

BATTLEMENT MESA PUD GUIDE



6TH AMENDED AND ESTATED PUD GUIDE January 1, 2014

Battlement Mesa PUD Zone District Regulations

1.0 RDR – Rural Density Residential.

- 1.1 Uses by right: Detached single-family dwellings and customary accessory uses, including buildings for shelter or enclosure of animals or property accessory to the use of the lot for single-family residential purposes and fences, hedges, gardens, walks, and similar landscape features; park.

Temporary real estate sales offices and model homes used only for the purpose of initial sales by the developer of property located within the Rural Density Residential Zone District.

- 1.2 Uses, conditional: Church, school, community building , day nursery, fire station, and other public uses.
- 1.3 Uses, special: Extraction and processing of natural resources.
- 1.4 Intensity of Use: A maximum of 1.0 dwelling unit per gross acre.
- 1.5 Minimum Lot Area: 12,500 square feet.
- 1.6 Maximum Site Coverage: For detached single-family dwellings, without common area as part of the plat at the time of subdivision, not more than 45% of each lot shall be covered by buildings and parking areas.

For detached single-family dwellings with common open area as part of the plat at the time of subdivision, not more than 50% of the platted area shall be covered by buildings, parking areas, and private streets.

1.7 Minimum Setbacks:

1. Front Yard

a. Arterial or Collector Street:

- i. No residential structures shall front on an arterial or collector street.
- ii. For all other uses, 100 feet from street centerline or 50 feet from front lot line, whichever is greater.

b. Local Street:

- i. For residential structures 50 feet from street centerline or 25 feet from the front lot line, whichever is greater.
- ii. For all other uses, 100 feet from street centerline or 50 feet from front lot line, whichever is greater.

Resolution 82-121, 82-138, 88-049, 90-014, 96-69, 97-74, 97-108, 98-45, 2002-61, 2008-33*

2. Rear Yard: 20 feet from rear lot line.
 3. Side Yard: 10 feet from side lot line. On corner lots, the side yards shall be 25 feet when automobile access is taken across the side yard; the side yard shall be 15 feet when no automobile access is taken across the side yard.
- 1.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.
 - 1.9 Minimum Off-Street Parking:
 1. Two spaces per dwelling unit;
 2. For all other uses, see Supplementary Regulations in Section 10.6.
 - 1.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

2.0 LDR – Low Density Residential

2.1 Uses by right: Detached single-family dwellings and attached single-family dwellings (either townhouses or zero-lot-line houses) and customary accessory uses, including buildings for shelter or enclosure of animals or property accessory to the use of the lot for single-family residential purposes and fences, hedges, gardens, walks, and similar landscape features; park.

Temporary real estate sales offices and model homes used only for the purpose of initial sales by the developer of property located within the Low Density Residential Zone District.

2.2 Uses, conditional: Church, school, community building, day nursery, fire station, and other public uses.

2.3 Uses, special: Extraction and processing of natural resources.

2.4 Intensity of Use: A maximum of 5.0 dwelling units per gross acre.

2.5 Minimum Lot Area:

1. For single-family detached dwelling, 7,500 square feet.
2. For townhouse attached single-family dwellings, 2,200 square feet.
3. For zero-lot-line attached single-family dwelling, 4,000 square feet.

2.6 Maximum Site Coverage: For detached and attached single-family dwellings without common area as part of the plat at time of subdivision, not more than 60% of each lot shall be covered by buildings and parking areas.

For detached and attached single-family dwellings with common open area as part of the plat at the time of subdivision, not more than 70% of the platted area shall be covered by buildings, parking areas, and private streets.

2.7 Minimum Setbacks:

1. Front Yard
 - a. For single-family detached dwellings:
 - i. Arterial or collector streets: no structure shall front on an arterial or collector street.
 - ii. Local Streets: 50 feet from street centerline or 25 feet from lot line, whichever is greater.
 - b. For zero-lot-line and townhouse attached single-family dwellings:

- i. Arterial or collector streets: no structure shall front on an arterial or collector street.
 - ii. Local Streets: 25 feet from front lot line, if there is a front-facing garage; or no setback if there is a side-facing garage or at least 25 feet of common open space between the curb line and the lot line.
 - c. For all other uses:
 - i. Arterial or collector streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - ii. Local Streets: 25 feet from front lot line, if there is a front-facing garage; or no setback if there is a side-facing garage or at least 25 feet of common open space between the curb line and the lot line.
- 2. Rear Yard:
 - a. For single-family detached dwellings 15 feet from the rear lot line.
 - b. For zero-lot-line and townhouse attached single-family dwelling:
 - i. 10 feet from rear lot line if no alleys or rear utility easements are provided.
 - ii. No rear yard is required where alleys or utility easements are provided and no automobile access is allowed.
 - iii. Where automobile access is taken:
 - a) 25 foot setback where there is a rear-facing garage.
 - b) No setback for a side-facing garage.
 - c) No setback if there is at least 25 feet of common open space between the alley pavement and the lot line.
 - c. For all other uses: 25 feet when adjacent to residential uses or 10 feet when not adjacent to residential uses.
- 3. Side Yard:
 - a. For single-family detached 6 feet from side lot line. On corner lots, the side yard shall be 25 feet when automobile access is taken across the side yard; the side yard shall be 15 feet when no automobile access is taken across the side yard.
 - b. For zero-lot-line dwellings 10 feet on one lot line and no setback on the opposite lot line. No accessory buildings shall be permitted within the required side yard.
 - c. For townhouse attached single-family dwellings no side yards are required except for corner lot conditions. On corner lots, the side yard shall be 25 feet when automobile access is taken across the side yard;

the side yard shall be 15 feet when no automobile access is taken across the side yard.

