

**SECTION 15
TABLE OF CONTENTS**

SECTION 15 TABLE OF CONTENTS 1
APPENDIX B VARIANCES 3
VARIATIONS FROM BROOMFIELD STANDARDS AND SPECIFICATIONS 10

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APPENDIX B
VARIANCES

#	Section	Requirement	Proposal
1	14-04-010 Standards and Specifications adopted	The Broomfield Standards and Specifications, 2007 is adopted and has "the same force and effect as though set forth in this chapter in every particular."	The Design Standards for the North Park PUD vary many provisions of the Broomfield Standards and Specifications including, without limitation, street cross sections, street lighting, etc. See attached sheets "Standards and Specifications".
2	16-04-020 Requirements generally (B)	No subdivision plat can be used for sale or development or filed and recorded until approved by the city council	Since there are two potential decisions makers on a subdivision plat (the City and County Manager for minor subdivision plats and the City Council for all others), this section is being clarified to reflect City practice that subdivision plats cannot be used for sale or development or filed and recorded until approved by the appropriate decision maker as set forth in the BMC.
3	16-04-020 Requirements generally (C)	No building erected or BP or CO issued unless final plat has been approved by the city council	Since there are two potential decisions makers on a subdivision plat (the City and County Manager for minor subdivision plats and the City Council for all others), this section is being clarified to reflect City practice that buildings are erected nor are building permits or certificates of occupancy issued unless the subdivision plat has been approved by the appropriate decision maker set forth in the BMC.
4	16-04-030 Interpretation of Provisions (B)	In situation of overlapping regulations, the most restrictive of the regulations rules.	In situation of overlapping regulations, the PUD Plan/Development Agreement requirements rule as outlined in Section 1.
5	16-16-100 Preliminary plat; time limit (A)	Preliminary plat valid for 1 year or longer as indicated in approved final plat approval schedule	The Vesting Agreement established extended vested property rights for the Preble Creek P.U.D. Plan and Preliminary Plat, of which the North Park PUD Plan and Preliminary Plat are a part. McWhinney requests that the same vested property rights be extended to the North Park PUD Plan and Preliminary Plat.
6	16-16-110 (G)	Design of improvements must comply with 16-28, 16-32, and 14-04	Design of improvements shall be per the PUD Plan as it varies from 16-28, 16-32, and 14-04
7	16-28-060 Alleys	Alleys are allowed or required in any subdivision at the discretion of the City Council.	Alleys are a specifically allowed street type as depicted in Sections 9 and 11 of the PUD and in the PUD Plan.
8	16-28-070 Easements	Easements for utilities must be a minimum of 16 feet wide or a minimum of 10 feet along the perimeter of a lot. Side lot easements shall be at least five feet.	Size of easements is as required by the utilities as determined during the SDP/Final Plat review process.
9	16-28-110 Dedication; requirements generally	Public land dedication shall be per 16-28-120 of the BMC for all residential uses.	Public land dedication shall be per the PUD Section 1.
10	16-28-120 Dedication; public land dedication requirements	Public land dedication requirements are detailed based on number of units. Specific percentages for various types of property are limited in terms of their PLD credit.	Public land dedication is no less than 109.46 acres based on previous commitments within the previously approved PUD Plans and as stated in Section 1 of the PUD. Specific percentages for the named property types as it applies toward PLD credit will be determined based on the usability of the facilities for the dedicated purpose (open space, parks, open lands)
11	16-28-150 (A), Dedication; policy determination considerations	The LURC and City Council will make determinations on dedication based on 16-28-120 through 140	Determinations on dedication will be based on 16-28-120 through 140, as varied by the PUD Variance List.

