

CHAPTER 15

PLANNED UNIT DEVELOPMENTS

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10-15-1: PURPOSE: It shall be the City's policy to guide major developments of land and the related construction by encouraging Planned Unit Developments (PUDs) to achieve the following:

- (A) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;
- (B) A more useful pattern of open space and recreation areas and, if permitted as a part of the project, more convenience in the location of accessory uses;
- (C) A development pattern which preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- (D) A more efficient use of land than is generally achieved through conventional

development resulting in substantial savings through shorter utility lines and streets;
and

- (E) A development pattern in harmony with land use density, transportation and community design objectives of the Plan.

10-15-2: PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS: Whenever there is a conflict or difference between the provisions of this chapter and those of other chapters of this Ordinance, the provisions of this Chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Ordinance.

10-15-3: MINIMUM AREA: A PUD for the following principal uses shall contain an area of not less than:

- (A) Three (3) acres for residential development;
- (B) Five (5) acres for residential use with subordinate commercial or industrial uses;
- (C) Ten (10) acres for commercial use;
- (D) Ten (10) acres for industrial use; and
- (E) Fifteen (15) acres for recreational use.

10-15-4: USES PERMITTED: All uses that may be allowed within the land use district are permitted within a PUD. Also, up to ten (10) percent of the gross land may be directed to other commercial, industrial, public and semi-public uses that are not allowed within the land use district, provided there is a favorable finding by the Commission that:

- (A) The uses are appropriate with the residential uses;
- (B) The uses are intended to serve principally the residents of the PUD;
- (C) The uses are planned as an integral part of the PUD; and
- (D) The uses are located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards.

10-15-5: OWNERSHIP REQUIREMENT: An application for approval of a PUD may be filed by a property owner or his agent. The PUD application shall be filed in the name(s) of the recorded owner(s) of the property included in the development; however, the application may be filed by the holder(s) of an equitable interest in such property.

10-15-6: COMMON OPEN SPACE: A minimum of ten (10) percent of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

The required amount of common space reserved under a PUD shall be held in corporate ownership by owners of the project for the use of each owner who buys property within the development, or shall be sold to the owners of the project as a group or be dedicated to the public and retained as common space for parks, recreation or related uses. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable and is approved by the Commission

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Final Development Plan.

Every property developed under the PUD should be designed to abut common open space or similar areas. A clustering of dwellings is encouraged.

10-15-7: UTILITY REQUIREMENT: Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Commission finds that such exception will not violate the intent or character of the proposed PUD.

10-15-8: INCREASED RESIDENTIAL DENSITY: To provide an incentive for a quality PUD, the Commission may authorize an increased residential density. Character, identity and architectural and siting variations incorporated in a development shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD.

Additional residential density may also be authorized for the following specific factors:

- (A) Landscaping--streetscapes, open spaces and plazas, use of existing landscaping, pedestrianway treatments and recreational areas;
- (B) Siting--visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping, i.e., clustering; and
- (C) Design features--street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.

10-15-9: ARRANGEMENT OF COMMERCIAL USES: When PUDs include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Plant screens or fences shall be provided on the perimeter of the commercial areas abutting residential uses.

The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

10-15-10: ARRANGEMENT OF INDUSTRIAL USES: PUDs may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park__like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and shall be properly maintained.

10-15-11: ARRANGEMENT OF RECREATIONAL USES: PUDs which are primarily recreational in nature shall be developed utilizing natural surroundings and existing woodlands as buffers to screen non-recreational uses.

Buildings shall be harmonious and compatible with the surrounding scenery and terrain. Residential buildings shall be grouped so as to preserve as much land as possible in its natural state and thoroughfares shall be kept to a minimum in order to reduce through traffic.

All areas designed for future expansion or not intended for immediate development shall be left as natural as possible.

10-15-12: PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT: The granting of a permit for a PUD shall require a preapplication, the submission of s Preliminary Development Plan and approval by the Council of a Final Development Plan. Review of applicable subdividing provisions and regulations shall be carried out simultaneously with the PUD review process.

10-15-13: PREAPPLICATION MEETING: The developer shall meet with the Commission prior to the submission of the Preliminary Development Plan. The purpose of this meeting is to discuss informally the purpose and effect of this Ordinance and the criteria and standards contained herein and to familiarize the developer with the Plan, this Ordinance and such other information as deemed appropriate.