- d. For all other uses: 10 feet from a side lot line or 25 feet for a side yard on a corner lot.

2.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.

2.9 Minimum Off-Street Parking:

1. For single-family detached dwelling two spaces per unit.
2. For townhouses and zero-lot-line attached single-family dwellings two spaces per dwelling unit and ½ visitor space provided or in common community open space or a combination thereof.
3. For multiple-family dwelling one and one-half spaces per dwelling unit.
4. For all other uses: see Supplementary Regulation (Section 10.6).

2.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

1. For zero-lot-line dwellings, a minimum maintenance easement of 3 feet shall be provided on the side yard for the adjacent lot.
2. No portion of any building shall extend beyond lot lines into public easements or public rights-of-way.
3. For zero-lot-line and townhouse dwelling no windows or openings shall be allowed in a wall abutting a property line that faces into an adjoining lot.

3.0 **MDR Medium Density Residential**

3.1 Uses by right: Single-family detached dwellings, townhouse dwellings (either attached or detached), zero-lot-line dwellings (either attached or detached), two-family and multiple-family dwellings, and customary accessory uses, including buildings for shelter or enclosure of animals or property accessory to the use of the lot for residential purposes and fences, hedges, gardens, walks, and similar landscape features; park.

Temporary real estate sales offices and model homes used only for the purpose of initial sales by the developer of property located within the MDR Zone District.

3.2 Uses, conditional: Church, school, community building, day nursery, fire station, and other public uses.

3.3 Uses, special: Extraction and processing of natural resources.

3.4 Intensity of Use: A maximum of 12.0 dwelling units per gross acre.

3.5 Minimum Lot Area:

1. 600 square feet for townhouse dwellings.
2. 2,000 square feet for zero-lot-line dwellings.
3. 7,500 square feet for single-family detached and two-family dwellings.
4. 9,000 square feet for multiple-family dwellings.

3.6 Maximum Site Coverage:

1. For single-family detached dwellings, zero-lot-line dwellings and two-family dwellings without common open area as part of the plat at the time of subdivision, not more than 70% of each lot shall be covered by buildings, drives and parking areas.

For single-family detached dwellings, zero-lot-line dwellings and two-family dwellings with common open area as part of the plat at the time of subdivision, not more than 80% of each lot shall be covered by buildings, drives and parking areas.

2. For multiple-family dwellings, not more than 75% of the platted area at the time of the subdivision shall be covered by buildings, parking areas and streets.
3. A lot shall not be limited to one principal structure provided:
 - a. The uses of each structure shall be allowed within the applicable zone district;
 - b. The total accumulated improvements do not exceed the maximum site coverage nor violate any other requirements of the zone district.
 - c. The entire lot remains under one ownership.

3.7 Minimum Setbacks:

1. Front Yard

- a. For single-family detached dwellings and two-family dwellings:
 - i. Arterial or Collector Streets: no structure shall front on an arterial or collector street.
 - ii. Local Streets: 50 feet from street centerline or 25 feet from lot line, whichever is greater.
- b. For multiple-family dwellings:
 - i. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - ii. Collector Streets: 90 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - iii. Local Streets: 50 feet from street centerline or 25 feet from front lot line, whichever is greater.
- c. For zero-lot-line and townhouse dwellings:
 - i. No lot shall front on an arterial or collector street.
 - ii. Local Streets: 20 feet Front Setback from the front lot line, if there is a front-facing garage; or no setback if there is a side-facing garage or at least 20 feet of common open space between the curb line and the lot line.
- d. For all other uses:
 - i. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - ii. Collector Streets: 90 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - iii. Local Streets: 65 feet from street centerline or 40 feet from front lot line, whichever is greater.

2. Rear Yard:

- a. For single-family detached dwellings, two-family dwellings and multiple-family dwellings 15 feet from the rear lot line.
- b. For zero-lot-line and townhouse dwelling:
 - i. 10 feet from rear lot line if no alleys or rear utility easements are provided.
 - ii. No rear yard is required where alleys or utility easements are provided and no automobile access is allowed.
 - iii. Where automobile access is taken across the rear yard:
 - a) 25 foot rear setback where there is a rear-facing garage.
 - b) No rear setback for a side-facing garage.
 - c) No rear setback if there is at least 25 feet of common open space between the alley pavement and the lot line.
- c. For all other uses: 25 feet rear setback when adjacent to residential uses or 10 feet when not adjacent to residential uses.

3. Side Yard:

- a. For single-family detached, two-family and multiple-family dwellings 6 feet setback from side lot line. On corner lots, the side yard setback shall be 25 feet when automobile access is taken across the side yard; the side yard setback shall be 15 feet when no automobile access is taken across the side yard.
- b. For zero-lot-line dwellings 10 feet setback on one lot line and no setback on the opposite lot line. No accessory buildings shall be permitted within the required side yard setback.
- c. For townhouse dwellings, no side yards are required except for corner lot conditions. On corner lots, the side yard setback shall be 25 feet or at least 25 feet of common open space between the curb line and the lot line when automobile access is taken across the side yard; the side yard setback shall be 15 feet or at least 15 feet of common open space between the curb line and the lot line when no automobile access is taken across the side yard.

3.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.

3.9 Minimum Off-Street Parking:

- 1. For single-family detached dwelling two spaces per unit.
- 2. For two-family dwellings two spaces per dwelling unit.

Resolution 82-121, 82-138, 88-049, 90-014, 96-69, 97-74, 97-108, 98-45, 2002-61, 2008-33*

3. For townhouses and zero-lot-line dwellings two spaces per dwelling unit provided on the lot or in common community open space or a combination thereof.
4. For multiple-family dwelling (1 ½) spaces per dwelling unit.
5. For all other uses: see Supplementary Regulation (Section 10.6).

