

CHAPTER 1272
Planned Unit Development (PUD)

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1 1272.0 INTENT.

(a) Planned unit development (PUD) regulations are intended to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping and recreational opportunities; improve traffic and pedestrian circulation; and bring about a greater compatibility of design and use.

(b) The provisions of this chapter provide enabling authority and standards for the submission, review and approval of applications for planned unit developments.

(Ord. 275. Passed 9-23-03.)

1272.02 REGULATIONS.

(a) A planned unit development (PUD) may be applied for in any zoning district. The granting of a PUD application shall require a rezoning by way of an amendment to this Zoning Code upon the recommendation of the Planning Commission and approval of the City Council.

(b) Any land use authorized in this Zoning Code may be included in a PUD, subject to adequate protection of the public health, safety and welfare and the compatibility of various land uses both within and outside the

development.

(c) The applicant for a PUD must demonstrate all of the following as a condition to being entitled to PUD treatment:

(1) Granting of the PUD will result in one (1) of the following:

- A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
- B. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or

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- C. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
 - (3) The proposed development shall be consistent with the public health, safety and welfare of the city.
 - (4) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - (5) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- (Ord. 275. Passed 9-23-03.)

1272.03 PROCEDURE FOR REVIEW.

(a) Pre-application conference. Prior to the submission of an application for planned unit development (PUD) approval, the applicant shall meet with the Zoning Administrator, together with any city staff and consultants the Administrator deems appropriate. The applicant shall present at such conference or conferences, at least a sketch plan of the proposed PUD as well as the following information: total number of acres in the project; a statement of the number of residential units, if any, the number and type of nonresidential units and the number of acres to be occupied by each type of use, the known deviations from the Ordinance regulations which are to be sought; the number of acres to be preserved as open or recreational space; and all known natural resources and natural features to be preserved.

(b) Preliminary plan. Following the pre-application conference, the applicant shall submit to the Zoning Administrator a preliminary site plan of the proposed PUD. The Planning Commission shall review the preliminary site plan and shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission. Review and comment upon a preliminary plan by the Planning Commission shall not bind the city to approval of a final PUD plan. The preliminary site plan for a PUD shall contain at a minimum the following information:

- (1) Evidence of ownership; location and description of site, dimensions and areas;
- (2) General topography and soil information;
- (3) Scale, north arrow, date of plan;
- (4) Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives and streets on the site and within 100 feet of the site;
- (5) Location, type and land area of each proposed land use; dwelling unit density (dwelling units per acre);
- (6) Location, size and uses of open spaces;
- (7) General description of the organization to be utilized to own and maintain common areas and facilities;

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- (8) General landscape concept showing tree masses to be preserved or added, buffer areas and similar features;
- (9) General description of proposed water, sanitary and storm drainage systems;
- (10) Existing natural and man-made features to be preserved or removed; location of existing structures, streets and drives; location, width and purpose of existing easements;
- (11) General location, function, surface width and rights of way of proposed public and private streets;
- (12) General location of proposed parking areas and approximate number of spaces to be provided in each area; and
- (13) Location and areas of each development phase.

(c) Final plan.

- (1) Within six (6) months following receipt of the Planning Commission comments on the preliminary PUD plan, the applicant shall submit a final PUD plan to the Zoning Administrator. If a final PUD plan is not submitted by the applicant for approval within six (6) months following receipt of Planning Commission comments, the preliminary PUD plan approval becomes null and void.
- (2) The final PUD plan shall constitute an application to amend this Zoning Code, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission and the City Council, as provided by law. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project, including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion. Final PUD plans shall include the following:
 - A. A site plan;
 - B. A separate narrative that provides specific details regarding all deviations from this Zoning Code that would otherwise be applicable in the absence of this PUD section;
 - C. A specific schedule of the intended development and construction details, including phasing or timing;
 - D. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features;
 - E. A specification of the exterior building materials and architecture with respect to the structures proposed in the project; and
 - F. Signatures of all parties having an interest in the property.
(Ord. 275. Passed 9-23-03.)

