

§2.6.11 PUD: Planned Unit Development District

1. Purpose.

The intent of the Planned Unit Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals, and general welfare.

Within the PUD zones, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulation are designed to control unscheduled development on individual lots, to promote economical and efficient land use, provide an improved level of amenities, to foster a harmonious variety of uses, encourage creative design, and to promote a better environment.

In view of the substantial public advantage of the planned unit development, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in location, character and timing.

2. Permitted Uses.

The Planning Commission and City Council may establish any use or combination of uses meeting the objectives of Section 2.6.01-99, in this district upon review and approval. Once approved, the proposed use(s) and no others shall be permitted in the district. Said uses shall be identified and listed on the basis of retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PUD zoning applies to the land, unless otherwise amended by Ordinance.

3. Site Plan Requirements.

A site plan showing the proposed development of the area (zone) shall be prerequisite to approval of a PUD zone. The Site Plan shall adhere to the requirements of this Section and shall address or show the following:

- a) The proposed title of the project, project designer, and the developer.
- b) The boundaries of the property involved, the general location of all existing easements, property lines, existing streets, buildings and other existing physical features on the project site.
- c) The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other underground facilities in or near the project site.
- d) The general location and dimensions of proposed streets, driveways, curb cuts, entrances and exits, parking and loading areas (including numbers of parking spaces).
- e) The general location of the proposed lots, setback lines, easements and a conceptual land use plan.
- f) The general location and approximate heights of all principal and accessory buildings and dimensions of structures.
- g) The general location and number of dwelling units for multi-family projects.

- h) The general location and description of all fences, walls, screens, buffers, plantings and landscaping.
- i) The general location, character, size and height of all signs.
- j) The position of the proposed development in relation to its surroundings.
- k) A tabulation of the number of acres in the project by use.

The Planning Commission may establish additional requirements for Site Plan approval, and in special cases, may waive a particular requirement, if in its opinion, the inclusion of that particular requirement is not essential to a proper assessment of the project.

4. Prohibited Uses.

The following uses are prohibited in the PUD Zoning District.

- a) Sexually Oriented Businesses.
- b) Cellular Towers

5. Dimensional Requirements.

- a) Unless otherwise specified elsewhere in this ordinance, the minimum area requirement for establishing a PUD on the Official Zoning Map shall be two acres.
- b) The Planning Commission and City Council shall approve residential density.
- c) There is a common open space requirement of at least twenty percent (20%) of the total land area.

6. Parking and Loading.

Uses permitted in the PUD Zoning District shall meet the parking and loading standards set forth in Article III, Off-Street Parking and Loading.

7. Signs.

Signs permitted in PUD Zoning Districts, including the conditions under which they may be located are set forth in Article IV, Sign Regulations.

8. Buffer Yard Requirements.

Where this district abuts any residential or commercial district not separated by a street right-of-way, a buffer yard in compliance with Article V, Landscaping and Buffering, shall be required along abutting property lines.

9. General and Supplemental Requirements.

Uses permitted in PUD Zoning Districts shall meet the standards set forth in the General Supplementary Provisions

11. Private Streets

Private streets are permitted in an approved PUD; Provided such streets meet the design and construction standards of the city's subdivision ordinance.

12. External Storage.

Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and provided that such storage shall be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick.

13. Actions by Planning Commission and City Council

Action by the Planning Commission and City Council may be to approve the Plan and application to establish a PUD, to include specific modifications to the Plan, or to deny the application to rezone and establish a PUD. If the Plan and Zoning are approved, the applicant shall be allowed to proceed in accord with the approved PUD Zone Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

14. Administrative Action

After a PUD district has been established on the Official Zoning Map, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages or portions thereof. Said permits shall be issued in the same manner as for building and sign permits generally.

Except as provided below, approved PUD plans shall be binding on the owner and any successor in title, so long as PUD zoning applies to the land.

15. Changes in Approved Site Plans

1. Minor changes in approved PUD site plans may be accommodated by the Zoning Administrator, on application by the applicant, upon making a finding that such changes are:
 - a. In accord with applicable regulations in effect at the time of the amendment creating the PUD District, as modified in the amending action, or
 - b. In accord with all applicable regulations currently in effect, without modifications.
2. In reaching a decision as to whether the change is minor or substantial enough to require reference back to the Planning Commission for approval, the Zoning Administrator shall use the following Criteria.
 - a. Any increase in intensity of use shall constitute a modification requiring Planning Commission approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
 - b. Any change in parking areas resulting in an increase or reduction of five percent or more in the number of spaces approved shall constitute a change requiring Planning Commission approval.

- c. Structural alterations significantly affecting the basic size form and style of a building, as shown on the approved Plan, shall be considered a change requiring the Planning Commission approval.
- d. Any reduction in the amount of open spaces resulting in a decrease of more than five percent or any substantial change in the location or characteristics of the open space shall constitute a change requiring the Planning Commission approval.
- e. Any change in use from one use group to another shall constitute a change requiring the Planning Commission approval.
- f. Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring Planning Commission approval.

Changes other than as indicated above shall be made only by reference to City Council and the creation of a new PUD or other map amendment.

16. Expiration of Time Limits on PUD Amendments

If a time limit is set as part of the establishing agreement and action is not taken within that time limit set, the Building Official shall review the circumstances and recommend to the Planning Commission:

- a. That PUD zoning for the entire area be continued with revised time limits; or
- b. That PUD zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or
- c. That the entire district be rezoned from PUD to an appropriate category. Such recommendation shall include proposals for appropriate action in respect to any legal instruments in the case.

§2.6.12-99 Reserved.