3.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

1. For zero-lot-line dwellings, a minimum maintenance easement of 3 feet shall be provided on the side yard for the adjacent lot.
2. No portion of any building shall extend beyond lot lines into public easements or public rights-of-way.
3. For zero-lot-line and townhouse dwelling no windows or openings shall be allowed in a wall abutting a property line that faces into an adjoining lot.

3.11 Additional Definitions: (Modification to Sec. 10.8, Garfield County Res. No. 82-121)

1. An “Attached Townhouse Dwelling” shall be a single-family dwelling unit which occupies an individual platted townhome lot, and shares one or more common property lines with a directly adjacent and abutting townhome lot, and shares one or more common building walls with said adjacent and abutting townhome dwelling, and extends from the lowest to the highest point of the building between said common walls.
2. A “Detached Townhouse Dwelling” shall be a single-family dwelling unit which occupies an individual platted townhome lot and does not share any common property lines with any other townhome lot, and said townhome lot is surrounded by dedicated community common area.
3. An “Attached Zero-Lot-Line Dwelling” shall be a single-family dwelling unit which occupies an individual platted zero-lot-line lot and shares one common building side wall with an adjacent lot zero-lot-line dwelling, and extends from the lowest to the highest point of the building between said common walls.

Resolution 82-121, 82-138, 88-049, 90-014, 96-69, 97-74, 97-108, 98-45, 2002-61, 2008-33*

4. A “Detached Zero-Lot-Line Dwelling” shall be a single-family dwelling unit which occupies an individual platted zero-lot-line lot and does not share a common building side wall with an adjacent lot zero-lot-line dwelling.

4.0 **CAR – Central Area Residential**

4.1 Uses by right: Single-family detached dwellings, townhouse dwellings (either attached or detached), zero-lot-line dwellings (either attached or detached), two-family and multiple-family dwellings, and customary accessory uses, including buildings for shelter or enclosure of animals or property accessory to the use of the lot for residential purposes and fences, hedges, gardens, walks, and similar landscape features; park.

Temporary real estate sales offices and model homes used only for the purpose of initial sales by the developer of property located within the CAR Zone District.

4.2 Uses, conditional: Church, school, community building, day nursery, fire station, and other public uses.

4.3 Uses, special:

1. Extraction and processing of natural resources.
2. Guest Suite within multi-family dwellings when in conformance with the requirements of the Garfield County Zoning Resolution, as amended, and the following additional provisions;
 - a. Guest suites may be converted to long term use, provided long term tenants are advised of the guest suite use of other units in writing prior to signing of the least.
 - b. Conversion of long term units (rental by the month) to guest suites may be allowed when the following conditions have been satisfied:
 - i. Guest suites shall be concentrated within a single structure or grouping of structures located so as to minimize the possible conflicts between long term tenants and guest suite tenants.
 - ii. Long term tenants located within a multifamily complex where common facilities such as, but not limited to, parking and access drives or recreation facilities shall be notified of the public hearing to review a Special Use Permit application in accordance to the procedures of the Garfield County Zoning Resolution, as amended.
 - iii. All long term tenants occupying a unit designated for conversion to a guest suite as approved by the Special Use permit, shall be released from the terms of any verbal or written agreement requiring a minimum time period for the rental of the unit, and an alternate comparable unit made available to the tenant, and the expense of moving to an alternate unit in the area shall be paid by

the lessor. Long term residents shall be allowed to reside in a building being converted into guest suites, if they so choose.

- iv. All long term tenants within a housing complex where certain common facilities (parking, drives, common recreation facilities, etc.) will be utilized by both long term and guest suite tenants shall, within 10 days of approval of the Special Use Permit be advised for the guest suite use of other units and facilities, in writing.
- v. Management and maintenance response shall be available twenty-four hours per day.

4.4 Intensity of Use:

1. For townhouse dwellings, zero-lot-line dwellings, tow-family and multiple-family dwellings, a maximum of 20.0 dwelling units per gross acre.
2. For single-family detached dwellings, a maximum of 12.0 dwelling units per gross acre.

4.5 Minimum Lot Area:

1. 600 square feet for townhouse dwellings.
2. 2,000 square feet for zero-lot-line dwellings.
3. 7,500 square feet for single-family detached dwellings and two-family dwellings.
4. 20,000 square feet for multiple-family dwellings.

4.6 Maximum Site Coverage:

1. For single-family detached dwellings, zero-lot-line dwellings and two-family dwellings without common open area as part of the plat at the time of subdivision, not more than 70% of each lot shall be covered by buildings and parking areas.
2. For single-family detached dwellings, townhouse dwellings, zero-lot-line dwellings and two-family dwellings with common open area as part of the plat at the time of subdivision, not more than 80% of each lot shall be covered by buildings and parking areas.

3. For multiple-family dwellings, not more than 80% of the platted area at the time of subdivision shall be covered by buildings, parking and private streets.
4. A lot shall not be limited to one principal structure provided:
 - a. The uses of each structure shall be allowed within the applicable zone district.
 - b. The total accumulated improvements do not exceed the maximum site coverage nor violate any other requirements of the zone district.
 - c. The entire lot remains under one ownership.

