

DIVISION 22. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Sec. 59-511. Generally.

The provisions of this division apply to all lands, uses and structures in PUD districts.
(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-512. Description of district.

The PUD district is an alternative to conventional land use regulations, combining use, density and site plan considerations into a single process, and substituting procedural protections for the requirements in this chapter. The PUD district is specifically intended to encourage diversification in the use of land and flexibility in site design with respect to spacing, heights and setbacks of buildings, densities, open space and circulation elements; innovation in residential development that results in the availability of adequate housing opportunities for varying income levels; more efficient use of land and energy through smaller utility and circulation networks; pedestrian considerations; and development patterns in harmony with nearby areas and with the goals and objectives of the comprehensive plan for the city.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-513. Permitted uses.

A PUD district shall permit any use which is a permitted use in any zone district of the city when such use is provided for, enumerated, and approved in the PUD zone district plan and written stipulations.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-514. Preapplication conference.

Prior to filing an application for approval of a PUD district, the applicant shall make a request to the planning office for a preapplication conference. The planning office shall conduct the preapplication conference to discuss the PUD procedures and guidelines with the applicant.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-515. Application.

(a) *Contents.* Each application for approval of a PUD district shall be filed with the department of zoning administrator by the owner or agent of the owner of the entire land area to be included within the project; shall contain the applicant's name, address, and interest in the application; shall contain the names and addresses of all the owner of the property, and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant; shall be signed by all the owners or their representatives; shall

contain such information and representations required by this chapter or deemed necessary for proper review and evaluation of the application; and shall include at least the following details:

- (1) A legal description and map of the property drawn to scale which shall include: the land area within the PUD district, the use and present zone classification of the designated area, the zone classification and use of all abutting districts within two hundred (200) feet of the subject property, and all public and private rights-of-way and easements bounding and intersecting the designated area which are proposed to be continued, created, relocated and/or abandoned.
- (2) A district plan, drawn at a scale of not less than one (1) inch per two hundred (200) feet, and a written description of the proposed development. The district plan and/or the description shall show or stipulate the general location, arrangement, extent, and character for the following where applicable:
 - a. Adjacent streets and alleys;
 - b. Land uses by type, including the gross acreage or square footage of each proposed use;
 - c. Structures or building envelopes by type of use, maximum height of structures, maximum gross floor area for each land use, and land coverage of buildings and impervious areas;
 - d. Residential densities by housing type and maximum number of dwelling units;
 - e. Interior streets and drives;
 - f. Parking, loading and outdoor storage areas and access thereto, including areas for storage of boats, campers, trailers and recreation vehicles;
 - g. Public and private open and recreation space;
 - h. Landscaped areas including typical materials;
 - i. Buffer areas and fencing including purpose and timing of construction;
 - j. Pedestrian circulation;
 - k. Existing and proposed utilities and easements;
 - l. School sites;
 - m. Dimensions of separations between buildings, streets and other features;
 - n. Land dedications and public improvements;
 - o. Areas subject to flooding, retention areas and surface drainage;
 - p. Location, size and lighting of signs;
 - q. Treatment of sound, vibration, glare, radiation, fumes, and heat emission which will extend beyond the zone lot;

- r. Other elements such as architectural concepts, building elevations, facade treatments, and exterior building materials as necessary to establish how the proposed PUD uses and structures relate to the neighboring property.
- (3) A written statement generally describing the proposed PUD and the market which it is intended to serve; its relationship to the comprehensive plan; and how the proposed PUD district is to relate to the use of neighboring property. Where the applicants' objectives are not in substantial conformance with the comprehensive plan, the statement shall include the changed or changing conditions that justify approval of the proposed PUD district.
- (4) A development schedule showing the approximate date of proposed construction and whether or not the project is intended to be developed in stages.
- (5) Other information deemed necessary to evaluate the application as the department of zoning administration, planning office or a member of the city council may, within twenty-one (21) days after the submission of the application, request in writing of the applicant.

(b) *Waiver of specific submissions.* Any information required by subsection (a) may be waived by the joint action of the zoning administration and the director of planning on the basis that the information is not necessary to a review of the proposed PUD. Such waiver shall be in writing and shall specify the reasons for such waiver.

