

## **8. PLANNED UNIT DEVELOPMENT**

### **A. PURPOSE**

The provisions of this section are intended for special situations in which:

- a. adequate space, light, air, and other objectives of this Ordinance relating to the public health, safety, and welfare can be achieved without the literal application of the detailed zoning and subdivision requirements otherwise applicable, and
- b. special amenities and benefits to the community beyond those required by this and other City ordinances can be achieved by allowing more flexible design than is otherwise permitted by such requirements.

These objectives can be achieved where an area of land is planned for development as an integrated unit and where its design is subject to more detailed review and approval by the City than is normally required.

The objective of Planned Unit Development (PUD) is therefore not simply to allow exceptions to otherwise applicable regulations. It is instead to encourage a higher level of design and amenity than it is possible to achieve under the usual land development requirements.

It is accordingly the intent of the City to suspend the application of detailed zoning and subdivision standards as provided herein only where such special amenity is achieved. In this way the City may grant the creative developer a desirable flexibility and at the same time not only protect but enhance the welfare of the residents and other users of a development as well as the rest of the community.

### **B. QUALIFICATION FOR FILING AS A PUD**

Planned Unit Development shall be the only form of development in the SD District. A PUD may also be developed in any other district in which Planned Unit Developments are allowed as Special Uses.

No development shall be filed as a Planned Unit Development unless it is initially under the same ownership or control.

A Planned Unit Development may be residential, commercial, office, industrial, or a combination thereof. Flexibility to suspend requirements imposed elsewhere is not conferred upon the PUD applicant as a matter of right but is in all cases subject to a finding by the City that the objectives of these provisions will be served thereby.

## **C. INCENTIVES FOR PLANNED UNIT DEVELOPMENTS**

To further a superior level of design and amenity in new development, the following incentives are offered in Planned Unit Developments:

### **1. VARIABLE DIMENSIONAL ZONING STANDARDS**

Except as otherwise provided herein, standards for lot width, building height, floor area ratio, yard dimensions, off-street parking and loading, landscaping and screening, fences, signs, and other standards may vary from those established elsewhere in this Ordinance if such variations are approved by the City Council as conforming to the Approval Criteria in Table 8A.

### **2. VARIABLE SUBDIVISION DESIGN STANDARDS**

Dimensional and design standards for subdivisions and subdivision improvements such as streets, blocks, sidewalks and parkways, but not improvement construction standards, may vary from those established in the City Subdivision Control Ordinance No. 807.

### **3. MIXED LAND USES**

Land uses other than those allowed as Permitted or Conditional Uses in the applicable zoning districts may be permitted. In Residential Districts, no more than 10 percent of the net area of the development--excluding streets, retention and detention areas, and other public improvements--shall be devoted to business uses.

### **4. VARIABLE DENSITY STANDARDS**

The City Council may approve a reduction in minimum lot area or minimum lot area per dwelling unit of no more than 15 percent provided that no less than 15 percent of the net site area excluding streets is devoted to public or common private open space. Fifty percent of the area of dry stormwater retention areas may be counted toward such open space. No less than 25 percent of such open space shall be suitable for use for active recreation. Maximum floor area ratio required by the applicable zoning district may be exceeded by no more than 20 percent. This subsection shall not be applicable to an SD District for which a General Site Plan and SD Development Control Regulations have been approved.

### **5. ESTABLISHMENT OF SD DEVELOPMENT CONTROL REGULATIONS**

At the time of approval of a General Site Plan for the SD District, the City Council may approve detailed design standards (SD Development Control Regulations) setting forth the zoning and design standards which shall apply to development in the SD District. Approval of the SD Development Control Regulations by the City Council shall be subject to conformance of such Standards to the Approval Criteria in Table 8A. To the extent the SD Development Control Regulations are exceptions from otherwise applicable City ordinances, such exceptions shall be subject to the Approval Criteria in Table 8A. Article 7A and Table 7A shall not be applicable to such exceptions. The SD Development Control Regulations shall supersede any provisions of the Zoning Ordinance, Subdivision Ordinance, Landscaping Ordinance, Signage Ordinance, or other City ordinances which are inconsistent with such SD Development Control Regulations. The SD Development Control Regulations, as originally approved

or as generally amended thereafter, shall govern all future development and land use in the SD District. A General Amendment to the SD Development Control Regulations shall be proposed as a major amendment. All Preliminary and Final Plans must conform to such SD Development Control Regulations.

Notwithstanding the foregoing, the owner of a lot or development parcel within the SD District may request an amendment of the SD Development Control Regulations as they apply to such lot or development parcel, which request shall be processed as a site-specific major or minor amendment under Article 8.F.4. Requests for exceptions to otherwise applicable City ordinances as part of an SD District General Site Plan or a PUD Preliminary Plan or Final Plan shall also be subject to the Approval Criteria in Table 8A and shall be processed as part of General Site Plan or Preliminary Plan approval or as a major amendment to an approved plan under Article 8.F.4.