4.7 Minimum Setbacks:

1. Front Yard Setback:
 - a. For multiple-family dwellings:
 - i. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - ii. Collector Streets: 90 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - iii. Local Streets: 50 feet from street centerline or 25 feet from lot line, whichever is greater.
 - b. For zero lot-line and townhouse dwellings:
 - i. No lot shall front on an arterial or collector street.
 - ii. Local Streets: 20 feet setback from the front lot line, if there is a front-facing garage; or no front setback if there is a side-facing garage or at least 20 feet of common open space between the curb line and the lot line.
 - c. For single-family detached dwellings and two-family dwellings:
 - i. Arterial or Collector Streets: no structure shall front on an arterial or collector street
 - ii. Local Street: 20 feet setback from the front lot line, if there is a front-facing garage; or no front setback if there is a side-facing garage or at least 20 feet of common open space between the curb line and the lot line.
 - d. For all other uses:
 - i. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - ii. Collector Streets: 90 feet from street centerline or 50 feet from front lot line, whichever is greater.

- iii. Local Streets: 65 feet from street centerline or 40 feet from front lot line, whichever is greater.

2. Rear Yard Setback:

- a. For single-family detached dwellings, two-family and multiple-family dwellings, 15 feet from the rear lot line.
- b. For zero-lot-line and townhouse dwellings:
 - i. 10 feet setback from rear lot line if no alleys or rear utility easements are provided.
 - ii. No rear setback is required where alleys or utility easements are provided and no automobile access is allowed.
 - iii. Where automobile access is taken across the rear yard:
 - a) 25 foot rear setback where there is a rear-facing garage.
 - b) No rear setback for a side-facing garage.
 - c) No rear setback if there is at least 25 feet of common open space between the alley pavement and the lot line.
- c. For all other uses: 25 feet rear setback when adjacent to residential uses or 10 feet rear setback when not adjacent to residential uses.

3. Side Yard Setbacks:

- a. For two-family detached dwellings, two-family and multiple-family dwellings, 6 feet from side lot line. On corner lots, the side yard setback shall be 25 feet when automobile access is taken across the side yard; the side yard setback shall be 15 feet when no automobile access is taken across the side yard.
- b. For zero-lot-line dwellings 10 feet setback on one side lot line and no setback on the opposite side lot line. No accessory buildings shall be permitted within the required side yard.
- c. For townhouse dwellings no side yards are required except for corner lot conditions. On corner lots, the side yard shall be 25 feet or at least 25 feet of common open space between the curb line and the lot line when automobile access is taken across the side yard; the side yard shall be 15 feet or at least 15 feet of common open space between the curb line and the lot line when no automobile access is taken across the side yard.

- 4.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.

4.9 Minimum Off-Street Parking:

1. For single-family detached dwellings, two-family dwellings, two (2) spaces per dwelling unit.
2. For zero-lot-line and townhouses dwellings, two (2) spaces provided on the lot or in common community open space or a combination thereof.
3. For multiple-family dwelling 1 ½ spaces per dwelling unit.
4. For all other uses: see Supplementary Regulation (Section 10.6).

4.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

1. For zero-lot-line dwellings, a minimum maintenance easement of 3 feet shall be provided on the side yard for the adjacent lot.
2. No portion of any building shall extend beyond lot lines into public easements or public rights-of-way.
3. For zero-lot-line and townhouse dwelling no windows or openings shall be allowed in a wall abutting a property line that faces into an adjoining lot.

4.11 Additional Definitions: (Modification to Sec. 10.8, Garfield County Res. No. 82-121)

1. An “Attached Townhouse Dwelling” shall be a single-family dwelling unit which occupies an individual platted townhome lot, and shares one or more common property lines with a directly adjacent and abutting townhome lot, and shares one or more common building walls with said adjacent and abutting townhome dwelling, and extends from the lowest to the highest point of the building between said common walls.
2. A “Detached Townhouse Dwelling” shall be a single-family dwelling unit which occupies an individual platted townhome lot and does not share any common property lines with any other townhome lot, and said townhome lot is surrounded by dedicated community common area.
3. An “Attached Zero-Lot-Line Dwelling” shall be a single-family dwelling unit which occupies an individual platted zero-lot-line lot and shares one common building side wall with an adjacent lot zero-lot-line dwelling, and

extends from the lowest to the highest point of the building between said common walls.

4. A "Detached Zero-Lot-Line Dwelling" shall be a single-family dwelling unit which occupies an individual platted zero-lot-line lot and does not share a common building side wall with an adjacent lot zero-lot-line dwelling.

5.0 MHR – Mobile Home Residential

- 5.1 Uses by right: Mobile and manufactured homes, single-family detached dwellings, and customary accessory uses, including buildings for the shelter or enclosure of animals or property accessory to use of the lot for residential purposes and fences, hedges, gardens, walks, and similar landscape features; day nursery; park.

Mobile home parks, camper parks, recreational vehicle parks including park models and customary accessory uses, including buildings for the shelter of property and services accessory to mobile home, camper and recreational vehicle park purposes. Park models are recreational vehicles which are allowed to remain in the same location within a designated recreational vehicle park for an unrestricted period of time.

Temporary real estate offices and model homes used only for the purpose of initial sales by the developer of the property located within the Mobile Home Residential Zone District.

- 5.2 Uses, conditional: Church, school, community building, ~~day nursery~~, fire station, and other public uses.

- 5.3 Uses, special: Extraction and processing of natural resources.

5.4 Intensity of Use:

1. A maximum of 9.0 mobile home units per gross acre.
2. A maximum of 18.0 recreational vehicles lots or spaces per gross acre.

5.5 Minimum Lot Area:

1. Single-family lot - 3,000 square feet
2. Recreational vehicle lot or space – 1, 500 square feet

- 5.6 Maximum Site Coverage: For single-family dwellings and mobile homes not more than 60% of each lot shall be covered by buildings and parking areas.

For camper and recreational vehicle parks no maximum site coverage shall apply.

No more than two (2) camper vehicles shall be allowed on any one mobile home space.

