

Sec. 16-4-250. - PLANNED UNIT DEVELOPMENT AMENDMENTS

The following section outlines the processes for amending an approved Planned Unit Development (PUD).

Sec. 16-4-260. MAJOR PUD AMENDMENT

The Town Administrator or designee shall determine whether a submitted PUD amendment is a Major PUD. This determination shall be based on the following criteria:

- (a) Significantly alters the unit density established by the PUD; or
- (b) Significantly alters the commercial or industrial floor area; or
- (c) Modifies a use established by the PUD; or
- (d) Significantly alters the approved phasing plan; or
- (e) Significantly alters the allocation and or arrangement of open space or recreational amenities and or the treatment of environmentally sensitive areas that may exist on the site; or
- (f) Significantly alters the approved architectural concept of the PUD; or
- (g) Significantly alters the layout of the approved project infrastructure; or
- (h) Significantly increases the use of Town utilities; or**
- (i) Significant impacts Town policies, codes, or plans.

Sec. 16-4-270 REVIEW PROCEDURES

- (a) Pre-Application Meeting. Per Sec. 17-10-30, a pre-application meeting shall be held with Town staff to discuss the scope of the proposed amendment/s.
- (b) Application Submittal. The following application materials are required to be submitted for a major PUD amendment request. Documents that are unchanged from the original or any other subsequent amendment do not have to be resubmitted unless requested by the Town Administrator or designee. The Town Administrator or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determine if the application satisfies applicable standards.

- (1) A general Land Use Application
- (2) An Ownership and Encumbrance Report (O & E Report).
- (3) A current survey of the property, including all boundary lines, natural features, structures, and infrastructure.
- (4) Written Narrative. A general description of the amendment(s) being requested including the proposed amendments to the PUD general description, PUD development plan, and/or PUD development agreement.
- (5) A redlined version of the previous PUD, showing all proposed amendments. These shall be represented on any plan sets as well.
- (6) A written narrative and description of how the proposed PUD amendment(s) comply with the standards of the Town of Lyons Municipal Code and the criteria set forth in Section h, Approval Criteria.
- (7) PUD Development Plan. An updated PUD development plan depicting the proposed major amendment(s), as applicable.
- (8) PUD Development Agreement. An updated PUD development agreement depicting the proposed major amendment(s), as applicable.
- (9) Proof of minimum guaranteed water and sewer supply.
- (10) Additional Requirements. Any other information deemed necessary by the Town Administrator or designee to assist in the review of the application.

- (c) Completeness Review. The Town Administrator or designee shall review the application for completeness in accordance with the provisions of Section Sec. 17-10-40.
- (d) Evaluation by Staff and Review Agencies. Upon determination of completeness, the Town Administrator or designee shall refer the application to additional reviewing agencies as outlined in Sec. 17-10-50, and review the application for conformance with the requirements and standards of this Municipal Code.
- (e) Staff Report. A staff report shall be prepared and provided to applicable reviewing bodies.
- (f) Review and Recommendation by the Planning and Community Development Commission (PCDC).
 - (1) The PCDC must deliberate on a major PUD amendment within 45 days.
 - (2) The Planning and Community Development Commission shall review the **major** PUD amendment application to evaluate compliance with all applicable standards. Following their review of the application, the PCDC shall provide a recommendation to approve, approve with conditions, or deny the application to the Board of Trustees based upon the criteria outlined in Section (h), Approval Criteria.
 - (3) The PCDC may, in its sole discretion, continue or postpone the public hearing to a specified date and time to permit the preparation of additional information for further review by PCDC before providing a recommendation to the Board of Trustees.
- (g) Review and Action by the Board of Trustees.
 - (1) The final decision to approve, approve with conditions or deny a major PUD amendment shall be made by the Board of Trustees and be based upon the review criteria outlined in Section (h), Approval Criteria.
 - (2) The Board of Trustees may, in its sole discretion, continue or postpone the public hearing to a specified date and time to permit the preparation of additional information for further review by the Board of Trustees before making a final decision.
- (h) Approval Criteria. The following criteria shall be found to be met by the application and supplemental materials for any **major PUD amendment** application to be approved.
 - (1) The major PUD amendment is consistent with the efficient development and preservation of the entire PUD;
 - (2) The major PUD amendment is consistent with the applicable portions of the Comprehensive Plan in effect, in the reasonable judgment of the approver;
 - (3) The major PUD amendment does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD; and
 - (4) The major PUD amendment protects the public interest.

Sec. 16-4-280. MINOR PUD AMENDMENT

Minor PUD amendments shall be determined by the Town Administrator or designee and include any modification or amendment to an approved PUD that does not constitute a major PUD amendment.

Sec. 16-4-290. REVIEW PROCEDURES

- (a) Pre-Application Meeting. Per Sec. 17-10-30, a pre-application meeting shall be held with Town staff to discuss the scope of the proposed amendment/s.
- (b) Application Submittal. The following application materials are required to be submitted for a minor PUD amendment request. Documents that are unchanged from the original or any other approved subsequent amendment do not have to be resubmitted unless requested by the Town Administrator or designee. The Town Administrator or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determine if the application satisfies applicable standards.
 - (1) A general Land Use Application.
 - (2) An Ownership and Encumbrance Report (O & E Report).
 - (3) Written Narrative. A general description of the amendment(s) being requested including the proposed amendments to the PUD general description, PUD development plan, and/or PUD development agreement.
 - (4) A redlined version of the previous PUD, showing all proposed amendments. These shall be represented on any plan sets as well.
 - (5) A written narrative and description of how the proposed PUD amendment(s) comply with the standards of the Town of Lyons Municipal Code and the criteria outlined in Section f).
 - (6) PUD Development Plan. An updated PUD development plan depicting the proposed minor amendment(s), as applicable.
 - (7) PUD Development Agreement. An updated PUD development agreement depicting the proposed minor amendment(s), as applicable.
 - (8) Proof of minimum guaranteed water and sewer supply.
 - (9) Additional Requirements. Any other information deemed necessary by the Town Administrator or designee to assist in the review of the application.
- (c) Completeness Review. The Town Administrator or designee shall review the application for completeness in accordance with the provisions of Section Sec. 17-10-40.
- (d) Evaluation by Staff and Review Agencies. Upon determination of completeness, the Town Administrator or designee shall refer the application to additional reviewing agencies as outlined in Sec. 17-10-50, and review the application for conformance with the requirements and standards of this Municipal Code.
- (e) Review and Action by the Town Administrator or designee.
 - (1) The final decision to approve, approve with conditions or deny a minor PUD amendment shall be made by the Town Administrator or designee and be based upon the review criteria outlined in Section (f) below.
 - (2) The Town Administrator or designee may, in their sole discretion, require the preparation of additional information for further review by the Town Administrator or designee before making a final decision.

- (3) Action taken on these decisions should be reported to the PCDC and the BOT within 30 days.
- (f) Approval Criteria. The following criteria shall be found to be met by the application and supplemental materials for any minor PUD amendment application to be approved.
 - (1) The minor PUD amendment is consistent with the efficient development and preservation of the entire PUD;
 - (2) The minor PUD amendment is consistent with the applicable portions of the Comprehensive Plan in effect, in the reasonable judgement of the approver;
 - (3) The minor PUD amendment does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD in the reasonable judgement of the approver; and
 - (4) The minor PUD amendment protects the public interest.

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