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1272.04 PROJECT DESIGN STANDARDS.(a) Residential design standards.

- (1) Residential uses shall be permitted with the following maximum densities, based upon the zoning district in which the property is situated immediately prior to classification under this chapter. Land area under water, public road rights-of-way and private road easements shall not be included in the gross density calculation.

<u>Density Permitted District Maximum</u>	<u>Units/Gross Acres</u>
R-2	3.5
R-1	4.0
R-T	8.0
R-M	9.0
O-1	9.0
CBD	9.0
B-1	9.0
B-2	9.0
B-3	9.0
I-1	9.0
I-2	9.0

- (2) Where a planned unit development (PUD) contains both residential and nonresidential land uses, residential density shall be calculated on the basis of the area devoted to residential land use only.

- (3) Additional density greater than that specified in (a)(1) hereof for residential uses may be allowed in the discretion of the City Council, upon the recommendation of the Planning Commission and based upon a demonstration by the applicant of planning and design excellence resulting in a material benefit to the city, adjacent land uses and/or the ultimate users of the project, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

(b) Nonresidential design standards.

- (1) Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
- (2) Nonresidential uses, including parking and drives, shall be separated and buffered from residential units.

(c) General design standards.

- (1) All regulations applicable to setbacks, parking and loading, general provisions and other requirements shall be met in relation to each respective land use in the development based upon the

zoning district in which the use is listed as a permitted or specially permitted use. In all cases, the strictest provisions shall apply.

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Notwithstanding the immediately preceding paragraph, deviations with respect to such regulations may be granted as part of the overall approval of the PUD, provided there are features or elements designed into the project plan for the purpose of achieving the objectives of this chapter.

- (2) To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.
- (3) Where appropriate there shall be a perimeter setback and berming, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the City Council, upon the recommendation of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- (4) Thoroughfare, drainage and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (5) There shall be underground installation of utilities, including cable, electricity and telephone, as found necessary by the city.
- (6) The City Council, upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using the Zoning Codes, Master Plan and other city standards or policies as a guide.
(Ord. 275. Passed 9-23-03.)

1272.05 CONDITIONS.

(a) Reasonable conditions may be required with the approval of a planned unit development (PUD), to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use, protecting the natural environment and natural resources, ensuring compatibility with the adjacent land uses, and promoting the use of land in a socially and economically desirable manner.

(b) Conditions imposed shall be designed as follows: to protect natural resources and the public health, safety and welfare of individuals in the project, those immediately adjacent and the community as a whole; to meet the intent and purpose of this Zoning Code; and to ensure compliance with the standards of this Zoning Code. All conditions imposed shall be made a part of the record of the approved PUD.
(Ord. 275. Passed 9-23-03.)

1272.06 PHASING AND COMMENCEMENT OF CONSTRUCTION.

(a) Phasing. Where a project is proposed for construction in phases, each phase, upon completion shall be capable of standing on its own in terms of services, facilities and open space, and shall contain the necessary components

to ensure protection of natural resources and the health, safety and welfare of the users of the planned unit development (PUD) and the residents of the surrounding

area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council after recommendation from the Planning Commission.

(b) Commencement and completion of construction. Construction shall be commenced within one (1) year following final approval of a PUD. Each phase of the project shall be commenced within one (1) year of the schedule established for the same in the application submitted. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void. However, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the city shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as PUD, a new application shall be required and shall be reviewed in light of then existing and applicable law and ordinance provisions.
(Ord. 275. Passed 9-23-03.)

1272.07 PERFORMANCE GUARANTEES.

In the interest of ensuring compliance with this chapter and protecting the health, safety and welfare of the residents of the city, the City Council as a condition of final approval of the site plan, may require the applicant to deposit a performance guarantee for the completion of improvements associated with the proposed use.
(Ord. 275. Passed 9-23-03.)

1272.08 EFFECT OF APPROVAL.

When approved, the planned unit development (PUD) amendment with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment.
(Ord. 275. Passed 9-23-03.)

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