

CHAPTER 14

PLANNED UNIT DEVELOPMENT (PUD) OPTION

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9-14-1: **DEFINITION AND INTENT:**

- A. Definition: "Planned unit development (PUD)" is a process that provides greater design flexibility by allowing deviations from the typical development standards required by this title.
- B. Intent: The intent is to encourage more comprehensively and/or innovatively designed projects than can sometimes be accomplished through the standard development requirements, in exchange for providing greater benefits to the community. The goal is to provide increased benefits to the citizens of the city in exchange for flexibility in the application of development standards. (Ord. 426, 7-8-2002)

9-14-2: **CONFLICTING PROVISIONS:** Whenever there is a conflict or difference between the provisions of this chapter and of other chapters of this title, the provisions of this chapter shall prevail.

Subjects not covered by this chapter shall be governed by the applicable provisions found elsewhere in this title. (Ord. 426, 7-8-2002)

9-14-3: **USES PERMITTED:** A variety of residential, commercial, industrial, or combinations of these land uses may be permitted within a PUD. All proposed uses may be permitted within a PUD, upon finding by the planning and zoning commission that the proposal:

- A. Provides public benefits that would not be achievable through the normally required zoning standards,
- B. Is compatible with surrounding development, and
- C. Is in conformance with the city comprehensive plan. (Ord. 426, 7-8-2002)

9-14-4: **COMMON OPEN SPACE:**

- A. **Minimum Area; Location:** A minimum of ten percent (10%) of the land area developed within any PUD that includes residential uses shall be planned for common open space for the residents or users of the area being developed. Location of the common open space shall be determined during the PUD process.
- B. **Held Privately Or Publicly:** The common open space provided in a PUD shall be held privately for the use of owners or residents within the development or shall be dedicated to the public. Public utility rights of way and easements are not acceptable for common open space unless such land or rights of way are usable for a trail or other similar public purpose. All open space shall be reviewed and approved by the planning and zoning commission.
- C. **Responsibility For Maintenance:** The responsibility for the maintenance of all open spaces shall be specified by the developer prior to approval of the final development plan and included in a development agreement. (Ord. 426, 7-8-2002)

9-14-5: **INCREASED RESIDENTIAL DENSITY:** The planning and zoning commission may authorize an increase in density based on the merits of the design proposed. Character, identity,

architectural, and siting variation incorporated in a development may be considered cause for density increases. (Ord. 426, 7-8-2002)

9-14-6: **COMMERCIAL/INDUSTRIAL USES:** The plan for the PUD project shall provide for the integrated and harmonious design of buildings. This shall include adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient. Buffering or screening commercial/industrial uses from residential uses within, or adjacent to, the development shall be incorporated into the design. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner. (Ord. 426, 7-8-2002)

9-14-7: **PREAPPLICATION MEETING:** The developer shall meet with the city planning and zoning administrator prior to the submission of the PUD development plan. The purpose of this meeting is to discuss, early and informally, the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, this title, subdivision ordinance, and such other plans and ordinances as are deemed appropriate. (Ord. 426, 7-8-2002)

9-14-8: **PUD APPLICATION:** A complete application for PUD shall be filed with the planning and zoning administrator. At least one public hearing shall be held before the planning and zoning commission following the requirements in chapter 11, "Administration", of this title. (Ord. 426, 7-8-2002)

9-14-9: **PUD REVIEW:**

- A. Review By Planning And Zoning Commission: The planning and zoning commission shall review the development plan within forty five (45) days after a complete application has been filed, to determine if it is consistent with the intent and purpose of this chapter; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

- B. The application shall contain the following information for PUDs submitted as the following:
1. PUD Submitted As Subdivision: A written statement by the developer setting forth the reasons why, in his/her opinion, the PUD conforms to the comprehensive plan and would be in the public interest. This statement should also include the following information:
 - a. What development requirements are being requested to be exempted from city ordinances.
 - b. An analysis of the impact of the PUD on the infrastructure of the community. This shall include deficiencies in existing infrastructure, including water, sewer, traffic, and what improvements would be needed to bring the infrastructure up to an acceptable level of service that could accommodate the PUD.
 - c. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes.
 - d. Tabulation of the number of acres in the proposed project for various uses.
 - e. The number of housing units proposed by type.
 - f. Estimated residential population by type of housing.
 - g. Deed restrictions, protective covenants and other legal statements or devices to be used to control use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained. (Ord. 426, 7-8-2002)
 2. Submitted Without A Subdivision:
 - a. Requirements listed in section 9-3-12, table 3-B of this title. (Ord. 426, 7-8-2002; amd. 2010 Code)
 - b. A written statement by the developer setting forth the reasons why, in his/her opinion, the PUD conforms to the comprehensive plan and would be in the public interest. This statement should also include the following information:

(1) What deviations from zoning district regulations are being requested.