10-15-14: CONTENTS OF APPLICATION OF PRELIMINARY DEVELOPMENT PLAN: An application for approval of a PUD Preliminary Development Plan shall be filed with the Administrator by at least one (1) property owner of his agent. At a minimum the application shall contain the following information:

- (A) Name, address and phone number of applicant;
- (B) Legal description of property;
- (C) Description of existing use;
- (D) Zoning district(s);
- (E) Vicinity map showing property lines, streets, existing and proposed zoning and such other information as the Commission may require to determine if the proposal meets the intent and requirements of this Ordinance;
- (F) A Preliminary Development Plan showing topography at two (2) foot intervals; location and type of residential land uses; layout, dimension and names of existing and proposed streets; rights-of-way; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Commission may deem necessary; and
- (G) Proposed schedule for the development of the site.

The application for approval of a Preliminary Development Plan shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest.

10-15-15: PROCEDURE FOR PUBLIC NOTICE AND HEARING: The

same procedures for public hearing and legal notification as required as required for Special Use Permits shall be followed.

10-15-16: APPROVAL IN PRINCIPLE BY THE COMMISSION: No later than the next regular meeting after the public hearing, the Commission shall review the Preliminary Development Plan to determine whether it is consistent with the intent and purpose of the Ordinance; whether the proposed development advances the general welfare of the City and whether the benefits, combination of various land uses and the interrelationship with land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the Preliminary Development Plan shall be necessary before an applicant may submit a Final Development Plan. Approval in principle shall not be construed to endorse the precise location of uses, configuration of parcels or engineering feasibility.

The Commission shall consider the general standards applicable to Special Use Permits and criteria for special uses for approving, in principle, a Preliminary Development Plan.

10-15-17: CONTENTS OF APPLICATION OF FINAL DEVELOPMENT PLAN: Upon approval in principle of a Preliminary Development Plan, an application for approval of the Final Development Plan may be filed with the Administrator by at least one (1) property owner or his agent. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- (A) All the information required on the Preliminary Development Plan;
- (B) A survey, prepared by a Surveyor or Engineer, of the proposed development site showing the dimensions and bearings of the property lines, area in acres, topography and existing features, including major wooded areas, structures, streets, easements, utility lines and land uses;
- (C) A site plan indicating, where applicable, lot sizes and locations, all proposed buildings and all functional use areas, including streets, parking areas, public improvements and open space;
- (D) Engineering feasibility studies and plans showing water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for site preparation and development;
- (E) A schedule of the development of units to be constructed in progression, a description of design principles and preliminary building plans, including general floor plans and exterior elevations, or an architect's rendition thereof;

- (F) Landscaping plans; and
- (G) Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly-owned and maintained.

10-15-18: **RECOMMENDATION BY THE COMMISSION:** Within sixty (60) days after receipt of the Final Development Plan, the Commission shall recommend that the Final Development Plan be approved as presented, approved with supplementary conditions or disapproved. The Commission shall transmit all papers constituting the record and their recommendation to the Council.

 The Commission shall find that the facts submitted with the application and presented to them establish that:

- (A) The proposed development can be initiated within two (2) years of the date of approval;
- (B) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be obtained;
- (C) The uses proposed will not be detrimental to present and potential surrounding uses and will have a beneficial effect which would not be achieved under standard district regulations;
- (D) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and any increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
- (E) Any proposed commercial development can be justified at the location proposed;
- (F) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Development Plan;
- (G) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (H) The PUD is in general conformance with the Plan; and
- (I) The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

10-15-19: **ACTION BY THE COUNCIL:** Within thirty (30) days after receipt

of the final recommendation of the Commission, the Council shall either approve, approve with supplementary conditions or disapprove the application as presented. Upon granting or denying the application the Council shall specify:

- (A) The Ordinance section(s) or standards used in evaluating the application; and
- (B) The reasons for approval or denial.

If the application is either approved or approved with conditions, the Council shall direct the Administrator to issue a permit only in accordance with the approved Final Development Plan and the supplementary conditions attached thereto.

10-15-20: EXPIRATION AND EXTENSION OF APPROVAL PERIOD: The approval of a Final Development Plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the plats and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved Final Development Plan shall be void. An extension of the time limit or modification of the approved plan may be granted if the Commission finds such extension or modification is not in conflict with the public interest.