

## CHAPTER 9

### PLANNED UNIT DEVELOPMENTS (PUD)

9-1. PURPOSES: It shall be the policy to guide a major development of land construction by encouraging Planned Unit Development (PUD) 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 acre requirements;

B. A more useful pattern of open space and recreation areas and if permitted as part of the project, more convenience in location of accessory commercial uses, industrial uses and services;

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 utilities and streets; and

E. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan.

9-2. PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT: Whenever there is a conflict or difference between the provisions of this Chapter and those of the 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.

9-3. MINIMUM AREA: A PUD for the following principal use shall contain an area of not less than:

- A. Two (2) acres for residential development;
- B. Two (2) acres for residential use with subordinate commercial or industrial uses;
- C. Two (2) acres for commercial use; and
- D. Ten (10) acres for industrial use.

9-4. USES PERMITTED: All uses that may be allowed within the land use district are permitted within a PUD. Also, up to ten percent (10%) of the gross land area may be directed to other commercial, industrial, public and quasipublic uses that are not allowed within the land use district; provided, there is a favorable finding by the Commission:

- A. That the uses are appropriate with the residential uses;
- C. That the uses are intended to serve principally the residents of the PUD;
- D. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and
- E. That a minimum of fifty percent (50%) of the proposed residential development occur prior to the development of the related commercial or industrial land uses.

9-5. OWNERSHIP REQUIREMENTS: An application for approval of a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. The PUD application shall be filed by the holder(s) of an equitable interest in such property.

Before approval is granted to the Final Development Plan, the entire project shall be under single ownership or control and legal title must be presented with the Final Development Plan.

9-6. COMMON OPEN SPACE: A minimum of ten percent (10%) 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 open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.

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

Every property developed under the PUD approach should be designated to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouses in any contiguous group.

9-7. UTILITY REQUIREMENTS: 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 exempted from this requirement if the commission finds that such exemption will not violate the intent or character of the proposed PUD.

9-8. INCREASED RESIDENTIAL DENSITY. To provide for an incentive for quality PUD, the Commission may authorize an increased residential density of up to

fifteen percent (15%) of the allowable number of dwelling units. Character, identity and architectural and siting variation incorporated in a development shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD which are as follows:

- A. Landscaping (a maximum increase of five (5) percent), streetscape, open spaces and plazas, use of existing landscaping, pedestrian way treatment and recreational areas;
- B. Siting (a maximum increase of five (5) percent), 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 (such as clustering); and
- C. Design features (a maximum increase of five (5) percent) street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.

9-9. ARRANGEMENT OF COMMERCIAL USES: When PUD includes 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. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

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 stand point 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.

9-10. 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 is 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 the right-of-way line and project building line and intervening spaces between buildings,

drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

9-11. PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT: When the PUD also qualifies as a subdivision, the processing of the Special Use Permit and subdivision application shall occur at the same time. The granting of a Special Use Permit for PUD shall require a pre-application, the submission of a Preliminary Development Plan and approval by the Commission of a Final Development Plan as specified within this Ordinance.

9-12. PRE-APPLICATION MEETING: The developer shall meet with the Administrator prior to the submission of the Preliminary Development Plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and such other plans and Ordinances as deemed appropriate.

9-13. CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN: An application for preliminary PUD shall be filed with the Administrator by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate.

- A. Name, address and phone number of applicant;
- B. Name, address and phone number of registered Surveyor, registered engineer and/or Urban Planner assisting in the preparation of the Preliminary Development Plan;
- C. Legal description of property;
- D. Description of existing use;
- E. Zoning districts;
- F. A vicinity map at a scale approved by the Administrator showing property lines, streets, existing and proposed zoning and such other items as the Commission may require to show the relationship of the PUD to the Comprehensive Plan and to existing schools and other community facilities and services;
- G. A Preliminary Development Plan at a scale approved by the Administrator showing topography at two (2) foot intervals; location and type of residential, commercial and industrial land uses; layout, dimensions and names of rights-of-way; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvements drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Commission deems necessary;
- H. Proposed schedule for the development of the site; and
- I. Evidence that the applicant has sufficient control over the land in question to initiate the proposed Development Plan within two (2) years.

The application for preliminary PUD 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.

9-14. PROCEDURE FOR PUBLIC NOTICE: The same provision for public hearing and legal notifications as required for Special Use Permits shall be followed.

9-15. APPROVAL IN PRINCIPLE BY THE COMMISSION: Within twenty-eight (28) days after the public hearing the Commission shall review the Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the inter-relationship with the 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 a precise location of uses, configuration of parcels or engineering feasibility.

The Commission shall consider the general standards and criteria's applicable to Special Use Permits and Subdivisions before approving in principle a Preliminary Development Plan.

9-16. CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT: Upon approval in principle of the 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 person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses;
- B. All the information required on the Preliminary Development Plan; the location of lots, location and proposed density of dwelling units, non-residential building intensity and land use considered suitable for adjacent properties;
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit

and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development;

- D. Engineering feasibility studies and plans showing a necessary: 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. Site plan showing building(s), various functional use areas, circulation and their relationship;
- F. Preliminary building plans, including floor plans and exterior elevations;
- G. Landscaping plans; and
- H. 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 that are to be commonly owned and maintained.

9-17. RECOMMENDATION BY COMMISSION: Within sixty (60) days after receipt of the Final Development Plan, the Commission shall recommend to the Board or respective Council that the Final Development Plan be approved as presented, approved with supplementary conditions or disapproved. The Commission shall then transmit all papers constituting the record and the recommendations to the Board or respective 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 attained; the uses proposed will not be detrimental to present or potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
- D. Any proposed commercial development can be justified at the locations proposed;
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Development Plan; in accordance with the PUD and the adopted policy of the Board or respective Council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the Comprehensive Plan; and

- H. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

9-18. ACTION BY THE BOARD OR RESPECTIVE COUNCIL: Within sixty (60) days after receipt of the final recommendation of the Commission, the Board or respective Council shall either approve, approve with supplementary conditions or disapprove the application as presented. Upon granting or denying the application the Board or respective Council shall specify:

- A. The Ordinance and standards used in evaluating the application;
- B. The reason for approval or denial; and
- C. The actions, if any, that the applicant could take to obtain a permit.

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

9-19. 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 required subdivision Plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approval of the Final Development Plan shall be void. An extension of time limit or modification of the approved Final Development Plan may be granted if the Commission finds that such extension or modification is not in conflict with the public interest.