NORTH PARK PUD

12	16-28-150 B), Dedication; policy determination considerations	Land dedication must be free of liens and encumbrances	Land dedication must be free of liens and encumbrances, except for easements which do not affect CCOB ability to use the property for its intended use.
13	16-32 Improvements	Chapter requires installation to Standards and Specifications or guarantee of improvements by subdivider after City Council approval of final plat	Final plats and Minor Subdivision Plats are approved by the decision maker as set forth in the BMC; requirements for guarantees or security may be varied consistent with Section 7 of the Development Agreement; construction to be in conformance with Standards and Specifications as varied; Subdivision Improvement Agreements and Improvement Agreements are approved by the decision maker on the plat as set forth in the BMC.
14	16-40-040 Approval by ordinance (A)	City Council reviews the SSDP after review by LURC	Consistent with past City policy and practice, the proposal is to vary this provision only as it relates to LURC's review of the development agreement. City Council, however, will continue to have review and approval authority.
15	16-40-050 Plat and plan language	SSDP shall include the following words: "Approval of this site specific development plan creates a vested property right pursuant to section 24-68-103, C.R.S., for a period of three years from the effective date of the ordinance approving this site specific development plan. This site development plan. This site specific development plan is subject to all conditions of approval imposed by the Broomfield City Council."	The SSDP contains the following statement regarding vested property rights: "Approval of this site specific development plan creates a vested property right pursuant to Section 24-68-103, C.R.S. for a period of 40 years from the effective date of Ordinance No. _____ approving this site specific development plan as authorized in accordance with Section 18-40-070(B) of the Broomfield Municipal Code an Ordinance No. _____ approving the extended vesting period. The site specific development plan is subject to all conditions of approval imposed by the Broomfield City Council pursuant to the Third North Park PUD Amended and Restated Managed Growth and Development Agreement between the City and County of Broomfield and McWhinney Real Estate Services, Inc. and others, dated _____.
16	Section 16, Appendix A, Street Trees	List of approved street trees	Trees may be modified if approved by the developer and City Manager
17	17-02-030 Conformance required	No building, use or construction allowed except in conformance with Title 17; dimensions or area cannot be less than set forth in Title 17	Conformance with 17 as varied by PUD
18	17-02-050 Interpretation	Title 17 is interpreted and applied per 17-02-060 through 17-02-080	Applicability of Title 17 determined by terms of PUD and Development Agreement
19	17-02-060 Provisions are minimum standards	Title 17 are minimum requirements	To the extent they apply per terms of PUD and Development Agreement
20	17-02-070 Conflict of provisions	In case of a conflict, the most restrictive provision or higher standard shall apply	Applicability of conflicting regulations determined by terms of PUD and Development Agreement
21	17-04-085	Construction sign is a sign is erected on the same lot upon which the work is being done.	Signs may be located on adjacent lot.
22	17-04-302, Open Area	A privately owned and maintained parcel of land or body of water or both within a development upon which there are no structures, parking areas, or driveways. May be landscaped, a plaza, recreational area, sidewalks, or other such areas that are accessible to the public or to the occupants of a development.	Separate definitions of Private Outdoor Space and Shared Common Area. Private Outdoor Space area is a portion of the lot not occupied by the building that is accessible only for a resident of a particular unit. Shared Common Area generally meets the Broomfield definition of Open Area but is not located on the same lot as the development.
23	17-31, Temporary Sales Stands	Allowed in B-1 and B-2 areas, an application for a sales stand is required. Specific location, signage, lighting, parking, and time limit requirements are	Temporary sales stands are a permitted use in the PUD. Specific permits are not required, but the area of such stands will be shown on the SDP.

