

165.07 PLANNED UNIT DEVELOPMENT DISTRICT (PUD). The Planned Unit Development (PUD) district is intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstance, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of other use districts for lot-by-lot development. Although PUD developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD and its accompanying guidelines are intended to allow freedom of design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations.

1. Permitted Uses. Each planned unit development shall be comprised of one or more use types, including residential, commercial, industrial and civic. In each PUD, permitted, accessory and conditional uses shall be specified on the Plan.
2. Bulk Regulations.
 - A. Minimum Lot Size: The minimum site area for establishment of a PUD district shall be ten thousand (10,000) square feet.
 - B. Floor Area Ratio: The total floor area for residential developments shall not exceed 25% of the area of the lot. The total floor area for all other developments shall not exceed 75% of the area of the lot.
3. General Provisions.
 - A. Ownership: A tract of land to be developed as a planned unit development shall be under the control of a single owner, or a group of land owners, acting through a corporation, partnership or joint venture where each owner agrees in advance to be bound by the conditions and regulations which will be effective with the district.
 - B. Plan Preparation: The applicant is required to have the necessary documents and supporting plans prepared by a registered landscape architect, engineer, architect or certified planner.
 - C. More than one building may be placed in one platted or recorded lot in any PUD.
 - D. No building permit shall be granted for any building on land for which a plan for a PUD is in the process of City review or which does not conform to the approved final plan.
 - E. Occupancy and use of buildings and structures in a PUD may be permitted when the buildings and structures have been completed to the satisfaction of the City, and the access drives and parking areas are sufficiently completed to support emergency vehicles at all times and are kept in a dust free condition. Final surfacing of streets, roadways and parking areas and landscaping may be deferred over winter months upon written application to and approval by the City.
 - F. Approval of the PUD shall not relieve the owner in any way from complying with the City and State regulation which dictate circumstances under which subdivision plats must be approved.

- G. Covenants, Easements and Restrictions. The final plan will contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, non-residential uses and public facilities as are necessary for the welfare of the PUD and are consistent with the best interests of the City.
- H. Streets, Utilities, Services and Public Facilities. The uniqueness of each proposal for a PUD requires the specifications and standards for streets, utilities and services may be subject to minor modifications from the specifications and standards established in this and other City Ordinances governing their construction. The City Council may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents or of the entire City.
- I. Open Space: A primary function of the PUD provision is to encourage development which will preserve and enhance the natural characteristics of a site, while allowing adequate intensity of development. In evaluating a PUD proposal, this objective will be a basic consideration in granting approval or denial.
- J. Architectural style of buildings shall not solely be a basis for denial of approval of a plan. However, the overall appearance and compatibility of individual building to other site elements or to surrounding development will be primary consideration in the review process.
- K. The Planning Commission shall review each PUD at least once a year until the development has been completed and shall make a report to the City Council on the status of the development in each PUD district. The status shall be reported to the City Council. If the City Council finds that insufficient progress is made toward completion of a 24 month period following notification to the owner of to such insufficient progress, the property shall automatically revert to the zoning district existing on the property immediately prior to PUD zoning approval.
4. Approval Procedures. The following procedures and requirements shall be met for the establishment of a PUD district:
- A. Pre-Application Conference: Prior to filing an application for preliminary PUD plan approval, the applicant shall submit a concept plan and review it with the Planning Commission. This plan shall show the generalized overall plan for development of the proposed PUD area.
- B. Preliminary Plan Approval: Following review of the concept plan, the applicant shall submit an application for preliminary plan approval to the City. Such application shall be deemed a petition for rezoning to a PUD classification. A fee in the amount established by the City, in addition to the following information, drawings and data, shall accompany the application:
- (1) The location, size and legal description of the site.
 - (2) The nature of the developer's and landowner's interests in the land proposed to be developed.
 - (3) The total number of living units and the overall density of the project defined as the number of living units per acre.

- (4) The location and boundaries of proposed land uses, if more than one is proposed.
- (5) Approximate height and location of buildings and other structures.
- (6) Form of organization proposed to own and maintain public or private open space.
- (7) Preliminary layout of the proposed systems for the collection and treatment of sanitary wastes and disposition of storm water.
- (8) Proposed source and distribution of water facilities.
- (9) The substance of covenants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements for utilities.
- (10) The provisions for parking of motor vehicles, including the total number and location of public and private parking spaces.
- (11) The location and width of proposed public and private streets and thoroughfares.
- (12) A schedule showing the proposed phasing and time limitations within which applications for final approval of all phases and construction of improvements within phases of the PUD are intended to be filed.
- (13) Generalized preliminary grading plan, but not to include detailed final grades or elevations.
- (14) Generalized landscaping plan, but not to include detailed planting list of planting plan.
- (15) Generalized exterior building elevations or facades.
- (16) All maps and diagrams shall be of sufficient scale and size to permit easy interpretation.
- (17) North arrow and graphic scale shall be provided with all maps or sketches.

The Planning and Zoning Commission shall review and shall make recommendation to the City Council upon the application for preliminary approval within 60 days following receipt of all required plans and documentation. The City Council shall hold a public hearing, following the public notice procedures of zoning change requests, and shall take final action on the preliminary plan within a reasonable time following receipt of the Planning Commission's recommendations.

If the preliminary plan is approved, such approval shall constitute a rezoning of the property as designated on the plan and the applicant shall proceed to final plan approval. If the application for preliminary plan is denied, the applicant must submit another application and fee to receive consideration.

C. Final Plan Approval. Within one year following City Council approval of the preliminary plan, an application for final plan approval shall be submitted to the City. Such final plan shall include either the entire site

included in the preliminary plan or a portion thereof in accordance with the phasing plan approved. Subsequent final plan submittals shall be submitted in accordance with the approved phasing plan. A fee in the amount established by the City, in addition to the following information shall accompany each application.

- (1) A plan with locations of all structures including placement, size and type with topography showing two foot contour intervals.
- (2) Elevations or sections through the site which will best indicate the relationship of the building with the various terrain features and site elements.
- (3) Detailed grading and drainage plan at two foot contour intervals.
- (4) Utility plan for all public utilities.
- (5) Detailed landscape plan.
- (6) Deed restrictions, covenants, agreements, by-laws of proposed homeowner's association and other documents controlling the use of property, type of construction or development or the activities of future residents.
- (7) The procedure for approving and recording the plats shall be followed if the final plan involves platting or division of land or the platting of public streets.
- (8) Any other information which is necessary to fully represent the intentions of the preliminary plan.

The Planning and Zoning Commission shall consider the final plan and make recommendation to the City Council within 60 days following submission of the required material. The City Council shall make its consideration and determination within a reasonable time following receipt of the Planning Commission's recommendation. In granting final approval of the application, the Planning and Zoning Commission and the City Council shall determine whether the PUD district regulations and standards, and compliance with the approved preliminary plans, have been satisfied based on the final plans.

D. Changes. Changes in the final plan involving the location and alignment of structures not to exceed ten (10) feet in any direction and other minor revisions in the shape of structures may be authorized by the City for good cause shown provided the changes are within the maximum allowable floor area limits, are in harmony with the intent of the approved plans as to uses and densities of use and the architectural style has been approved in writing by the PUD's homeowner association or other ownership body. All other changes shall be made only after following the approval procedures provided for in this section.

(Section 165.07 – Ord. 534 – Aug. 11 Supp.)

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