## **D. REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS**

### **1. SITE PLAN REVIEW**

Whether or not a land subdivision is involved, Preliminary and Final Plans for the development shall be filed and approved by the City in conformance with the provisions of Table 2D in the Filing Procedures section of this Ordinance.

### **2. REQUIRED COMMON OPEN SPACE**

Dedication or reservation of land for park or school sites shall be as provided in Ordinance No. 392 for developments or portions thereof that provide for residential uses.

Except in an SD District, for developments or portions thereof in business, office, or industrial uses, no less than 15 percent of net site area shall be common open space. In an SD District the percentage of landscape coverage shall be governed by the General Site Plan and SD Development Control Regulations for the SD District.

### **3. QUALITY OF DESIGN** (Ord. 2593, 6-21-10)

To be granted the flexibility permitted hereunder, a Planned Unit Development must evidence a level of design and amenities exceeding those typical of conventional development.

Among the features that may evidence such amenities are:

- a. amount and quality of landscaping,
- b. amount, quality, and interconnectedness of common open space,
- c. provision of pedestrian or bicycle paths separated from streets,
- d. preservation of drainage ways and other natural features,
- e. provision of common recreational facilities,
- f. enclosed, underground, depressed, or outstandingly landscaped parking areas,
- g. varied building setbacks or other measures to reduce monotony in design,
- h. incorporation of stormwater management Best Management practices (BMPs),
- i. incorporation of green building, smart growth and other sustainable design principles,

- j. Leadership in Energy and Environmental Design (LEED) and/or LEED Neighborhood Design (LEED-ND) certifications and/or other nationally recognized sustainable design criteria and standards, and
- k. other features as determined by the Plan Commission or City Council.

#### **4. MAINTENANCE OF LAND INTENDED FOR FUTURE PHASES**

Land designated for future construction phases and other land not intended for immediate improvement shall be landscaped or otherwise maintained with a neat and orderly appearance as specified by the Zoning Administrator.

#### **5. UNDERGROUND UTILITIES**

All utility lines within a Planned Unit Development shall be installed underground, except that the City Council may permit electrical transmission regional service lines to be located aboveground in an SD District as part of the General Site Plan.

#### **6. DIMENSIONAL STANDARDS**

Lot coverage by buildings shall not exceed 25 percent on single-family detached residential lots and 30 percent on all other lots. In Residential Districts, yards required by applicable zoning district regulations shall be provided on lots abutting the boundaries of the development. All business and industrial buildings shall be no less than 50 feet, and all other buildings no less than 30 feet, from such boundaries. No building height shall exceed 45 feet except as otherwise provided in Table 4C above. This subsection shall not be applicable to an SD District for which a General Site Plan and SD Development Control Regulations have been approved.

#### **7. PARKING SPACE RESERVE**

Except as otherwise provided in SD Development Control Regulations, up to 25 percent of the parking spaces required herein for office, laboratory, and commercial uses may be shown as unimproved parking space reserve areas on the Preliminary and Final Plans required herein, provided that:

- a. an alternative version of the Plan is filed with the Plan and is approved by the City Council that shows the configuration of the reserve areas when fully improved with parking spaces and related landscaping, marking, illumination, and other accoutrements, and
- b. the Plan shows the landscaping of the reserve areas that is proposed to be installed and maintained until such areas are required for parking, and, unless such maintenance has been made a condition of the Special Use approval for Planned Unit Development, is accompanied by an agreement approved by the City Council binding the applicant to maintain such landscaping until such time, and
- c. if at any time after the issuance of the last certificate of occupancy for a project, after notice to the owner and an opportunity to be heard, the City determines that the land banked parking, or any portion of such parking, is necessary to alleviate an observed parking problem, the City Council through a motion can require the owner of the subject property to install the land banked parking within one hundred eighty (180) days of the action by the City Council.

## **E. APPROVAL PROCESS**

Preliminary Plans and Final Plans for all Planned Unit Development and General Site Plans for SD Districts (including Development Control Regulations associated therewith) shall be approved only in conformance with the Approval Process provided in Table 2D and other provisions of the Filing Procedures section of this Ordinance and the Approval Criteria provided in Table 8A. No Special Use Permit for a PUD or phase thereof shall be issued before approval by the City Council of a Final Plan as provided herein.

## **F. FINAL PLAN**

### **1. FILING OF FINAL PLAN**

The City Council may approve, conditionally approve, or deny a Final Plan of a Planned Unit Development, or any phase thereof, for which it has approved a Preliminary Plan. The Final Plan may be filed, and may be approved, simultaneously with the Preliminary Plan.