- 5.7 Minimum Setbacks: Minimum setbacks requirements of the adjacent zone district regulations shall be observed on the periphery of the mobile home park.

1. Front Yard
 - a. Arterial or Collector Streets: no structure shall front on an arterial or collector street.
 - b. Local Streets: 17 feet from the front lot line.
 2. Rear Yard: 6 feet from the lot line.
 3. Side Yard: 6 feet from the side lot line. On corner lots, the side yard shall be observed along the street with the longest lot line dimension.
 4. Through Lots: Lots extending from one street to another paralleling street shall consider the street with the narrowest right-of-way as the front street for the purpose of calculating the front yard setback. The opposite yard shall be considered the rear yard if the provisions of Section 10.4 of the Supplemental Regulations have been satisfied.
 5. Recreational Vehicle Lots: Recreational vehicle and camper lots and spaces shall be separated from single-family dwellings by a dedicated street right-of-way, a minimum 15 foot wide greenbelt or a rear yard.
- 5.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.
- 5.9 Minimum Off-Street Parking:
1. Two spaces per dwelling unit.
 2. For all other uses: see Supplementary Regulation (Section 10.6).
- 5.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

6.0 NC – Neighborhood Center

6.1 Uses by right: Retail commercial establishments not exceeding 15,000 square feet of building area for each principal use, including grocery, dry goods, hardware, bakery, liquor, drug, florist, books and similar uses.

Personal service establishments not exceeding 5,000 square feet of building area for each principal use, including barber, beauty, self-service laundry, dry cleaning, photo and art studios, travel agency, shoe repair, health spa, private clubs, indoor eating and drinking establishments (which may include liquor), banks, and similar uses.

Offices for business and professional uses.

Gasoline service stations with two or less service bays, which must be sited with limited vehicular access and service areas reasonably screened from public view, self-service storage facilities.

Unmanned carwash facilities (coin operated self-service or automatic touch-free) with four or less wash bays and vacuum stations, which must be sited with limited vehicular access.

6.2 Uses, conditional: Church, community building, day nursery and school, auditorium, public building for administration, fraternal lodge, art gallery, museum, library.

6.3 Uses, special: Extraction and processing of natural resources.

6.4 Intensity of Use: See general conditions under Supplementary Regulations.

6.5 Minimum Lot Area: 7,000 square feet.

6.6 Maximum Site Coverage: Not more than 80% of the platted area at the time of subdivision shall be covered by buildings, parking areas and private streets. A minimum of 10% of the site shall be in unpaved landscape development.

A lot shall not be limited to one principal structure provided:

1. The uses of each structure shall be allowed within the applicable zone district.
2. The total accumulated improvements do not exceed the maximum site coverage nor violate any other requirements of the zone district.

3. The entire lot remains under one ownership.

6.7 Minimum Setbacks:

1. Front Yard:

- a. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
- b. Collector Streets: 90 feet from street centerline or 50 feet from front lot line, whichever is greater.
- c. Local Streets: 65 feet from street centerline or 40 feet from front lot line, whichever is greater.

2. Rear Yard: 25 feet when adjacent to residential uses; 10 feet when not adjacent to residential use.

3. Side Yard: 10 feet from side lot line or 25 feet for a side yard on a corner lot.

6.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.

6.9 Minimum Off-Street Parking:

1. Retail commercial and personal service: One parking space per 200 square feet of floor area (except storage areas).
2. Office: One parking space per 300 square feet of floor area.
3. Gasoline Service Stations: Minimum of 4 spaces excluding service areas and service bays.
4. For all other uses: see Supplementary Regulation (Section 10.6).

6.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

7.0 OP – Office Park

7.1 Uses by right: Offices for business and professional uses; research facilities, testing laboratories, and facilities for the manufacturing, fabrication, processing or assembly of products provided that such facilities are completely enclosed and provided that noise, smoke, glare, vibration, fumes, or other environmental problems which exceed normal residential conditions are confined to the user's lot.

Personal service establishments not exceeding 5,000 square feet of building area for each principal use, including barber, beauty, self-service laundry, dry cleaning, photo and art studios, travel agency, shoe repair, health spa, private clubs, indoor eating and drinking establishments (which may include liquor), within the principal building.

7.2 Uses, conditional: Church, community building, day nursery and school, auditorium, public building for administration, fraternal lodge, art gallery, museum, library.

7.3 Uses, special: Extraction and processing of natural resources.

7.4 Intensity of Use: See general conditions under Supplementary Regulations.

7.5 Minimum Lot Area: 7,500 square feet.

7.6 Maximum Site Coverage: Not more than 80% of the platted area at the time of subdivision shall be covered by buildings, parking areas and private streets. A minimum of 10% of the site shall be in unpaved landscape development.

A lot shall not be limited to one principal structure provided:

1. The uses of each structure shall be allowed within the applicable zone district.
2. The total accumulated improvements do not exceed the maximum site coverage nor violate any other requirements of the zone district.
3. The entire lot remains under one ownership.

7.7 Minimum Setbacks:

1. Front Yard
 - a. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.

- b. **Collector Streets:** 90 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - c. **Local Streets:** 65 feet from street centerline or 40 feet from front lot line, whichever is greater.
 2. **Rear Yard:** 25 feet when adjacent to residential uses; 10 feet when not adjacent to residential use.
 3. **Side Yard:** 10 feet from side lot line or 25 feet for a side yard on a corner lot.
- 7.8 **Maximum Building Height:** 36 feet measured at the vertical to the grade at the center of the building.
- 7.9 **Minimum Off-Street Parking:**
1. Research facility, testing laboratory, manufacturing, fabrication, processing, or assembly of products: One parking space per 400 square feet of floor area.
 2. Office and professional uses: One parking space per 300 square feet of floor area.
 3. Personal service uses: one parking space per 200 square feet of floor area (except for storage area).
 4. For all other uses: see Supplementary Regulation (Section 10.6).
- 7.10 **Additional Requirements:** All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

8.0 **BC Business Center**

8.1 Uses by right: Retail, commercial establishments including grocery, dry goods, hardware, bakery, liquor, drug, florist, books, sporting goods, appliances, variety stores, department stores, automotive accessory parts, furniture, garden supply, animal feed, plant nursery outlets and similar uses.