(2) An analysis of the impact of the PUD on the infrastructure of the community. This shall include deficiencies in existing infrastructure, including water, sewer, traffic, and what improvements would be needed to bring the infrastructure up to an acceptable level of service that could accommodate the PUD.

(3) A time schedule for the development of units to be constructed, and a description of the design principles for buildings and streetscapes.

(4) Tabulation of the number of acres in the proposed project for various uses.

(5) The number of units proposed by type.

(6) Deed restrictions, protective covenants and other legal statements or devices to be used to control use. Development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained. (Ord. 426, 7-8-2002)

9-14-10: **PUD PLAN:**

A. Planning And Zoning Commission Action:

1. Within thirty (30) days of the closing of a public hearing, or at the next available regularly scheduled planning and zoning commission meeting thereafter, the planning and zoning commission shall either recommend approval, approval with supplementary conditions, or disapproval of the application as presented. This time period may be extended for up to ninety (90) days with consent of the applicant or for good cause. Upon recommending approval or denial of the application, the planning and zoning commission shall specify, in writing:

a. The ordinance and standards used in evaluating the application.

b. The reasons for approval or denial.

c. The actions, if any, that the applicant could take to obtain a permit.

d. The planning and zoning commission shall consider the general standards applicable to conditional use permits and criteria for conditional uses before approving, in principle, a PUD development plan.

B. Final Approval:

1. Upon approval of findings and conclusions, the planning and zoning commission, when applied for, may review the final PUD at the next available meeting.

2. An application for final approval of the PUD development plan may be filed with the planning and zoning administrator by at least one property owner or person having an interest in the property. The application shall be signed by the owner of the property attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. (Ord. 426, 7-8-2002)

9-14-11: **FINAL PUD PLAN:**

A. Planning And Zoning Commission Review: The planning and zoning commission shall consider the following when reviewing a final PUD development plan:

1. The proposed development must be initiated with two (2) years of the date of approval.

2. Each individual phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of pleasing aesthetics or that adequate assurance will be provided that such objective will be attained.

3. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the city council.

4. The existing and proposed utility services are adequate for the population densities and uses proposed.
 5. There are no substantial changes from the approved PUD plan.
- B. Written Specifications: The planning and zoning commission shall either approve, approve with conditions, or disapprove the final PUD application as presented. Upon granting or denying the final PUD application, the planning and zoning commission shall specify, in writing:
1. The ordinance and standards used in evaluating the application.
 2. The reasons for approval or denial.
 3. The actions, if any, that the applicant could take to obtain a permit. (Ord. 426, 7-8-2002)

9-14-12: **POSTREVIEW MEETING:** If approved, or approved with conditions, the applicant shall schedule a postreview meeting with the planning and zoning administrator or designee, to discuss final implementation of the PUD, including any minor change requests or conditions of approval. No construction of any kind shall take place on the site of an approved PUD until final construction plans are reviewed and approved by the city engineer, and a development agreement and a construction improvement agreement are completed and properly approved by the city. (Ord. 426, 7-8-2002)

9-14-13: **EXTENSION OF APPROVAL:** The approval of a final development plan for a PUD shall be for a period not to exceed two (2) years, or as agreed upon between staff and the developer, to allow for the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void. (Ord. 426, 7-8-2002)

9-14-14: **MINOR MODIFICATIONS AND EXTENSIONS APPROVAL:**
An extension of the time limit or modification of the approved final development plan shall be submitted, in writing, by the developer to the planning and zoning administrator. The request shall specify which modifications are proposed and why the changes are necessary. The planning and zoning administrator, or designee, shall render a decision on

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the requested time limit or modification. Any major modification shall require a public hearing in front of the planning and zoning commission. Notice of hearing shall be provided in the same manner as the original PUD hearing. Any time extension over nine (9) months shall require a public hearing in front of the planning and zoning commission. Notice of hearing shall be provided in the same manner as the original PUD hearing. (Ord. 426, 7-8-2002)