

## CHAPTER 15

### PUD - PLANNED UNIT DEVELOPMENT

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#### SECTION 1500 GENERAL DESCRIPTION AND PURPOSE

The intent of the Planned Unit Development district is to derive the benefits of efficiency, economy and flexibility by encouraging unified developments of a site, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. It is the intent of this Ordinance to allow development of sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, yard spaces, and building height in so far as the governing body shall deem appropriate to fulfill the intent of this code and the Comprehensive Plan.

#### SECTION 1510 TYPES OF PLANNED UNIT DEVELOPMENTS

Two types of Planned Unit Developments accommodating primarily residential or non-residential uses are allowed as follows:

(a) PUD-R Planned Unit Development - Residential.

The PUD-R district is intended to accommodate primarily residential uses, with non-residential uses integrated into the design of such districts as secondary uses.

(b) PUD-C Planned Unit Development - Commercial.

The PUD-C district is intended to accommodate primarily non-residential uses, with residential uses integrated into the design of such districts as secondary uses.

#### SECTION 1520 USES PERMITTED GENERALLY

The types of residential dwelling units, and the types of non-residential uses allowed to be established in these districts increase with increasing site size, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments, separating uses with potentially incompatible characteristics of use, design of access patterns, and relationship of uses within such planned

unit developments with uses in adjacent districts. It is the intent of this Ordinance that such design and planning features be incorporated properly into any PUD district hereafter created, and that the Planning Commission and Board of County Commission may consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such a district. The permitted principal uses for various site sizes and types of PUD districts are the uses enumerated for the zoning districts listed below.

<u>Site Size in Acres</u>	<u>PUD-R</u>	<u>PUD-C</u>
Less than 20	RM-1	CG
20 to less than 50	RM-1, CN	CG
50 to less than 80	RM-1, CG	CG, IL
80 or more	RM-1, CG	CG, IH

When uses for more than one district are permitted, the uses of the less restrictive district be permitted.

Accessory uses and structures may be permitted as for the least restrictive districts indicated in above for any specific site size.

#### SECTION 1530 USES PERMITTED BY SPECIAL EXCEPTION

No special exception actions are required to establish any specific use. Uses normally by special exception in the least restrictive districts indicated in Section 1520 above. For any specific site size may be permitted, provided however, that the Planning Commission and governing body shall ascertain that the affects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions will substantially be met by the terms of the proposed planned unit development.

#### SECTION 1540 PROHIBITED USES

All uses not specifically permitted as principal or accessory uses or special exceptions for the least restrictive districts indicated in Section 1520 above for any specific site size are prohibited in a PUD district.

#### SECTION 1550 AREA REGULATIONS AND SETBACKS

No minimum lot area is required for any specific structure, however, a minimum site size to accommodate specific uses is required. No structure shall be erected within twenty-five (25) feet of any external lot line of any planned unit development, except for PUD districts of one or less acres, where a ten (10) feet setback from external lot lines shall be observed. Minimum lot width, yard sizes, floor area ratio, and maximum height are not otherwise regulated within PUD districts, provided however, that the Planning Commission and governing body ascertain that the characteristics of the building sites shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this Ordinance and the Comprehensive Plan.

#### SECTION 1560 INTENSITY OF USE

All PUDs should be of an intensity of development which does not exceed that set forth for the site in the Comprehensive Plan.

SECTION 1570 MAXIMUM AREA OF COMMERCIAL USES IN PUD-R DISTRICTS

The PUD-R districts in which commercial uses are permitted, the site area and total gross area of such commercial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PUD at any time.

<u>Total PUD Site Size in Acres</u>	<u>Maximum Percentage of Site Area for Commercial and Office Structures or Uses</u>	<u>Maximum Allowable Gross Floor Area for Commercial and Office Structures or Uses</u>
Less than 20	0	0
20 but less than 50	20%	50%
50 but less than 80	30%	50%
80 or more	40%	50%

SECTION 1580 OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-Street Parking and Loading spaces for any specific use shall be provided in conformance with the requirements of Chapter 16 Off-Street Parking and Loading Requirements. Required spaces may be provided on the lot containing the dwelling units or other uses for which it is designed and located so as to be accessible to the use it is intended to serve. Provisions for the ownership and maintenance of common parking areas as will insure its continuity and conservation, shall be incorporated in the subdivision plat, in compliance with the provisions of Section 1590.3 (e) below.

SECTION 1590 ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES

1590.1 General

The establishment of a PUD district shall be by amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this Ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a PUD district shall be subject to the provisions of Chapter 21 "Amendments", and in addition, the procedures described below shall apply. It is the intent of this Ordinance that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned unit development upon the community at large. The provisions of the PUD district represent an option for appropriate quality design, and in return for a degree of design flexibility granted thereby, the applicant for amendment to PUD district classification, by requesting the PUD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the governing body in establishing such developments.

