

## **ARTICLE XIV - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)\_\_14.0**

### **14:1 INTENT**

The intent of the Planned Unit Development District (PUD), is to permit flexibility in the regulation of land development which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and City desire to preserve. The standards of this Article are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts. The district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purpose above.

### **14:2 PERMITTED USES**

#### **14:2.1 Permitted Principal Uses**

Any combination of uses permitted in any residential, office, business or industrial classifications pursuant to this Ordinance.

#### **14:2.2 Permitted Accessory Uses**

Any use which is accessory to the uses allowed as permitted principal uses.

### **14:3 ELIGIBILITY**

Planned unit developments may be allowed by the City Council, following a recommendation by the Planning Commission that the following criteria are applicable:

- a. The subject site shall be a minimum size of one (1) acre of contiguous land under the control of one owner, or a group of owners, or the application must be made with the written authorization of all property owners.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning

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Commission, or the PUD will provide a complementary mixture of uses or housing types within a unique, high quality design.

- c. The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the City, where such benefit would otherwise be unfeasible or unlikely to be achieved. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, integration of various site features into a unified development, provision of useful open space, expand the supply of affordable housing for lower income households, or provision of employment and shopping opportunities.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the City Master Plan.
- f. Usable open space and off-street parking shall be provided, at least equal to the total of the minimum required for each of the component uses of the development. The City Council may, if deemed appropriate, require for planned unit developments more or less usable open space or parking than that required by this Ordinance, or may require no usable open space or parking.
- g. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet the minimum requirements of this Ordinance. The City Council may, if deemed appropriate, require for planned unit developments more or less landscaping than that required by this Ordinance.
- h. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and to the district, shall be provided.

### 14.4 APPROVAL PROCEDURE

- a. The PUD zoning approval shall involve two phases. The preliminary phase shall involve a review of the conceptual PUD development plan to determine its

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suitability for inclusion in the land use and zoning plans of the City and adoption by the City Council as part of the Zoning Ordinance. The final phase shall require detailed site plans for any part of the conceptual PUD development plan prior to the issuance of building permits. The two phases may be combined and considered for approval as a preliminary and final phase PUD development plan.

- b. The Planning Commission may hold an informational meeting where the petitioner presents the proposed PUD development plan and the Planning Commission provides the petitioner with its comments within 30 days after holding such a meeting. Notice of the meeting shall be given to the Mayor and City Council. No fees shall be charged for said informational meeting.
- c. The petitioner shall next submit to the Planning Director sufficient copies of the PUD development plans together with appropriate review fees. Copies of the plan as submitted shall be distributed to the appropriate City agencies for review to determine if the development concept can be accommodated by the existing public utility, street and general City service facilities, or if any addition to, or extensions of facilities are necessary for the project.
- d. The Planning Director shall notify the petitioner of any questions raised by the City agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of the City.
- e. The Planning Commission shall, after holding public hearings on said PUD development plans and reviewing said reports, make its recommendation to the City Council on said plan within sixty (60) days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review. The public hearing notice shall be in accordance with the provisions of Section 3:12.5 of this Ordinance.
- f. If the preliminary phase or final phase PUD development plan is rejected by the Planning Commission, its reasons therefor shall be specified in writing and those reasons approved by the Planning Commission.

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- g. The Planning Commission's recommendations and all related reports shall be submitted to the City Council for its consideration. The Council shall, after holding a public hearing on the preliminary phase and final phase PUD development plan, take final action on said plan and petition within 90 days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
- h. Any conditions of approval required by the City Council shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The City Clerk shall keep a special record of all approved PUD development plans and approval conditions.
- i. Approval of the preliminary phase PUD development plan by the City Council shall rezone the property to a "PUD" zoning classification for uses as shown on the PUD development plan and shall confer upon the owner the right to proceed through the subsequent planning phase in accordance with regulations and ordinances in effect at the time of the Council's approval for a period not-to-exceed one (1) year from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase PUD development plans have not been submitted for approval before the termination of said one (1) year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said site plan is submitted. The City Council may extend the approval for a maximum of one additional year upon request of applicant. Any such extension shall be granted only if existing site conditions have not been substantially changed, and provided further that there are no revisions to the plan. If, after the one year extension a building permit still has not been issued, the applicant must submit the plan for normal review as outlined in Section 14:4 herein.
- j. An approved PUD development plan runs with the land, not with the owner. If the land is sold or otherwise exchanged, the approved PUD development plan shall remain in effect unless an applicant submits a request to amend or terminate the PUD development plan.

### **14:5 PRELIMINARY PHASE PUD DEVELOPMENT PLAN**

The applicant shall prepare and submit the following to the Planning Director:

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- a. All information, in a preliminary form, that is required for a site plan in Article XI of this Ordinance.
- b. A list of anticipated deviations from the standard zoning ordinance regulations which would otherwise be applicable.
- c. The applicant shall present material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the City; market needs; impact on public schools, utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.
- d. Any other information which the Planning Commission or City Council require to determine if the proposed preliminary phase PUD development plan meets the eligibility criteria. This may include but is not limited to: preliminary building elevations, floor plans and sign plans. For large projects an impact assessment may be required.

### **14:6 FINAL PHASE PUD DEVELOPMENT PLAN**

For each final phase PUD development plan area, the application shall prepare and submit the following to the Planning Director:

- a. All information that is required for a site plan in Article XI of this Ordinance.
- b. A detailed list of existing and/or proposed exterior materials shall be provided and will become part of the PUD development plan.
- c. A detailed scale model indicating the three (3) dimensional character of the proposal shall be required if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by the Planning Commission or the City Council to assist the City in visualizing and understanding the proposal shall be submitted.

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- d. Approval of the final phase PUD development plan shall be conditioned upon execution of a development agreement which secures completion of all public and private improvements shown on the PUD development plan and describes how conditions required as part of the PUD approval are to be met.
- e. Approval of the final phase PUD development plan shall entitle the owner to apply for building permits.
- f. The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscaping, open space and amenities must be started within three (3) years of the establishment of the district and work must be continued in a reasonably diligent manner and completed within five (5) years of the establishment of the district. Said five (5) year period may be extended if applied for by the petitioner and granted by the City Council in writing following public notices and a public hearing. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.
- g. PUD development plan.

### **14:7 MINOR AMENDMENTS TO APPROVED FINAL PUD DEVELOPMENT PLAN**

Minor changes to a previously approved final phase PUD development plan may be approved by City Council after the plan has been reviewed by the Planning Director, Fire Chief, Building Director and City Engineer and they certify in writing that the proposed revision meets all requirements of this Ordinance and constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by the Planning Commission and the City Council. The Planning Director shall record all such changes on the original final phase PUD development plan and shall advise the Planning Commission of all said minor revisions. Minor alterations or revisions under this Section shall include but not be limited to:

- a. New fire escape.
- b. Change in building height that does not create new floor area.
- c. Relocation of sidewalks.
- d. Rearrangement of parking lot and drives.

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- e. Decrease in building size.
- f. Moving a building no more than twenty (20) feet or twenty (20) percent of the distance to the closest property line, whichever is smaller.
- g. Other proposed amendments must follow the approval procedures for a new Planned Unit Development.