(c) *Review.*

- (1) Upon receipt of a completed application, the department of zoning administration shall transmit a copy of such application to the planning office, city council, public works and to such other agencies, either public or private, as may be deemed by the department to have an interest. The director of planning and the chairman of the planning board shall jointly make a determination as to which one (1) of the review processes detailed in (c)(2) through (c)(5) below shall apply.
- (2) Process A: Planning office review. When an application meets all of the criteria set forth in a. through c. below, the planning office shall forward to the zoning administration a recommendation of approval or approval with stipulations.
 - a. No major issues exist with the proposed planned unit development application and the application represents less than a ten (10) percent increase in gross floor area over what currently exists on the property;
 - b. The applicant has submitted letters and/or petitions which demonstrate general support for the application from property owners located within two hundred (200) feet of the subject property, registered neighborhood associations, and other neighborhood interests deemed to be affected by the application, even if the documented support is not unanimous; and

- c. The planning office staff has reviewed the application and has developed a recommendation of approval, or approval with stipulations, and the applicant has agreed to amend the application to positively address these stipulations.
- (3) Process B: Planning office meeting. When an applicant does not meet one (1) or more of the criteria described in the planning office review process above and there is sufficient evidence to suggest that issues which may exist with the proposed planned unit development application have been responsibly addressed, a planning office meeting shall be held at which parties and interested citizens shall have an opportunity to be heard. Such meeting shall be held within thirty (30) days following the date on which the completed application was received by the department of zoning administration. The property under consideration for a change in zoning classification shall be posted for at least fifteen (15) days prior to the planning office meeting. The posted notices shall be in number, size and location as prescribed by the department of zoning administration and shall indicate the present zoning classification, the time and place of the planning office public meeting, and any other information prescribed by the department of zoning administration. Posted notices shall be removed by the applicant within fifteen (15) days after such public meeting has been held. Failure to do so shall constitute a violation of this chapter.
 - a. If it is determined that issues identified in (3) above have been resolved, the planning office shall forward to the zoning administration a recommendation of approval or approval with stipulations.
 - b. If it is determined that issues discussed at the planning office meeting described above have not been resolved, the planning office shall forward the application for review under the procedure described in (c)(4) below.
 - (4) Process C: Planning board committee meeting. A committee consisting of three (3) planning board members appointed by the chairman of the planning board shall hold a meeting at which parties and interested citizens shall have an opportunity to be heard. If a planning office meeting described in (c)(3) above is first held, such meeting shall be held within thirty (30) days following the date of the planning office meeting. If a planning office meeting is not first held, such meeting shall be held within thirty (30) days following the date on which the completed application was received by the department of zoning administration. The property under consideration for a change in zoning classification shall be posted consistent with requirements set forth in (3) above.
 - (5) Process D: Planning board meeting. If the issues have not been resolved under any of the above review processes, a full planning board meeting at which parties and interested citizens shall have the opportunity to be heard shall be held within forty-five (45) days following the date on which the completed application was received by the department of zoning administration. The property for which the application is being considered shall be posted consistent with requirements set forth in (3) above.

(6) Within thirty (30) days following the date on which such completed application was received by the department of zoning administration, all agencies to which the application was submitted, excepting the planning office, shall transmit to the department of zoning administration recommendations or comments, copies of which shall be forwarded by the zoning administration to the applicant. The recommendation of the planning office and, if applicable, the planning board shall be transmitted to the department of zoning administration within seven (7) days of the completion of the applicable review process. The failure of reviewing agencies to act within the time herein prescribed shall not be deemed a recommendation of the application as submitted.

(d) *Disposition:*

(1) The only provisions of article X (amendment procedure) of this chapter which shall apply are section 59-646 (declaration of public policy), section 59-647(7) (public hearing required, notice given), section 59-647(8) (effect of protests to amendments), section 59-647(9) (filing of protests; time limitation; withdrawal); and section 59-650 (disposition of applications); provided that section 59-650(b) (legislative disposition) shall not apply if waived by the chairperson of the reviewing committee.

(2) If section 59-650(b) is not waived, the complete application with all waivers, stipulations and other supporting material shall be presented to an appropriate committee of city council by the zoning administrator for preliminary review. The council committee may at that time require additional information from the application or from city agencies, including information previously waived under section 59-515(b).

(3) After receipt of a notice for waiver of section 59-650(b), or after review by the council committee, the zoning administrator shall file the complete application with all stipulations and such supporting material as designated by the council committee with the city clerk.