APPENDIX B – VARIANCES

		established for all temporary sales stands. Maintenance standards are provided.	
24	17-32-010 Accessory Uses and Structures Defined	Use or structure which is clearly incidental and customary in connection with the primary building and located on the same lot. Examples of accessory uses and building are provided.	Specific examples include items not necessarily accessory such as landscape compounds, maintenance facilities, pump stations, Specific area requirement of not more than 10% established.
25	17-32-040, A Spaces required per building type	Each new building or change of use, or addition to any use, shall provide off-street parking spaces as designated in this section:	Each new building or change in use, or addition to any use, shall provide parking spaces as designated in the PUD. Specifically modified uses are those that follow below:
26		No standard for parking at nursing home, assisted living, Alzheimer's care facility.	Standard of 1 space for every 3 beds plus 0.5 spaces per employee on a major shift for Alzheimer's and assisted living facilities.
27		Recreation facility is 1 for each 200 square feet	Recreation facility is 1 spaces for every 100 gross square feet of floor area
28		Bar or Tavern 1 for every 150 square feet	Bar or Tavern is 1 space for every 100 square feet
29		Call center - no standard established	Call center is 10 spaces per 1000 square feet
30		Clinics 1 space per 150 gross square feet	Clinic is 1 space for each exam/treatment room plus 1 space for every 2 employees or health care providers
31		private schools - commercial = 1 space for each 50 square feet of floor space	college/university in a non-campus setting is 1 space for each classroom plus 1 space for each shift employee
32		Gas station is 1 space for every 150 gross floor space	convenience store is 1 for every 200 square feet
33		Retail stores, shop, 1 for every 200 gross floor space	Commercial/retail is 1 for every 300 gross square feet
34		bank is 1 for every 200	Financial services and institutions are 1 for every 250
35		offices and office buildings 1 for every 300	Corporate and professional is 1 for every 250
36		Auditorium, stadium, theater, or similar is 1 for every 4 seats	Entertainment centers and theaters are 1 for every 3 seats
37		Fast food is same as restaurant (1 for every 200)	fast food is 1 for every 100 square feet
38		Flex research could be considered some office and some manufacturing (office at 1 per 300 and manufacturing at 1 for each 2 employees or not less than 1 for each 500 square feet of floor area)	Flex research with light manufacturing is 2.5 spaces for 1,000 square feet of gross floor area
39		Hospital, 1 per bed	Hospital is 2 per bed plus 1 parking space per 300 square feet of outpatient clinics and service area
40		Hotel is 1 per guest bedroom plus 1 space for each 3 employees	Hotel/conference center is .8 space per room plus .75 space per daytime employee

NORTH PARK PUD

41		No standard for parking at independent living community.	Independent living community is 1 space per unit plus 1 space for each major shift employee
42		Medical office is 1 for each 150 square feet	medical office is 1 for each 200 square feet
43		Medical lab is not defined	Medical lab is 1 for every 450
44		Night clubs are not specified	Night club is 12 spaces for every 1000
45		Child care is 1 per 2 staff, 1 per 8 children, and 1 per child day care facility vehicle	1 space per 450 square feet
46		Place of worship is 1 for every 7 seats in principal place of assembly	Place of Worship is 1 for every 4 seats in principal place of worship
47		Senior high school is 4 per classroom plus parking for auditorium (1 for each 4 seats)	1 for each 3 seats in auditorium
48		Restaurant is 1 for each 150 square feet	Restaurant is 1 per 3 seats or 10 spaces per 1000, whichever is greater
49		Showroom warehouse not specified, warehouse would be 1 for each employee or 1 for each 800 square feet of gross floor area, whichever is greater	Showroom warehouse is 5 spaces for every 1,000 gross square feet
50		Warehouse is 1 for each employee or 1 for each 800 square feet of gross floor area, whichever is greater	Warehouse is 1 space per 1,000 gross square feet for the first 100,000 gross square feet of floor area, plus 1 space for every 5,000 square feet after the first 100,000 GSF of FA
51	17-32-080 Off Street Parking, Surface	All required off-street parking areas must be surfaced with asphalt or concrete	Interim parking must be paved with all weather material. Interim parking may remain for 24 months and may be extended with permission of Broomfield.
52	17-32-120, Off-street parking; joint use permitted when	Shared parking is allowed, but the total number of spaces must not be less than that required for the total combined number of buildings or uses	Parking spaces may be reduced when shared parking is provided and the land uses sharing parking have different peak parking demand times.
53	17-38-020 (C) Coordination with subdivision and other regulations	A PUD Plan or SDP can vary the provisions of Titles 14, 16 and 17, but only to the extent specifically shown on an approved PUD Plan or SDP	Variations from BMC Titles 14, 16 and 17 which are clearly shown or described on the PUD documents, which are minor in nature and which are consistent with the intent and purpose of the PUD, as determined in the sole discretion City and County Manager or his designee, are approved pursuant to BMC Section 17-38-020(C).
54	17-38-135 (A)-(F) Site Development plan required; PUD plan revocation	Submittal of SDP required within 5 years or City Council may revoke PUD approval using procedure and criteria in (A) through (F)	Consistent with the terms of the Vesting Agreement, this provision is not applicable to the PUD.
55	17-38-135 (G) Site Development plan required; PUD plan revocation	Specific note regarding 5-year timeframe and city council authority to revoke required on PUD Plan	Consistent with the terms of the Vesting Agreement, this provision is not applicable to the PUD.
56	17-38-137 Amendment to PUD plans proposed by the city manager	City manager may propose amendments using process and criteria in this section	Consistent with the terms of the Vesting Agreement, this provision is not applicable to the PUD.