The terms, conditions, and requirements set forth in a Preliminary Plan, or any phase thereof, approved by the City Council shall not be modified, revoked, or impaired by the City except as provided under Revocation or Invalidation in the Filing Procedures chapter herein.

The financial sureties submitted with the Final Plan in conformance with Table 2A herein shall provide for the phasing of the installation and improvement of public or common areas and improvements, open spaces, and amenities in a manner generally proportionate to the number of dwelling units or the amount of non-residential floor space, as applicable, to be built in each phase together with the phases that preceded it.

### **2. RECORDING OF FINAL PLAN**

The Final Plan as approved by the City Council shall be filed with the County Recorder of Deeds as the Final Plat for the PUD under provisions of the City Subdivision Control Ordinance No. 807 whether or not the PUD involves any subdivision of land. No Building Permit shall be issued before the approved Final Plan is recorded and a Special Use Permit issued. The applicant shall pay all recording costs.

### **3. AMENDMENTS TO APPROVED PLAN**

Except with respect to an SD District PUD, approval of an amendment in conformance with the procedures in Table 2D shall be required for:

- a. any material change, deletion, or addition made to:
  1. an approved Preliminary Plan, or
  2. an approved Final Plan, or for
- b. a Final Plan that does not conform to the Preliminary Plan approved by the City Council.

A Minor Amendment to a Planned Unit Development shall be any change from the previously approved Plan that involves:

1. No change in the number of principal structures provided in the Plan, and

- 2. No change in land use type or housing type, and
- 3. No change in the location provided in the Plan of any structure, off-street parking or loading area, common open space area, or any area or right-of-way to be conveyed to or reserved for a public body by more than 10 feet in any direction, nor a change in the spacing between any two such structures by more than 10 percent, and
- 4. No change of more than 10 percent in any non-locational quantitative specification of the previously approved Plan, including:
  - a. any dimension of any lot, yard, structure, or pedestrian or vehicular thoroughfare,
  - b. any residential density,
  - c. amount of common open space acreage,
  - d. utility line capacity,
  - e. amount of floor area of non-residential development,
  - f. amount of land to be conveyed to or reserved for any public body,
  - g. size, number, or capacity of off-street parking or loading areas other than parking areas providing four or fewer parking spaces,
  - h. amount or dimensions of proposed tree or ground cover, landscaping, or screening, and
- 5. No other change that causes the development to fall short of meeting the requirements of the otherwise applicable zoning regulations to any greater degree than already provided on the previously approved Plan.

The Plan Commission may disallow Minor Amendment status if a proposed amendment fails to meet the foregoing criteria when it is considered together with one or more Minor Amendments previously approved for the same development.

A Major Amendment shall be any amendment that does not qualify as a Minor Amendment.

An amended Final Plan shall be recorded in accordance with the provisions herein governing recording of a Final Plan.

**4. AMENDMENTS TO APPROVED PLANS FOR THE SD DISTRICTS**

a. Approval of an amendment in conformance with the procedures in Table 2D hereinabove shall be required for any material change, deletion or addition made to an approved plan:

- (1) General Site Plan and/or the Component Documents (including the SD Development Control Regulations),
- (2) PUD Preliminary Plan in the SD District, or
- (3) PUD Final Plan in the SD District.

b. As set forth in Table 2D hereinabove, the approval process for the amendment shall depend on whether the proposed amendment constitutes a "Major Amendment" or a "Minor Amendment." The category of the proposed amendment shall be determined by the Zoning Administrator within fourteen (14) days after request made by the applicant. The proposed amendment shall then be referred to the appropriate hearing or decisional body in accordance with Table 2D. If the applicant disagrees with the Zoning Administrator's determination, the matter, along with a written statement from the applicant stating the reasons for this disagreement, shall be referred to the Plan Commission for determination of the appropriate category. If the Applicant disagrees with the Plan Commission's determination, the matter, along with a written statement from the applicant stating the reasons for the disagreement shall be referred to the City Council for the final determination of the appropriate category.

c. The following types of changes shall be considered a "Major Amendment":