(4) The decision of council shall be based on written findings of fact, which shall be signed by the president or president pro-tem of council and recorded in the office of the city clerk.

(e) *Registration and recording.* All approved plans shall be registered and recorded with the city clerk by the department of zoning administration and the official map shall be amended to designate the area included in the approved plan as "planned unit development district # _____."

(f) *Successive applications.* No application for the change of a zoning classification to a PUD district shall be made by a property owner or his agent concerning any land area, which land area or any portion thereof shall have been the subject of a public hearing conducted by council within the immediately preceding twelve (12) months' period and which resulted in a rejection of the proposed PUD district.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-516. PUD amendment.

(a) All district plans and documents registered and recorded under this division may be amended in whole or in part pursuant to the same procedure and subject to the same limitations and requirements by which such plans and documents were approved, registered and recorded; provided, however, that each application for amendment shall include the entire land area of the registered and recorded plan, and shall be filed with the department of zoning administration by any owner or agent of an owner of the property to which the amendment applies.

(b) Notwithstanding the provisions of section 59-516(a), relating to including in the application the entire land area of the registered and recorded plan and relating to the requirement that the application be filed by the owner or agent of any owner to which the amendment applies and the provisions of section 59-515 relating to the requirements that the application contain the names and addresses of all the owners of property and the holders of deeds of trust and that the application be signed by all owners or their representatives; where a PUD was adopted on or before June 1, 2002, and where by its terms such PUD states that it may be amended by metes and bounds parcel, as described in such PUD, any application to amend such PUD by subarea, platted lot or metes and bounds parcel, including an amendment to rezone any such subarea, platted lot or metes and bounds parcel to any other classification:

- (1) Shall include only that portion of the land area of the registered and recorded plan to which the proposed amendment applies;
- (2) Shall contain only the names and addresses of the owners and holders of deeds of trust of the property within the subarea, platted lot or metes and bounds parcel to which the proposed amendment applies; and
- (3) Shall be filed and signed only by all the owners or agents of the owners of the property within the subarea, platted lot or metes and bounds parcel to which the proposed amendment applies.

(c) All required notices relating to an application to amend any such PUD as described in section 59-516(b) shall state that the PUD being amended allows for amendment by subarea, platted lot or metes and bounds parcel.

(d) Areas covered by all plans registered and recorded under this division may be considered by city council for rezoning to a more appropriate classification under article X (amendment procedures) if significant progress in the development called for in the plans and documents has not been demonstrated within three (3) years following registration and recording of the plans and documents; provided that the owners of property subject to such amendment or rezoning have been first notified in writing by the zoning administrator that city council is considering such rezoning.

(Ord. No. 03-361, § 3, eff. 5-23-03; Ord. No. 895-03, § 49, eff. 12-2-03)

Sec. 59-517. Filing of site plan for approval.

After registration and recording of the approved district plan and documents, the owner shall submit a site plan to the director of planning, provided that such site plan may be

submitted after the filing of a final PUD application with the zoning administration. The site plan shall include the entire PUD area and may consist of one (1) or more stages; provided however, that the approval of any one (1) stage may be contingent on improvements that involve other or all stages. The site plan shall contain such information and documentation as shall be prescribed in the PUD site plan rules and regulations. Any registered and recorded district plan which consists solely of an existing building or buildings with no proposed relocation of any exterior walls is excluded from this requirement for the submittal of a site plan. If the required site plan has not been submitted within thirty (30) months following the registration and recording of an approved district plan and documents, the owners of the property subject to the PUD district shall be notified, in writing by the zoning administrator, of the potential rezoning provisions of section 59-516.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-518. Review of site plan.

(a) *Development review committee.* There shall be a development review committee consisting of the director of planning, the manager of public works, the zoning administrator, the chief of the fire department, the manager of parks and recreation, and the manager of the water board or their designated representatives. Additional public or private agencies and other interested persons or organizations may participate at their request.