APPENDIX B – VARIANCES

57	17-38-220 SDP Review Standards	Recommendation of LURC and final decision by City Council is based on specific standards identified in the BMC.	Recommendation of LURC and final decision by City Council is based on the review standards of 17-38-220, as varied by the Variance List. See PUD Section 12.3.3.A. Variances from the standards include requiring open area to be consistent with the standards identified in the PUD Plan.
58	17-38-220 SDP Review Standards	(G) Land use compatibility with one another and nearby properties (H) Open area must be at least 40% of any residential development or 25% of any other developments. (J) Requires justification of any deviations from BMC (L) residential PUDs to be consistent with adopted uniform standards	(G) Section 12.3.3.A adds consideration of mixed use nature and clarifies intent of compatibility requirement (H) MUS Non-residential open area - 20% (see Section 6); MUS Residential Private Outdoor Space 60-100 SF/unit or 15% of lot and Shared Common Area of 1 acre per 150-200 units (see Section 10); MUD Residential; and non-Residential Private Outdoor Space - 5% plus a green of 120x150 within 1200' of all residential units, plus dominant plaza, square or green per Urban Core, plus smaller plaza, squares or greens per other urban blocks (see Section 9) (J) Justification required only for items not already approved on the Variance List (L) Residential standards to be used are included in Sections 7, 9 and 10 of the PUD
59	17-38-230 Modification	Administrative modifications are permitted if they meet specific standards identified in this section.	Administrative modifications are permitted if they meet the standards identified in the BMC as varied by the Variance List and set forth in Section 12.
60	17-38-240 Open Area, Required	Residential - 40% required, Non-Residential - 25%, not including area to be dedicated	MUS Non-residential open area - 20% (see Section 6); MUS Residential Private Outdoor Space 60-100 SF/unit or 15% of lot and Shared Common Area of 1 acre per 150-200 units (see Section 10); MUD Residential and non-Residential Private Outdoor Space - 5% plus a green of 120x150 within 1200' of all residential units, plus dominant plaza, square or green per Urban Core, plus smaller plaza, squares or greens per other urban blocks (see Section 9)
61	17-38-300 to 340	(VIII) Residential use PUD Plans must be consistent with adopted uniform standards	Standards are identified in Sections 7, 9 and 10 of the PUD binder.
62	17-38-330 Standards for medium-density SFA	Specific standards for attached single-family development primarily based on typical front-load garage style plan with large front yard and rear yard	Specific standards identified in Sections 7, 9 and 10 of the binder primarily based on a traditional urban design
63	17-38-350, Exceptions	City Council may vary or alter the uniform subdivision standards	The standards are amended based on a traditional urban design concept
64	17-44-050 (A)	(4) Private traffic directional signs. Private traffic directional signs guiding or directing vehicular traffic onto or off of a lot or within a lot, when such signs do not exceed six square feet per sign per face in area and eight feet in height, do not contain any advertising or trade name identification, and which are non-illuminated, internally illuminated, or indirectly illuminated.	Signs are permitted up to 75 square feet in area per face and up to 18 feet in height (including architectural enhancement). Permits are required for such signs. Signs may include names of major projects, campuses, districts, civic uses, amenities, directional arrows, the North Park name and logo and other community branding elements.
65	17-44-060 (C)	Signs with lights or illustrations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electric pulsations.	Signs may include illumination with a variety of programmed colors within architectural elements. Signs will not feature changeable copy and will not flash, blink, or flicker.
66	17-44-080(A)	Signs up to seven feet in height must be set back ten feet from any property line adjacent to a street.	17-44-080(D) allows City Council to reduce the setback if it is deemed necessary and desirable as part of a PUD. 0' setbacks are proposed for temporary signs. As little as 3' setbacks are proposed for permanent signs (see Section 16, Appendix D for setbacks required for each type of permanent community identification and direction sign), provided that such signs be located outside of utility