Personal service establishments including barber, beauty, self-service laundry, dry cleaning, photo and art studios, travel agency, shoe repair, health spa, private clubs, indoor eating and drinking establishments (which may include liquor), banks and similar uses.

Offices for business and professional uses.

Research facilities, testing laboratories, and facilities for the manufacturing, fabrication, processing or assembly of products provided that such facilities are completely enclosed and provided that noise, smoke, glare, vibration, fumes, or other environmental problems which exceed normal residential conditions are confined to the user's lot.

Churches, day-care centers and indoor theatres.

Recreation facilities.

Gasoline service stations with two or less service bays and without car washing facilities, which must be sited with limited vehicular access and service areas reasonably screened from public view.

Motels, hotels, including eating and drinking establishments (which may include liquor).

Multiple family dwellings when located above retail commercial, personal service or office uses.

Public and semi-public uses as specified in this PUD.

8.2 Uses, conditional: Church, community building, day nursery and school, auditorium, public building for administration, fraternal lodge, art gallery, museum, library.

8.3 Uses, special: Extraction and processing of natural resources.

8.4 Intensity of Use: See general conditions under Supplementary Regulations.

8.5 Minimum Lot Area: 7,500 square feet.

8.6 Maximum Site Coverage: Not more than 80% of the platted area at the time of subdivision shall be covered by buildings, parking areas and private streets. A minimum of 10% of the site shall be in unpaved landscape development.

A lot shall not be limited to one principal structure provided:

1. The uses of each structure shall be allowed within the applicable zone district.
2. The total accumulated improvements do not exceed the maximum site coverage nor violate any other requirements of the zone district.
3. The entire lot remains under one ownership.

8.7 Minimum Setbacks:

1. Front Yard
 - a. Arterial Streets: 100 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - b. Collector Streets: 90 feet from street centerline or 50 feet from front lot line, whichever is greater.
 - c. Local Streets: 65 feet from street centerline or 40 feet from front lot line, whichever is greater.
2. Rear Yard: 25 feet when adjacent to residential uses; 10 feet when not adjacent to residential use.
3. Side Yard: 10 feet from side lot line or 25 feet for a side yard on a corner lot.

8.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.

8.9 Minimum Off-Street Parking:

1. Retail commercial and personal service: One parking space per 200 square feet of floor are (except storage area).
2. Research facility, testing laboratory, manufacturing, fabrication, processing, or assembly of products: One parking space per 400 square feet of floor area.
3. Church or theatre: One parking space per three seats.

Resolution 82-121, 82-138, 88-049, 90-014, 96-69, 97-74, 97-108, 98-45, 2002-61, 2008-33*

4. Office and professional uses: One parking space per 300 square feet of floor area.
 5. Recreation facility: Parking shall be provided on the basis of one parking space per each four persons using the facility (figured at a maximum capacity use period).
 6. Motels and hotels: One parking space per motel or hotel unit.
 7. Multi-family dwellings: One and one-half parking space per dwelling unit.
 8. Gasoline Service Station: Minimum 8 spaces excluding service areas and service bays.
 9. For all other uses: see Supplementary Regulation (Section 10.6).
- 8.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

9.0 PSR - Public, Semipublic, and Recreation

9.1 Uses by right: School sites, governmental offices, police and fire stations, library, day-care centers, public and semipublic health facilities including hospitals and clinics, recreations uses, churches, community center, neighborhood community center, water, well sites, sewage treatment facilities, water treatment and storage facilities, and other public and private utility facilities and buildings.

Community open space and parks, including hiking and bicycle trails, equestrian trails, intensive use playfields, picnic areas, sledding areas, swimming pools, tennis courts, natural areas, archery, skeet shooting and similar uses.

Golf course with clubhouse including eating and drinking facilities (which may include liquor); equestrian center.

9.2 Uses, conditional: Not applicable.

9.3 Uses, special: Extraction and processing of natural resources.

9.4 Intensity of Use: See general conditions under Supplementary Regulations.

9.5 Minimum Lot Area: None.

9.6 Maximum Site Coverage: Not more than 80% of the platted area at the time of subdivision shall be covered by buildings, parking areas and private streets. A minimum of 10% of the site shall be in unpaved landscape development.

A lot shall not be limited to one principal structure provided:

1. The uses of each structure shall be allowed within the applicable zone district.
2. The total accumulated improvements do not exceed the maximum site coverage nor violate any other requirements of the zone district.
3. The entire lot remains under one ownership.

9.7 Minimum Setbacks:

1. Front Yard
 - a. Arterial Streets: 75 feet from street centerline or 25 feet from front lot line, whichever is greater.
 - b. Collector Streets: 65 feet from street centerline or 25 feet from front lot line, whichever is greater.

