Article 7.12 Planned Unit Developments (PUDs)

7.12.01 Intent

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his/her/its initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character. This zoning classification shall not be granted where it is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

7.12.02 Eligibility Requirements

In order to be eligible for consideration of rezoning to PUD, a parcel must comply with the following:

(a) The parcel must be at least 1 acre in area.

(b) The parcel must have access to an arterial street.

(c) The parcel must have access to municipal water and sewer.

7.12.03 Uses Permitted

All permitted principal uses by right or by special conditions in any of the zoning districts in this ordinance may be permitted in the PUD district based on the standards outlined in 7.19.04 below, subject to the discretion of the City Commission. Uses permitted by special condition in another zoning district may be authorized as a use by right by the City Commission in granting PUD approval.

7.12.04 Standards for Approval

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

(a) The proposed mix of uses and density of residential uses shall be found to be consistent

with the City Master Plan.

(b) Off-street parking shall be sufficient to meet the minimum required by the ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.

(c) All streets within the planned unit development shall meet the minimum requirements of the City's Land Division Ordinance and Construction Specifications, unless modified by the Planning Commission.

(d) 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.

(e) Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.

(f) Surface water shall be retained on the site unless the applicant can demonstrate that to do so would be harmful to the environment, or is not practical. In any case, storm water shall not flow off the site at a rate greater than the rate of flow prior to development and storm water shall not be directly discharged into a lake, river or stream.

(g) The setbacks, building height, open space, maximum density and other dimensional requirements for a proposed use in the concept plan shall be based on the dimensional requirements for that use listed in the applicable zoning district in this ordinance. Where a proposed use or range of uses is permitted in more then one zoning district, the PUD concept plan as approved will identify which zoning district dimensional requirements will apply. However, if it is deemed necessary in order to achieve the purposes of this section, the City Commission may modify the dimensional requirements for a given use or range of uses. Non-contiguous property may be used in calculating open space and the open space may be located on non-contiguous property.

(h) The following standards concerning traffic and accessory conditions shall be met:

(1) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.

(2) Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.

(3) No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

7.12.05 Approval Procedure

(a) The PUD zoning approval shall follow procedural requirements of Article 7.24 of this ordinance for amending the zoning ordinance. An applicant for PUD zoning approval shall submit a rezoning application, a proposed concept plan as outlined in Section 7.12.06

below, and any proposed language for the PUD zoning district. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan based on the standards described in Section 7.12.06 to determine its suitability.

(b) The Planning Commission shall then submit the proposed amendatory ordinance to the City Commission together with its recommendation and a summary of comments received at the public hearing.

(c) The City Commission, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements in Section 7.22.07. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. The City Commission may, at its discretion, send a revised PUD back to the Planning Commission for their recommendation regarding the changes.

(d) PUD site plan approval procedure may commence only after the acceptance by the City Commission of the conceptual PUD development plan and the rezoning of the property as required.

(e) PUD site plan approval process shall follow the procedures for site plan approval outlined in Article 7.18.

7.12.06 Conceptual PUD Plan Requirements

The conceptual PUD development plan that is required to be reviewed and approved as part of the PUD rezoning process outlined above shall comply with the following requirements

(a) The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.

(b) The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual characteristics of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required to determine compliance with approval of the conceptual plan.

(c) The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:

(1) Define the location of the areas to be devoted to particular uses.

(2) State the acreage to be devoted to the particular uses.

(3) Set forth the proposed density of the dwelling units by use type and of the entire

project.

(4) Show the location of parks, open recreation areas, other open space and all public and community uses.

(5) The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.

(6) Any additional graphics or written materials reasonably requested by Planning Commission or City Commission to assist the City in visualizing and understanding the proposal shall be submitted.

(7) Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment.

(8) Approval of the conceptual PUD plan shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three (3) years from date of approval. If so requested by the petitioner, an extension of a two (2) year period may be granted by the Planning Commission.

7.12.07 Site Plan Approval

Following approval of the conceptual plan by the City Commission, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed by the Planning Commission following the procedures outlined in Article 7.18. After its review, Planning Commission shall make a recommendation to City Commission for its approval, denial or approval with conditions.

7.12.08 Deviations for Approved PUD Site Plan

Deviations from the approved plan may occur only under the following circumstances:

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Commission action if the Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Commission. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Planning Director decision regarding the need for formal review by the Planning Commission and City Commission is appealable to the Zoning Board of Appeals.

7.12.09 Design Standards

Design of the proposed improvements within a PUD shall comply with the design requirements established by the City under this ordinance as well as those established under the City Land Division Ordinance (if applicable) and other ordinances or guidelines adopted by the City.