NORTH PARK PUD

			easements and do not obstruct site visibility at intersections and driveways.
	17-44-080 (B)	Signs over 7 feet in height shall be set back from the property line adjacent to a street equal to the required setback line for that district.	17-44-080(D) allows City Council to reduce the setback if it is deemed necessary and desirable as part of a PUD. 0' setbacks are proposed for temporary signs. As little as 3' setbacks are proposed for permanent signs (see Section 16, Appendix D for setbacks required for each type of permanent community identification and direction sign), provided that such signs be located outside of utility easements and do not obstruct site visibility at intersections and driveways.
	17-44-080 (C) Sign, freestanding; setback.	Signs in business and industrial districts shall not be located less than twenty-five feet from any adjacent residential zoning district line.	The North Park PUD Plan area is adjacent to other PUD zoned property and properties zoned for agricultural use. For the purpose of this section, the agricultural zoning districts shall not be considered a "residential zoning district".
67	17-44-130 (B)	Subdivision Directional Signs must be non-illuminated and are allowed for a subdivision or similar development on which a construction sign is permitted by 17-44-130(A)	Signs are permitted for mixed-use development (overall PUD Plan area marketing).
	17-44-130 (B.1)	Signs are limited to 15 square feet in total area or 10 square feet per face and not greater than 8-feet in height if advertising one development.	Signs shall be allowed to be a maximum of: Type A – 288 SF per face and 18' in height Type B – 128 SF per face and 12' in height Type C – 65 SF per face and 12' in height Type D – 40.5 SF per face and 9'-6" in height Anthem Sign 1 – 288 SF per face and 18' in height Anthem Signs 2-7 – 128 SF per face and 12' in height
	17-44-130 (B.4)	Must be located on undeveloped land adjacent to arterial streets, must be more than 250 feet from a driveway or street intersection unless set back more than 20 feet, minimum distance between signs on the same street is one mile.	Signs may be located adjacent to arterial or highway. May be located less than 250 feet from driveway, provided that signs do not impede visibility at the intersection or driveway, and signs may be located no less than 200 feet apart.
	17-44-130 (B.6)	Property owner is responsible for the sign's removal.	Sign owner is responsible for the sign's removal and shall provide a signed statement to this intent.
68	17-44-130 (A.1)	Signs will be no greater than 64 square feet in area or 32 square feet per face, and shall not exceed 8 feet in height.	Type C – 65 SF per face and 12' in height Type D – 40.5 SF per face and 9'-6" in height Construction Fencing Signs are not limited in area (may cover entire length of construction fence) but may not exceed 6' in height.
	17-44-130 (A.2)	One construction sign is permitted per street upon which the property has frontage or an entrance. Signs can only be located on the property to which the sign pertains. Minimum distance between signs is 1,000 feet.	Signs may be located on adjacent lot. Construction Fencing Signs are permitted in addition to one additional sign per street frontage. Minimum distance is 200' (excluding Construction Fencing Signs).
69	17-44-140 (A) Sign; subdivision entrance.	Such sign shall be limited to (1) Individual letters on a building or freestanding wall.	The sign shall be permitted to include a logo and will be allowed to be in the form of a monument.