- c. Local Streets: 50 feet from street centerline or 25 feet from front lot line, whichever is greater.
 2. Rear Yard: 25 feet when adjacent to residential uses; 10 feet when not adjacent to residential use.
 3. Side Yard: 10 feet from side lot line or 25 feet for a side yard on a corner lot.
- 9.8 Maximum Building Height: 36 feet measured at the vertical to the grade at the center of the building.
- 9.9 Minimum Off-Street Parking:
1. Church, auditorium and public assembly: One space per 3 seats.
 2. Research facility, testing laboratory, manufacturing, fabrication, processing, or assembly of products: One parking space per 400 square feet of floor area.
 3. Church or theatre: One parking space per three seats.
 4. Office and professional uses: One parking space per 300 square feet of floor area.
 5. Recreation facility: Parking shall be provided on the basis of one parking space per each four persons using the facility (figured at a maximum capacity use period).
 6. Motels and hotels: One parking space per motel or hotel unit.
 7. Multi-family dwellings: One and one-half parking space per dwelling unit.
 8. Gasoline Service Station: Minimum 8 spaces excluding service areas and service bays.
 9. For all other uses: see Supplementary Regulation (Section 10.6).
- 9.10 Additional Requirements: All uses shall be subject to the provisions under Section 10.0 (Supplementary Regulations) and Section 11.0 (Modification of Subdivision Regulations).

10.0 SR Supplementary Regulations

Division of the subject lands into land use areas and their related development standards will be as shown of the PUD map and as outlined by the preceding development standards. To further avoid problems of interpretation, the following listed supplementary regulations are included as part of the Planned Unit Development. Where the preceding general standards or the following supplemental regulations do not adequately described what is permitted or required, reference shall be made to the officially adopted Garfield County Zoning Resolution of January 2, 1979, including the zoning amendment, adopted October 15, 1979, and to the officially adopted Garfield County Subdivision Regulations of January 2, 1979, and amendments of October 15, 1979.

- 10.1 Land Use Types: The PUD map shows generally where within the PUD each type of use is located. The precise location of each use and the location of lots, blocks and other parcels within each area devoted to each use shall be shown as that area is hereafter subdivided and platted.
- 10.2 Uses Permitted: The principal uses for each land use area are listed as a part of the general development standards; however, any other building, structure or use which is similar to those enumerated and not more obnoxious or detrimental to the area in which it is located shall be permitted.
- 10.3 Intensity of Use: In any residential area defined on the PUD map, the net density in any given part of the subdivided area may exceed the gross density which would be permitted for the entire subdivided area so long as the entire subdivided area, including open space, is within the range of the applicable gross intensity of use set forth above in the development standards.
- 10.4 Setbacks: The following yard requirements shall be observed in all zone districts:

Through Lots: On lots extending form one street to another paralleling street, both streets shall be considered as front streets for purposes of calculating front yard setbacks unless a solid screening fence is provided for one yard only and then the yard adjacent to the fence shall be considered as a rear or side yard.

Corner Lots: On residential lots bordered on two (2) contiguous sides by streets, the required front yard setback shall be observed along both streets when automobile access is taken from the side street.

Two-Family Dwellings: For purposes of setback calculations, a two-family dwelling shall be construed as one building occupying one lot.

Attached single-family dwellings: For purposes of setback calculations, only those attached single-family dwellings which do not share a common wall with an adjacent attached dwelling need observe the required side yard setback for the district, providing building code requirements for this type of structure are observed.

Projections: Every part of the required yard shall be unobstructed from ground level to the sky except for projections of architectural features as follows: cornices, sills and ornamental features – 12 inches; food eaves – 18 inches; uncovered porches, slabs and patios, walks, steps, fences, hedges, and walls – no restriction; fire escapes and individual balconies not used as passageways may project 18 inches into any required side yard or four (4) feet into any front or rear yard.

Accessory Building in Required Rear Yard: An accessory building may be located in a required rear yard provided not more than forty (40) percent of the rear yard is covered. Such building shall observe a seven and one-half (7 ½) foot setback from the rear lot line when there is not an adjacent alley. When there is an adjacent alley it shall observe a ten (10) foot setback from lot line.

Fences and Screening: A fence, hedge, or wall may be located in any required yard provided no such installation shall exceed eight (8) feet in height in a required side yard or rear yard, nor shall any such structure exceed three (3) feet in height in any required front yard. No side yard or front yard hedge or fence is permitted on a corner lot adjacent to the street.

10.5 Maximum Building Height: For purposes of measuring the maximum building height, grade shall mean the original natural ground level or newly established elevation resulting from compacted fill so long as any regarded area does not exceed a four-to-one slope between the ground level of any exterior building wall and adjacent lot line or property line.

10.6 Minimum Off-Street Parking: Each off-street parking space shall be not less than 8 feet wide and 18 feet long; shall be provided with vehicular access to a street or alley/ shall be surfaced with gravel, asphalt, concrete or equivalent; shall be properly drained; and shall be located within convenient walking distance of the principal building or use for which the parking space is provided.

For either detached single-family dwellings or attached single-family dwellings, tandem spaces shall be permitted.

Where an off-street parking space serves more than one use and peak times for parking are at different times of the day, such parking space may be included as part of the minimum requirements for each use.

The following minimum parking requirements for permitted or similar (see Section 10.2) uses are:

1. Churches, community buildings, fraternal lodges and auditorium: One space per 3 seats in the assembly space.
 2. Schools, elementary and middle: One space per instruction area plus one space for each 4 seats in assembly areas (including gymnasiums).
 3. High schools, colleges and universities: One space per instructional area (classroom, lab, gym) plus one space per 3 students accommodated in the institution.
 4. Community buildings: One space per 3 seats of assembly area.
 5. Athletic stadium: One space per 4 seats.
 6. Recreation facilities: One space per 4 persons using the facility (figured at a maximum capacity use period).
 7. Day care center: One space per classroom area and one space per 200 square feet of office space and a minimum of 6 spaces.
 8. Police and fire stations: One space per 200 square feet excluding garage areas and a minimum of 4 spaces.
 9. Library and museum: A minimum of 10 spaces plus one space per 200 square feet of office or administrative areas.
- 10.7 Modifications: In general, the proposed development standards for the Battlement Mesa planned Unit Development correspond closely to normal criteria of the Garfield County Zoning Resolution. In some cases, the Battlement Mesa standards are more limiting, while in others typical zoning regulations appear to be more restrictive. Wherever this last situation exists, the added flexibility of development with the PUD permits desirable variety and, in some situations, essential economies of construction and maintenance. Throughout the Planned Unit Development program, special attention will be

given to bordering private properties so that their values as established by existing Garfield County zoning standards will be maintained. In line with Garfield County zoning requirements that no portion of a PUD shall be used or occupied, otherwise than as was permitted immediately prior to the approval of rezoning as a PUD, until a subdivision plat for said portion is approved by the Board of County Commissioners of Garfield County, Battlement Mesa, Inc., recognizes the need to design and construct each phase according to all reasonable public interest.

10.8 See Modification of definitions in 3.11 and 4.11.

10.9 Additional Restrictions: Battlement Mesa, Inc. reserves the right to make the use or occupancy of any particular area more restrictive than this PUD would permit, by provisions on the subdivision plat, restrictive covenants, or provision in the deed.

10.10 Guest Suite

A multi-family dwelling unit available for daily, weekly or other interim accommodations in return for a rental fee or other form of compensation and approved as such during the subdivision review process and/or special use permit review process.

11.0 **Modifications of Subdivision Regulations**

The Planned Unit Development will conform to the Subdivision Resolutions of Garfield County, Colorado, adopted January 2, 1979, except as noted below or otherwise provided in this application and except as may be permitted by the Board of County Commissioners at the time of subdividing. The specific modifications set forth below are requested to better allow the developer to fulfill the previously stated purposed and objectives of this PUD.

- 11.1 Street Pattern (Sub. Reg. 5.02.01): The street patterns will be designed to continue to provide access to adjacent land not included in the PUD which presently have access through a public dedicated right-of-way. Adjacent privately owned land which does not presently have access of a public dedicated right-of-way through the area of the PUD will be provided appropriate access. Adjacent land in public ownership which presently does not have access off a public dedicated right-of-way through the area of the PUD will be provided appropriate access. Adjacent land in public ownership which presently does not have access off a public dedicated right-of-way through the area of the PUD will be provided access at the time of platting at the request of the public agency controlling the land.

Dead-end streets may be designed with cul-de-sac head that meets the functional requirements of vehicular turning radii and snow storage; this design may vary from the 90 foot turnaround.

Residential lots bordering arterial streets may be sided against the street as long as access to the lot is not from the arterial street.

- 11.2 Private Street (Sub. Reg. 5.02.02): Private streets may be used in areas within the PUD where through traffic is not desired and where pavement widths can be narrower than those required on public streets. In such cases, roadway widths of 20 to 24 feet may be used where the design considers traffic volumes, satisfactory off-street parking arrangements, planned snow storage areas, adequate site distances, reasonable gradients and turnarounds adequate for emergency vehicles. Furthermore in such cases for commercial, retail and office uses, setbacks of 15 to 25 feet may be used for front and side yards where the design considers the factors noted for roadway widths. At time of platting, the design, construction standards, maintenance responsibility nad policing arrangement will be presented.
- 11.3 Street Widths (Sub. Reg. 5.02.03): Public street widths proposed in the PUD will be determined by projected traffic volume, parking arrangements and other

factors at the time of platting. The range of requirements is proposed to be as follows:

<u>Street Type</u>	<u>Range of Dedicated Right-of-Way Width</u>	<u>Range of Roadway Width</u>
Arterial	80 to 100 feet	40 to 72 feet
Collector	60 to 80 feet	36 to 44 feet
Neighborhood or local	40 to 60 feet	24 to 36 feet

11.4 Grades, Curves, and Site Distances (Sub. Reg. 5.02.04): Grades, curves, and sight distance will adhere to County standards except that variances may be requested at the time of platting for neighborhood, local, or other low volume traffic streets.

11.5 Relationship to Adjacent Slopes (Sub. Reg. 5.02.05): Cut-and-fill slopes are proposed to blend with the natural topography and may extend outside public dedicated street, rights-of-way providing revegetation requirements are met.

11.6 Sidewalks, Curb and Gutter (Sub. Reg. 5.02.06): Sidewalk locations will be in accordance with the plat at the time of subdividing and will be sited so as to optimize pedestrian routes through open space to residential, educational and community facilities.

Curb and gutter will be placed where necessary to direct storm drainage and where it would add to ease of road edge maintenance. Where a rural character is desired and storm drainage can be handled by ditch swales, curb and gutter may be eliminated.

11.7 Roadways (Sub. Reg. 5.02.07): Roadways will conform in construction specifications, other than width, to County requirements. Design of roadway surface may vary from parabolic crown to inverted center pitch depending upon storm drainage requirements of various areas within the PUD.

11.8 Street Names and Signs (Sub. Reg. 5.02.08): Street signs will conform to a uniform system of signs and graphics designed for the total PUD area.

11.9 Minimum Standards for Zero-Lot-Line and Townhouse Projects: In zero-lot-line and townhouse projects the following minimum standards must be observed for either public or private streets:

1. A minimum of 20 feet of access drive and fire lane must be provided.
2. A minimum of 3 feet for sidewalks on each side of the access drive must be provided adjacent to the drive.

Resolution 82-121, 82-138, 88-049, 90-014, 96-69, 97-74, 97-108, 98-45, 2002-61, 2008-33*

3. A minimum of 20 feet must be provided adjacent to one side of the access drive for utility easements which may incorporate the sidewalk area.