CHAPTER 24: PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

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24.010 PURPOSE & INTENT

A Planned Unit Development may be established in any residential or commercial district under the conditional-use process described under Chapter 6 of this Ordinance. A PUD is a designated parcel of land that encourages a creative approach to the use of land by allowing considerable flexibility in the design of the site and buildings. Specific aspects of flexibility (including permitted uses, dimensional requirements, densities, dedication requirements, etc) shall be contingent upon review and approval by the Planning Commission and the City Council, pursuant to the conditional use permit process, and upon such approval, shall prevail over conflicting requirements listed elsewhere within this Ordinance or within the Dilworth Subdivision Ordinance.

The intent of the PUD regulations is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

24.020 COORDINATING REGULATORY DOCUMENTS

A. COORDINATION WITH SUBDIVISION ORDINANCE REGULATIONS.

1) It is the intent of this Ordinance that subdivision review, under the Subdivision Regulation Ordinance, be carried out simultaneously with the review of a Planned Unit Development under this section of the Zoning Ordinance;

2) The development plans submitted under this section must be submitted in a form which will satisfy the requirements of the Subdivision Regulation Ordinance for preliminary and final plats;

3) The requirements for both this Section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all Planned Unit Developments, and all actions of the City Council pertaining to Planned Unit Developments shall be based upon a recommendation by the Planning Commission.

24.030 LOT REQUIREMENTS

A. GENERAL REQUIREMENTS.

1) Harmony: The Planned Unit Development shall be planned, designed and landscaped in such a manner as to blend and harmonize with the surrounding adjacent areas;
2) Yard Requirements: Minimal specifications for yard requirements are imposed to allow design flexibility. However, side yard and backyard requirements shall conform along the developments outermost lot line to the side yard and backyard requirements of the adjacent district. Except in the case of higher density, multi-family, or non-residential development where there must be a minimum thirty (30) foot buffer zone along adjacent, low-density residential districts. The buffer zone must be kept free of buildings or structures and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized;

3) Front Yard: Minimum front yard setback requirements are intended to provide privacy and usable yard area for residents. Front yard setbacks may be reduced at the discretion of the city through the PUD process if the applicant can implement/accommodate appropriate screening, plantings, traffic reduction, building orientation or other acceptable mitigation methods;

4) Lot Width: Minimum lot widths are intended to prevent the construction of long, narrow buildings with inadequate privacy, light, and air. Within the constraints of the PUD process, lot width standards may be reduced if the project design implements/accommodates provisions that allow light, air and privacy for all living spaces in an appropriate manner;

5) Building Spacing: Requirements for side yard setbacks are based on several related factors:

   i. Privacy: Minimum building space requirements are intended to provide privacy for dwelling units. Where applicants seek reduced side yard setbacks it shall be necessary that site plans and building elevations locate windows and any necessary screening to ensure adequate privacy between units;

   ii. Light and Air: Building spacing shall

   iii. provide adequate access to light and air to all dwelling units;

   iv. Building Configuration: Where building configuration is irregular so that the needs expressed in the above items are met by the building configuration, reduced building space is permissible, as appropriate;

   v. Open Space: Common open space shall comprise at least twenty-five (25%) of the gross area of the Planned Unit Development to be used for recreational, park or environmental amenities for the collective enjoyment by occupants of the development Open space dedications are non-inclusive of public or private streets, driveways, or utility easements, provided, however, that up to seventy-five (75%) of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent;

       - Recreation facilities, recreational structures and any accessory uses located in common recreation areas shall be considered open space under the provision that total impervious surfaces (paving, roofs, etc.) constitute no more than five (5%) of the total open space.

6) All land shown on the final development plan as common open space must be conveyed under one of the following options:

   i. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it;

   ii. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which shall restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continued use for its intended purpose;
7) Existing trees shall be preserved, where possible. The location of trees must be considered when planning the common open space, location of buildings, underground services, walks, paved area, playgrounds, parking areas, and finished grade levels.

24.040 ADMINISTRATION

An application for approval of a PUD shall be filed with the Zoning Administrator. The PUD applications shall be filed in the name or names of the recorded owner or owners of property included in the development and/or the applications may be filed by holder(s) of an equitable interest in such property.

A. APPLICATION PROCESS.

1) Fee: An application for approval shall be accompanied by a fee to be established by the city council and available at City Hall;

2) Review Process: The review process shall follow the conditional use application procedure as described in Chapter 6 of this Ordinance and the subdivision review process as outlined in the Dilworth Subdivision Ordinance. Applications shall be processed concurrently.

24.050 ENFORCEMENT

If construction has not been initiated within twelve (12) months from the approval date of the PUD, said approval shall lapse and be of no further effect. The Planning Commission, upon showing of good cause by the applicant, may extend for period(s) of six (6) months, the time for beginning construction.

After general construction commences, the Zoning Administrator shall review, at least once every year, all building permits issued and compare them to the overall development phasing program. If the Zoning Administrator determines that the rate of construction (residential units or nonresidential structures) substantially differs from the phasing program, city staff shall notify the applicant and Building Official, in writing; thereafter, the Building Official may issue such orders to the applicant which may include the suspension of further construction or other sanctions as deemed appropriate by the city.

24.060 INTRA-DEVELOPMENT CIRCULATION

PUD districts shall be located with respect to major streets and highways or other transportation facilities. Consideration should be given to the means in which the local transportation network is connected with streets, alleys or roadways within the PUD. Standards of design and construction for roadways, both public and private, within planned residential development districts may be modified as is deemed appropriate by the City Council, after receipt of recommendations from the Fire Chief, Chief of Police, Street Department and City Engineer. Right-of-way width and street roadway widths may be reduced as deemed appropriate by the City Council, specifically where the following is identified: (1) the PUD plan provides for the separation of vehicular and pedestrian circulation patterns and establishes adequate off-street parking facilities.

If the owners in the future should request that the private streets be changed to public streets, the owners do fully agree that, before acceptance of such streets by a local government body, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance. Finally, the owners agree that these streets shall be dedicated to public use without compensation to the owners and without the owners’ expenses in making such streets conform to the requirements applicable at that time for public streets, if at some future date, a local governing body so requests.
24.070   PARKING STANDARDS

Off-street parking and loading requirements shall be determined by the Planning Commission based on site specific design elements. Requirements shall be based on proposed uses, densities, traffic patterns and other related development specific provisions. Joint/shared parking facilities are encouraged pursuant to regulations as set forth within this Ordinance (see Section 22.090).

24.080   NON-RESIDENTIAL USES

Non-residential uses, limited to those specifically approved by the Planning Commission, are permitted in a Planned Unit Development, provided that such uses are primarily established for the service/convenience of the residents of the development.

Layout of parking areas, service areas, entrances, exists, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences, shall be such as to protect residential character within the PUD District and desirable character in any adjoining Residence District.

24.090   ZONING

Upon approval by the Council of a PUD Overlay District, the Official Zoning Map shall be changed to reflect such adoption.

24.100   FINDINGS REQUIRED

The Planning Commission and City Council shall come to the following facts/conclusions prior to the issuance of any approval for a PUD within city limits; to ensure the interests of the public:

A. FINDINGS.

1) The plan conforms to the City’s Comprehensive Plan and Future Land Use Plan;

2) The plan is designed to form a desirable and unified development within its boundaries;

3) The proposed uses will not be detrimental to present or future land uses in the surrounding area;

4) Any exceptions to the standard requirements of the Zoning and Subdivision Ordinances are justified by the design of the development;

5) The plan will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the PUD;

6) The PUD will not have a unique or adverse impact on the reasonable enjoyment of the neighboring property.