To that end the regulations set forth herein are minimum requirements and it is the intent of this code that the governing body may impose conditions and safeguards in excess of or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

#### 1590.2 Preapplication Conference

The applicant is encouraged to communicate his intentions to establish a planned unit development, and the proposed characteristics thereof, to the Planning Commission and its staff prior to initiating an application for amendment in order to avoid undue delay in the review process after initiating such an application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preapplication of materials in final form which may later be found to be unacceptable or incomplete.

#### 1590.3 Site Development Plan

The applicant shall submit a site development plan to the Planning Commission and its staff for review which shall be similar in content and format to a preliminary plat required for review by the Subdivision Regulations of the County. In addition, the site development plan shall provide the following graphic and written information:

##### (a) The Site Plan shall show

1. Proposed location of uses, including off-street parking, open spaces and public uses;
2. Public and private vehicular and pedestrian circulation;
3. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of non-residential uses expressed in floor area, allocated to each identifiable segment of the Planned Unit Development;
4. Proposed screening and landscaping;
5. Proposed location, height and size of any ground sign;
6. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
7. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

##### (b) Written information shall include

1. An explanation of the character of the PUD;
2. The expected schedule of development, including all phasing;

3. In a proposed PUD-R the number of acres devoted to residential, commercial, industrial and other non-residential uses to assure compliance with Section 1570 above;
4. If applicable, an indication of how a homeowner's association or other group maintenance or group ownership arrangement will operate;
5. Development standards for the location, height, setback and size of buildings and other structures;
6. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

(c) Planning Commission Action

After the public hearing as provided for in Chapter 21, the Planning Commission shall make its recommendation to the governing body. In making this recommendation the Planning Commission shall consider at least the following factors:

1. Whether the PUD is consistent with the Comprehensive Plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is an unified treatment of the development possibilities of the project site;
4. Whether the PUD is consistent with the stated purposes and standards of this Section.

(d) Governing Body Action

Upon receipt of the application, the site development plan with specific information as required under Section 1590.3 (c) above, and Planning Commission recommendation, the governing body shall hold a hearing and review the proposal according to the procedures outlined. Upon approval of the application by the governing body, the zoning map shall be amended to reflect the zoning designation PUD-R as appropriate, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the approved specific site development plan.

(e) Planned Unit Development Plat

A planned unit development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations shall include:

1. Details as to the location of uses and street arrangement.
2. Provisions for the ownership and maintenance of the common open space as will reasonably insure is continuity and

conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the governing body, after the recommendation of the Planning Commission.

3. Such covenants as will reasonably insure that continued compliance with the approved site development plan. The Planning Commission and governing body may require covenants which provide for detailed site plan review and approval by said Planning Commission prior to the issuance of any building permits within the PUD.

(f) Issuance of Building Permits

After the filing of an approved PUD subdivision plat and the submittal of a detailed development schedule including specifics about the phasing of development and the percentage of construction to be completed before the platting of a particular phase, to be at the discretion of the Planning Commission and notice to the Inspecting Officer, no building permits shall be issued on lands within the PUD except in accordance with the approved plat and development schedule.

(g) Amendments of a PUD

Minor changes in the PUD may be authorized by the Planning Commission and the governing body which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the site development plan and the progress and standards of the PUD provisions hereof. Changes which would represent a significant departure from the site development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development. It shall be the duty of the Inspecting Officer to determine whether any specific request shall be considered a major or minor change, but this decision may be reversed when reviewed by the Planning Commission. If it is determined that a major change is requested then a new application will be processed in accordance with the provisions of Chapter 21 of this Ordinance.

(h) Failure to Begin, Complete or Make Adequate Progress

If there is failure to begin, complete, or make adequate progress as agreed upon in the approved site development plan, detailed development schedule and subdivision plat, after the recommendation of the Planning Commission, governing body may change the zoning classification of the planning unit development in accordance with the provisions of Chapter 21, and thus terminating the right of the applicant to continue development or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to the penalties set forth or any appropriate combination of the above.

(i) Abandonment

Abandonment of a Planned Unit Development shall require the approval of the governing body, after recommendation by the Planning Commission, of an

application for amendment to the zoning map repealing the zoning designation of a PUD-R or PUD-C, as appropriate. At the same time the governing body, after recommendation by the Planning Commission and appropriate public notice and hearing shall design a new zoning district designation to the land previously in the PUD.

(j) Fee

At the time application is made to the Zoning Administrator of the Planning Commission such application will be accompanied by a fee of \$250.00.