APPENDIX B – VARIANCES

		(2) A maximum of two signs per entry, one each side of the street entering the premises.	Up to four monuments are permitted at any intersection for intersections, but not more than one per corner.
		(3) Fifty square feet of sign area per entry and 200 square feet per entry for planned unit developments, if specifically approved by the city council.	Total sign area will be 375 square feet for Boundary Marker Signs, 300 square feet for Primary Entry Signs, 260 square feet for Secondary Entry Signs, and 260 square feet for District Marker Signs.
	17-44-140 (C) Sign; subdivision entrance.	Such signs shall be set back a distance of fifteen feet from any property line, and shall not exceed five feet in height.	Signs are proposed with architectural elements rising up to 35 feet in height. Sign setback will be based on sign type (see Section 16, Appendix D for setbacks required for each type of permanent community identification and direction sign.), provided that such signs be located outside of utility easements and do not obstruct site visibility at intersections and driveways.
70	17-50-020 Building permit; required when	All building permits shall be issued in conformance with the provisions of Title 17	Building permits should conform to Title 17 as varied by the North Park PUD
71	17-50-030 (A) Certificate of occupancy; required; issuance when	The uses of buildings shall be in conformance with the provisions of Title 17	Uses shall be in conformance with the North Park PUD
72	17-62 Residential Growth Management	Residential building permits are limited by this BMC provision unless exempt per 17-62-040	North Park PUD has been exempted from the building permit limitations per terms of the bifurcated development agreement and the bifurcated vesting agreement (by incorporation of the development agreement)

VARIATIONS FROM BROOMFIELD STANDARDS AND SPECIFICATIONS		
Section	Title	Reason
129.03	Performance Bond/Letter of Credit	Adaption for Metro District criteria
129.04	Performance Warrantee/Guarantee	Adaption for Metro District criteria
211.06	Warrantee/Performance Guarantee	Adaption for Metro District criteria
212.00	Final Acceptance by City Council & Release From Warranty	Adaption for Metro District criteria
212.01	Final Acceptance Inspection	Adaption for Metro District criteria
212.02	Final Acceptance Work for Roadways	Adaption for Metro District criteria
212.03	Final Acceptance by City Council	Adaption for Metro District criteria
220.00	Construction and Final Acceptance for Capital Improvement Projects	Adaption for Metro District criteria
721.00	Street Design Criteria	Specific street cross section designs included in PUD
731.01	Street Name Signs	Affirmatively state intent to create unique design for community
731.05	"No Parking" Signs	Affirmatively state intent to create unique design for community
732.00	Sign Posts and Support Posts	Affirmatively state intent to create unique design for community
733.03	Typical Crosswalks and Stop Bars on Connector and Local Streets	Potential for unique designs in urban areas - example of using concrete pavers instead of Thermoplastic markings.
733.04	Crosswalks and Stop Bars at Signalized Intersections or Mid-Crossings on Major and Minor Arterials	Potential for unique designs in urban areas - example of using concrete pavers instead of Thermoplastic markings.
741.06	Traffic Signal Pole and Signal Head Colors	Potential for unique design in urban area
746.03	Traffic Signal Controller Cabinet Type	Potential for unique design in urban area - underground vaults
750.00	Street Lighting	PUD prohibits the use of High Pressure Sodium lamps. The intent is to create a unique design and color for the community.
751.00	Street Lighting Procedures	PUD prohibits the use of High Pressure Sodium lamps. The intent is to create a unique design and color for the community.
Section 700	Detail Drawings	PUD will provide unique street cross sections and light fixtures
Section 1000	Parks and Recreation	<p>Variances to this section include:</p> <ul style="list-style-type: none"> Unique requirements related to the urban nature of the proposed plazas, squares, and greens in the MUD. Irrigation controllers may vary depending on the centralized computer control system to be used by the community's metro district. Steel edging is not used in any natural areas due to wildlife injury. Weed barrier fabric is not used in natural areas. Mulch and soil amenity specs may be unique to specific native planting areas. Street ROW landscaping for local and connector roads vary due to the urban cross sections of the roads in the MUD. <p>These types of variances will be reviewed and approved as part of the SDP or building permit process.</p>



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