

**ORDINANCE NO. XXXX
SERIES 2024**

**AN ORDINANCE AMENDING TITLE 16 AND TITLE 17 OF THE LOUISVILLE
MUNICIPAL CODE TO REVISE THE EXPEDITED PUD REVIEW PROCESS, THE
MINOR SUBDIVISION PROCEDURES, AND SUBDIVISION DEFINITIONS**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the expedited PUD process is an effective tool for appropriate PUD applications but has a limited scope of eligible applications;

WHEREAS, the City desires to revise the expedited PUD review process so a broader range of appropriate PUD applications can utilize the process;

WHEREAS, the City desires to revise the minor subdivision procedures and subdivision definitions to align with the revised expedited PUD process;

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Louisville Municipal Code Chapter 17.28 – Planned Unit Developments is hereby amended as follows:

Sec. 17.28.250. - Expedited PUD procedure.

- A. The purpose of this section is to provide an expedited process for planned unit developments (PUDs) that can be adequately evaluated for consistency with applicable City rules and policies without a related preliminary planned unit development. An applicant may request expedited review of a planned unit development application upon submittal of all applications and information required in this title for consideration of a planned unit development. The requirement of filing a preliminary planned unit development plan and holding a public hearing thereon is waived under this expedited PUD procedure. Review of a planned unit development meeting the criteria for expedited review shall be conducted by the planning

commission and the city council under the procedures authorized for final development plan approval.

B. A planned unit development application ~~meeting all of the following criteria~~ shall be eligible for expedited PUD review ~~if:~~

1. The property is ~~a minimum of one and no more~~ less than seven acres in area;
2. The property has been previously subdivided and any proposed replat with the planned unit development application is eligible for the minor subdivision procedure in Sec. 16.12.110; and
3. The Director determines the application will not result in a material change in the extent, location, or type of public improvements, easements, arrangement of streets, open space, or utilities.
4. ~~The property is governed by an approved general development plan as part of a planned community zone district;~~
5. ~~The proposed planned unit development contains no more than one building and principal use; and~~
6. ~~The property is subject to covenants of record addressing the use and development of the property.~~

Section 2. Louisville Municipal Code Chapter 16.12 – Procedure is hereby amended as follows:

Sec. 16.12.110 – Minor Subdivision procedure.

- A. Subdivider may apply through the minor subdivision procedure by submitting all the applications and information required in this title for consideration of a subdivision. The planning commission shall hold a public hearing after notice is given as set forth in [section 16.04.070](#), concerning such minor subdivision and may give approval of a final plat at that time. Notice by mail shall only be required to be made to real property owners located within 750 feet of the property line of the proposed subdivision. The requirement of filing a preliminary plat and holding a public hearing thereon is waived under this process. The planning commission after holding a public hearing shall approve, disapprove or approve such final plat with modifications and submit the plat together with the commission's recommendations to the city council.
- B. Upon receipt of the plat and recommendations of the planning commission, the city council shall approve, disapprove or refer the plat back to the planning commission for further study. Following acceptance of the final plat by the city council, the plat shall be signed by the mayor and attested by the city clerk. The city clerk shall then record the plat as provided for other subdivisions in this chapter.
- C. A subdivision application meeting one or more of the following criteria shall be eligible for review as a minor subdivision:
 1. The subdivision contains solely residential use and results in not more than four dwelling units;
 2. The subdivision is a replat of an approved final subdivision plat which does not ~~increase the number of lots or increase density, and which does not~~ result in a

material change in the ~~extent, location, or~~ type of public improvements, easements, arrangement of streets, open space, or utilities;

- 3 . The subdivision results in no more than two lots; each lot is adjacent to and has access to an accepted and maintained public street; the improvements required by [chapter 16.20](#) are already in existence and available to serve each lot; each lot will meet the requirements of the city's zoning regulations without the necessity for a modification; no modification or variance has been granted within the three previous years to any lot; and, no part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of the submission of the minor subdivision plat;
- 4 . The subdivision is of a lot, previously created by an approved final subdivision plat, which is split or subdivided into no more than two lots and the lots created by the split comply with the applicable dimensional requirements of the city's zoning regulations.

Section 3. Louisville Municipal Code Chapter 16.08 – Definitions is hereby amended as follow:

Sec. 16.08.020 – Definitions

Planned Unit Development means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses; and planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards, so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing. ~~A preliminary plat and a final plat must be submitted and processed through the subdivision procedures as provided in chapter 16.12.~~

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of

the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this ___ day of _____, 2024.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this ___ day of _____, 2024.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk