subdivision Plats required and prepared as per the requirements of the Town's Subdivision Regulations.
- m. Preliminary or final engineering plans for public roads within the development, points of access and designs for intersections with and modifications of existing public rights-of-way and designs for any off-site road improvements to connect the Planned Development to the existing street system. Final plans for private roads are to be included for any portions of the site undergoing final review.
- n. A site map(s) that depicts the development phases thereof, sites and

- building footprint sizes and locations outlined in the development schedule.
- o. Engineering schematic plans that depict general line sizes and proposed points of connection to existing or planned utility systems, both on and off site; final engineered plans and specifications. Include dimension(s) of all existing/proposed easement.
 - p. Existing and proposed finished grade topography at two (2) feet contours or less, tied to U.S.G.S. datum.
 - q. Documentation showing conformance to the Town's adopted floodplain regulations and adopted engineering standards.
 - r. A snow removal and/or storage plan.
 - s. A detailed lighting plan depicting on-site street light location, height and fixture type, with supplemental specifications, including a Photometric plan for the site.
 - t. A detailed sign plan showing the location, size, height, and materials for all signs on the property.
 - u. Chart comparing all regulations and requirements of the proposed Final Development Plan with those of the approved Official Development Plan regarding the proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, parking ratios, and any other applicable standards.
 - v. Standard and special notes approved by the Board of Trustees that regulate the development, certifications, and dedications as approved by the Town Attorney.
 - w. Required signature blocks as shown in Appendix B.
 - X. Development Stipulations Chart as shown in Appendix A.
 - y. Other information as requested by Town Staff or Board of Trustees, or required as a condition of the Official Development Plan.

D. Review procedure.

1. The Applicant shall file a minimum of fifteen (15) copies of the Final Development documents or an alternative number of copies as directed by Town Staff, with the Town Clerk and pay the required fees.
2. Filing of documents is to be made thirty (30) days in advance of the regular meeting date of the Foxfield Planning Commission at which the Final Development Plan will be discussed. Responsible Town staff shall make any written comments in advance of this meeting. Upon receipt of the documents for Planning Commission approval, the Town Clerk shall schedule the project on the next Planning Commission agenda, but no sooner than 30 days, as a public meeting and give due notice of general description to the public of said meeting

in a newspaper of local circulation.

3. The Final Development Plan must be in conformance with the Official Development Plan as approved or amended. Should any unapproved modifications to the Official Development Plan be presented for review at this Final Development Plan stage, then these changes must be approved before the Final Development Plan can be approved as a whole. Should this be the case, these modifications may not involve one or more of the following unless formal public hearings are conducted on each change:
 - a. Violation of any provision of this Ordinance;
 - b. Varying the original lot area requirement by more than ten (10) per cent;
 - c. A reduction of the original areas reserved for the open space;
 - d. Increasing the original floor areas proposed for nonresidential use by more than ten (10) percent;
 - e. Increasing the original total ground area covered by buildings;
 - f. Increasing the original density;
 - g. Any other items where changes amount to greater than ten (10) percent of originally negotiated amounts.

E. Approval Procedure.

1. The Planning Commission shall determine said application's compliance with the provisions of this Zoning Ordinance and the Official Development Plan based on a review conducted by the Town Planner. After consideration of the application, the Planning Commission shall, by Resolution, either approve said application as presented, approve said application subject to specified conditions, or disapprove it.
2. The Planning Commission shall forward said Resolution, together with the reasons for the recommendation, to the Town Board. The application and accompanying Resolution shall be submitted for review at the next regularly scheduled Town Board meeting no sooner than twenty (20) days after the Planning Commission's decision.
3. Failure of the Planning Commission to file said recommendations with the Town Board within forty-five (45) days after reference shall be deemed to be approval of the proposed changes or additions. It shall be necessary for the Planning Commission to hold a public hearing on any major change or addition.
4. Upon receipt of the Final Development Plan, the Town Board may approve, approve with conditions, or deny the Final Development Plan. The Board of Trustees shall not approve any new major change or addition in the Final Development Plan recommended by the applicant until the proposed major change or addition has been referred to the Planning Commission for

recommendations and a copy of said recommendations has been filed with the Town Board.

5. If the Final Development Plan is approved subject to conditions, the formal acceptance and recording of such approval shall not be made until the applicant has obtained the signature of the Mayor of the Town on the plan face. All conditions must be satisfied before any official Town signature(s) are fixed thereto.
6. The Board of Trustees shall direct the Town Clerk to record the pertinent written and graphic documents of the Final Development Plan with the County Clerk and Recorder. All recording and duplicating costs are to be paid in advance by the applicant. Copies of all records are to be kept in the Town Hall. Preparation of signature Mylars shall be as set forth in Section 2.8.J.

F. Amendments to the Final Development Plan.

1. This section shall serve as the mechanism for reviewing and approving changes to the Final Development Plan. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Town Planner without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in the Official land coverage of structures;
 - c. An increase in the intensity and density of use;
 - d. A reduction in approved open space;
 - e. A reduction of off-street parking and loading space;
 - f. A reduction in required pavement widths;
 - g. An increase in height that is more than five [5] feet.
2. All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces may be made by the Board of Trustees after a report is prepared by the responsible Town staff and recommendation by the Planning Commission.
3. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in the Official Development Plan. Any changes which are approved for the Final Development Plan must be recorded as amendments in accordance with the procedure established for the recording of the initial Final Development Plan documents with the exception that prior to making it recommendation to the Town Board, the Planning Commission shall hold at least

one (1) public hearing with the applicant being responsible for publishing notice of general description of said hearing in the official publication of the Town at least fifteen (15) days in advance of the hearing.

G. Failure to Begin Development or to Show Substantial Progress.

1. Each approved Final Development Plan must contain a detailed development schedule of public and private improvements. The Town staff shall monitor this schedule and failure of the developer to substantially adhere to it shall be cause for a Final Development Plan special review by the Planning Commission. The Planning Commission special review shall be commenced if one or more of the following situations arise:
 - a. Failure to begin subdivision platting and/or draw Building Permits for construction as detailed in the approved development schedule within eighteen (18) months of the scheduled starting date or extensions thereto;
 - b. Inactivity or documented lack of progress as determined by either the staff or Planning Commission on any stage of the project for more than two (2) years from the last completed benchmark in the approved development schedule.
 - c. Request for extensions to the starting dates by the developer.
 - d. Failure to complete improvements in a timely manner.
2. The Planning Commission may extend for not more than two (2) periods of twelve (12) months each, the time for beginning the project.