- (1) A change in the previously approved use areas permitted within the parcel.
- (2) A change in the previously approved residential dwelling unit type.
- (3) A change of location where any collector roadway intersects an arterial roadway by more than 50 feet.
- (4) An increase of the overall density (floor area ratio or residential density, as applicable) approved as part of the General Site Plan.
- (5) A change of 10% or greater of the previously approved density for any subarea.
- (6) A relocation of greater than 100 feet in the previously approved location of the dividing line between (a) subareas shown on the General Site Plan or (b) Use Area or lot lines which separate areas restricted in an approved Plan to different Use Area categories.
- (7) A change that causes the development to fall short of meeting the requirements of the otherwise applicable zoning regulations or the SD Development Control Regulations to any greater degree than already provided on the previously approved Plan, including (a) a request for an exception to an otherwise applicable zoning regulation, (b) a request for a site specific amendment to SD Development Control Regulations, and © a request for a general amendment to SD Development Control Regulations.
- (8) A decrease of 10% or more of the previously approved amount of Landscape Coverage.
- (9) A decrease of 10% or more in the amount of land to be conveyed to or reserved for any Public Body.
- (10) A decrease of 10% or more in the amount of plantings on a previously approved proposed tree, ground cover or landscaping plan.
- (11) A request for a Use Permitted with Special Approval under SD Development Control Regulations.
- (12) Any significant change which is not listed as a "Minor Amendment."

d. The following types of changes shall be considered a "Minor Amendment."

- (1) A change in the number of principal structures located on a lot or a change in the number of lots shown in a subarea.
- (2) A change of location where any collector roadway intersects an arterial roadway by 50 feet or less.
- (3) A change of location of any structure, parking area, loading dock or open space which is not a significant reorientation of the improved area within the site.
- (4) A relocation of 100 feet or less in the previously approved location of the dividing line between (a) subareas shown on the General Site Plan or (b) Use Area or lot lines which separate areas restricted in an approved Plan to different Use Area categories.
- (5) A change of less than 10% of the previously approved density for any subarea, provided that the overall density approved as part of the General Site Plan is not exceeded.
- (6) An increase of previously approved density on any lot which increases the previously approved density for a subarea by less than 10%, provided that the overall density approved as part of the General Site Plan is not exceeded.
- (7) A decrease of less than 10% of the previously approved amount of Landscape Coverage.
- (8) A decrease of less than 10% in the amount of land to be conveyed to or reserved for any Public Body.
- (9) A decrease of less than 10% in the amount of plantings on a previously approved proposed tree, ground cover, or landscaping plan.
- (10) Any other minor dimensional or other adjustments which are not Major Amendments and which otherwise are consistent with the character of development on the site and do not significantly change the overall orientation of the improved areas on the site or the infrastructure serving the site.

**5. CHANGES ON DEVELOPED RESIDENTIAL LOTS**

After initial construction thereon is completed, no Building Permit or Certificate of Occupancy shall be issued for any lot within a Planned Unit Development that is in single-family or two-family use unless:

- a. The application therefor conforms either to:
  - 1. The approved Final Plan, or
  - 2. The otherwise applicable district and other zoning regulations herein, or
- b. A variance from the Plan or the regulations has been approved by the Zoning Board of Appeals as provided herein, and evidence or guarantees satisfactory to the Zoning Administrator of compliance with any conditions to which the approval has been made subject has been submitted.

**Table 8A: Approval Criteria for Planned Unit Developments**

In recommending approval or conditional approval of a General Site Plan for an SD District Development (including Development Control Regulations associated therewith) or a Preliminary or Final Plan for a Planned Unit Development (PUD), the Plan Commission shall transmit to the City Council written findings of fact that the application meets all of the criteria below or will meet them when the Commission's conditions are complied with. The City Council shall, in granting approval or conditional approval, also find that all of the following criteria are met or will be met when the conditions to which the approval is made subject are complied with:

**1. SUPERIOR DESIGN** (Ord. 2593 6-21-10)

The PUD represents a more creative approach to the unified planning of development and incorporates sustainable design practices (i.e., Stormwater Management BMPs, LEED and/or LEED-ND certifications), and/or other nationally recognized sustainable design criteria and standards, and a higher standard of integrated design and amenities than could be achieved under otherwise applicable zoning district and subdivision regulations, and solely on this basis modifications to the use and design standards established by such regulations are warranted.

**2. MEETS PUD REQUIREMENTS**

The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

**3. CONSISTENT WITH CITY PLAN**

The PUD is generally consistent with the objectives of the City Comprehensive Plan as viewed in light of any changed conditions since its adoption.

**4. PUBLIC WELFARE**

The PUD will not be detrimental to the public health, safety, morals, or general welfare.

**5. COMPATIBLE WITH ENVIRONS**

Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

**6. NATURAL FEATURES**

The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, natural drainage ways, or other areas of sensitive or valuable environmental character.

**7. CIRCULATION**

Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.

**8. OPEN SPACES AND LANDSCAPING**

The quality and quantity of public and common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it useable for recreation purposes.

Open space between all buildings is adequate to allow for light and air, access by fire fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.

**9. COVENANTS**

Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium associations, or the like for:

- a. the preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body
- b. such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future ownership.

**10. PUBLIC SERVICES**

The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the City, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

**11. PHASING**

Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities--or the provision of financial sureties guaranteeing their improvement--is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.