

## ARTICLE 15. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

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### § 155.191 INTENT.

This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the comprehensive plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD district, with specific requirements and standards that are unique to that development.

### § 155.192 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the City shall consider whether one or more of the objectives listed below will be served or achieved. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

(A) Accommodation of housing of all types with convenient access to commercial facilities; and especially to create affordable housing;

(B) Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas;

(C) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches;

(D) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities;

(E) Preservation of historic buildings, structures or landscape features through adaptive reuse of public or private preservation of land;

(F) Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques;

(G) Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses;

(H) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation;

(I) Higher standards of site and building design than would otherwise be provided under conventional land development techniques; and

(J) Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

### **§ 155.193 ALLOWED DEVELOPMENT.**

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments.

(A) *Permitted uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.

(B) *Placement of structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.

(C) *Development intensity.* The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.

(D) *Density.* The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities.

(E) *Building setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the

minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district.

(F) *Lot requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

(G) *Other exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Section 155.192.

#### **§ 155.194 MINIMUM REQUIREMENTS.**

(A) *Lot area.* A PUD must include a minimum of five (5) acres for undeveloped land or two (2) acres for developed land within the approved development. Tracts of less than two (2) acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in Section 155.192, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than two acres prior to submittal of a general concept plan application.

(B) *Open space.* For all PUDs, at least twenty percent (20%) of the project area not within street rights-of-way shall be preserved as protected open space. Other public amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for stormwater detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.

(C) *Street layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

## **§ 155.195 COORDINATION WITH OTHER REGULATIONS.**

(A) *Coordination with subdivision review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Article shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.

(B) *Coordination with other zoning requirements.* All of the provisions of this Chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the final plan.

## **§ 155.196 PHASING AND GUARANTEE OF PERFORMANCE.**

(A) *Planning Commission role.* The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

(B) *Schedule extension.* Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits of the development schedule.

(C) *Phasing of amenities.* The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, they shall forward this information to the Council for action.

(D) *Guarantees.* A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

(E) *Changes during development period.*

- (1) Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Director of Planning.
- (2) Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, Article 3. Any changes shall be

recorded as amendments to the recorded copy of the final development plan.

(F) *Rezoning to original district.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

#### **§ 155.197 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.**

(A) *Final development plan controls subsequent use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

(B) *Allowed changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

- (1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent.
- (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.

(C) *Amendment required for major changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.

#### **§ 155.198 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.**

There are three stages to the PUD process: application conference, general concept plan, and final plan, as described below.

(A) *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Director of Planning. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data.

(B) *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.

(C) *Final Plan.* Following approval of the concept plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in Section 155.199(B). The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the concept plan and final plan may proceed simultaneously.

(D) *Schedule for Plan Approval.*

- (1) Developer presents the concept plan to the Planning Commission for their review and comment.
- (2) Within thirty (30) days after verification by the Director of Planning that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
- (3) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- (4) The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
- (5) The council may hold a public hearing after the receipt of the report and recommendations from the planning commission. If the planning commission fails to make a report within 60 days after receipt of the application, then the city council may proceed without the report. The council may approve the concept plan and attach such conditions as it deems reasonable.
- (6) Following approval of the concept plan, the application may proceed to the final plan phase, which shall follow the procedures established in Article 3, Section 155.36, for zoning amendments.

**§ 155.199 APPLICATION REQUIREMENTS FOR GENERAL CONCEPT PLAN AND FINAL PLAN.**

Ten copies of the following plans, exhibits and documents shall be submitted at both the general concept plan stage and the final plan stage.

(A) *General Concept Plan Stage:*

- (1) Preliminary plat and information required by subdivision title.
- (2) General information:
  - (a) The landowners name and address and his interest in the subject property.
  - (b) The applicant's name and address if different from the landowner.
  - (c) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
  - (d) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
- (3) Present Status:
  - (a) The address and legal description of the property.
  - (b) The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
  - (c) A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
  - (d) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
  - (e) A statement of the proposed financing of the PUD.
  - (f) Site conditions: Graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet. All of the

graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.

- (i) Contours; minimum two foot (2') intervals.
  - (ii) Location, type and extent of tree cover.
  - (iii) Slope analysis.
  - (iv) Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
  - (v) Significant rock outcroppings.
  - (vi) Existing drainage patterns.
  - (vii) Vistas and significant views.
  - (viii) Soil conditions as they affect development.
- (g) Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- (h) A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
- (i) Area devoted to residential use by building type.
  - (ii) Area devoted to common open space.
  - (iii) Area devoted to public open space and public amenities.
  - (iv) Approximate area devoted to streets.
  - (v) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
  - (vi) Approximate area, and floor area, devoted to commercial uses.
  - (vii) Approximate area, and floor area, devoted to industrial or office use.
- (i) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- (j) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

- (k) Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- (l) Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- (m) The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- (n) The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(B) *Final Plan Stage.* Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

- (1) A final plat and information required by the City's subdivision ordinance.
- (2) Final plans drawn to a scale of not less than 1 inch = 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
  - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated).
  - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
  - (c) The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any.
  - (d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
  - (e) Location, designation and total area of all common open space.

- (f) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
  - (g) Proposed lots and blocks, if any and numbering system.
  - (h) The location, use and size of structures and other land uses on adjacent properties.
  - (i) Detailed sketches and provisions of proposed landscaping.
  - (j) General grading and drainage plans for the developed PUD.
  - (k) Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the general concept plan.
- (3) An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
  - (4) A tabulation indicating the number of residential dwelling units and expected population.
  - (5) A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).
  - (6) Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
  - (7) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
  - (8) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
  - (9) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

## **§ 155.200 CITY COSTS.**

The applicant shall make a deposit with the city for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the city for consultants (including but not limited to planners, engineers, architects and attorneys) who the city determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that may the city may later require, shall be established by the Planning Commission. The city and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the city shall be returned to the applicant at the conclusion of the project.