(b) *Site plan rules and regulations.* The director of planning shall adopt and maintain PUD site plan rules and regulations establishing standards and procedures for its examinations. The PUD site plan rules and regulations shall be open to public inspection and shall make due provisions for at least:

- (1) Adequate design of grades, paving, gutters and drainage of private streets according to section 41-20;
- (2) Proper arrangement of signs and lighting devices with respect to traffic-control devices and adjacent residential areas;
- (3) Adequate amounts and safe locations of play areas for children and other recreational areas according to the concentration of occupancy in residential areas;
- (4) Fences, walls or year-round natural screen planting and landscaping when necessary to shield adjacent residential areas from commercial, industrial and parking areas;
- (5) Adequate treatment of drainage to handle storm waters, prevent erosion and minimize the formation of dust;
- (6) Adequate identification of buildings, particularly in projects where two (2) or more buildings use one (1) street address or where two (2) or more buildings are located on private streets or drives. For these cases the rules and regulations shall apply to all existing and future projects and shall require the following:
 - a. The installation of temporary signs identifying each individual building at the beginning stage of its construction;
 - b. The installation of permanent identifying signs on each building which will allow quick identification by emergency service personnel and visitors; and
 - c. The installation of legible maps at the main vehicle entry points and/or signs showing all private streets or drives and their alignment throughout the project.
- (7) Proper access to and arrangement of parking and loading areas; and
- (8) Adequate amounts of, and appropriate materials for, landscaping.

(c) *Waiver of specific submissions.* Any information required by the PUD site plan rules and regulations may be waived by the action of the development review committee on the basis that the information is not necessary to review of the proposed PUD. Such waiver shall be in writing and shall specify the reasons for such waiver.

(d) *Review of site plan.* A site plan shall be reviewed by the development review committee. This committee shall have the authority to request additional information from the applicant when necessary to complete its review. Site plans for areas east of Chambers Road, but excluding those areas southeast of the intersection of Tower Road and 48th Avenue, shall be subject to the site plan review process set forth in section 59-351, development review and approval process, of this chapter.

(e) *Conformance with district plan and documents.* Site plans shall conform to approved district plans and documents, provided however, that the zoning administrator, director of planning, and manager of public works jointly may authorize minor deviations from district plans and documents during the PUD site plan review when such deviations appear necessary in light of technical or engineering considerations, and provided that the council member in whose district the PUD is located and all directly affected registered neighborhood organizations are first notified. Such minor deviations shall not be permitted if any of the following circumstances are resultant:

- (1) A change in the character of the development;
- (2) A change in the land uses;
- (3) A change in the general location of land uses;
- (4) An increase in the maximum height of any building by more than the lesser of five (5) feet or five (5) percent;
- (5) An increase in the number of dwelling units, or in the ratio of the gross floor area of structures to the land area;
- (6) A reduction in the setbacks from property lines;
- (7) An increase in ground coverage by structures or surface parking;
- (8) A reduction by more than five (5) percent in the land area designated for landscaping;
- (9) A reduction in the ratio of off-street parking and loading space to gross floor area or number of dwelling units in structures;
- (10) A change in the limitations on the number, size or lighting of signs;
- (11) A change affecting the access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the district plan; or
- (12) A substantive change in any element submitted in accordance with section 59-515(a)(2)r.

(f) *Disposition.* The development review committee shall evaluate the site plan for conformance with the approved district plan and documents and according to its site plan rules and regulations; shall return one (1) or more copies of the site plan to the applicant, marked to show approval, denial or approval subject to modifications, which modifications shall be clearly and permanently marked on such plan; and shall, when the plan is acceptable to the development review committee, but not prior to the registration and recording of the approved district plan and documents provided for in section 59-515(e), record a copy of such portions of the plan as may be appropriate in the office of the city clerk and file a copy with the department of zoning administration. The development review committee's file shall reflect the reason for any modifications required by the committee or made by the applicant. (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-519. Effect and limitations on approval.

(a) When the requirement for the submittal of a site plan is waived as provided in section 59-517, "Filing of site plan for approval," the approved district plan and documents shall regulate the use and development of the subject property. Unless waived by the provisions of section 59-517, "Filing of site plan for approval," a PUD site plan approved and recorded pursuant to these provisions shall, with the approved district plan, regulate the use and development of the subject property.

(b) The department of zoning administration shall review all permits issued and shall inspect the location of footings or foundations for each structure approved in the plan. If the department finds that development is not proceeding in accordance with the PUD plans and documents as finally approved, it shall immediately issue an order stopping any or all work on the PUD which does not comply with such plans, until such time as any noncompliance is remedied.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-520. Site plan amendments.

All site plans registered and recorded hereunder may only be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Secs. 59-521—59-535. Reserved.