

CHAPTER 7

PLANNED UNIT DEVELOPMENTS

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10-7-1: General Provisions. A planned unit development (PUD) is a zoning district, which may include single or mixed uses, one or more lots or parcels, intended to create a more flexible, creative, and efficient approach to the use of land and subject to the procedures, standards, and regulations contained in this title. The provisions of these planned unit development regulations shall prevail over conflicting requirements listed elsewhere within this Title (Zoning) or in Title 11 (Subdivisions) of this Code.

10-7-2: Purpose. The purpose of this chapter is to encourage a more creative and efficient development of land and its improvements and amenities than is possible under the more restrictive application of conventional zoning requirements. This chapter may allow modifications such as non-standard lot sizes; private driveways; reduced rights-of-way, street widths, and parking spaces; housing types; zero lot lines; alternative screening; and building setbacks. These changes must meet the standards and purposes of the comprehensive plan while preserving the health, safety, and welfare of the citizens of the city. In addition, the PUD may be used to encourage some of the following specific purposes:

- A. To allow for the potential mixture of uses in an integrated and well planned area when such mixing of land uses could not otherwise be accomplished under this chapter;
- B. To ensure concentration of open space into more usable areas, and a preservation of the natural resources of the site;
- C. To protect natural features in private, common, and public open space;

- D. To facilitate the economical provision of streets and public utilities;
- E. To facilitate mixed use developments, and/or affordable housing; or
- F. To address complexities of infill development.

10-7-3: Allowed Uses.

A. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official comprehensive land use plan unless otherwise approved in the development plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and accompanying development plan. The PUD development ordinance shall identify all of the proposed land uses and those uses shall become permitted uses with the approval of the development plan. Any change in the list of uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in section 10-7-11 of this chapter.

10-7-4: General Standards for Approval.

A. A rezoning will be required for all planned unit developments. The rezoning will be applied as an overlay to the underlying zoning district and reflected as such on the official zoning map. The city may approve the planned unit development only if it finds that the development satisfies all of the following standards:

1. The planned unit development is consistent with the comprehensive plan of the city;
2. The planned unit development is an effective and unified treatment of the development possibilities on the project site;
3. The development plan will not have a detrimental effect upon the neighborhood in which it is proposed to be located;
4. The planned unit development provides transitions in land use in keeping with the character of adjacent land uses;
5. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district;

6. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district(s);
7. The proposal would achieve higher quality development than would otherwise occur in the underlying zoning district; and
8. The PUD will not create an excessive burden on parks, schools, streets, or other facilities and utilities that serve or are proposed to serve the PUD.

10-7-5: Coordination with Subdivision Regulations. Subdivision review under the City's subdivision regulations shall be carried out simultaneously with the review of the PUD, if required by the City. The plans required under this chapter shall be submitted in a form which will satisfy the requirements of the subdivision regulations for the preliminary and final plat.

10-7-6: Preapplication Conference. Prior to filing an application for PUD, the applicant shall attend a conference with the City. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance on the general merits of the proposal and its conformity to the provisions of this chapter before incurring substantial expense.

10-7-7: General Concept Plan.

A. In order to receive guidance in the design of a PUD prior to submission of a formal application, the applicant may submit a concept plan for review and comment by the City Council. Submission of a concept plan is optional but is highly recommended for PUDs. In order for the review to be of most help to the applicant, the concept plan should contain such specific information as is suggested by the City. Generally, this information should include the following information appropriate to the type of development, e.g., commercial, industrial or residential:

1. Approximate building areas, pedestrian ways, and road locations;
2. Height, bulk, and square footage of buildings;
3. Type, number or square footage or intensities of specific land uses;
4. Number of dwelling units;
5. Generalized development plan showing areas to be developed or preserved; and

6. Staging and timing of the development.

B. The tentative written consent of all property owners within the proposed PUD shall be filed with the City before the staff commences review.

C. The Concept Plan is subject to the following procedures:

1. The applicant must meet with the city staff to discuss the proposed development.

2. The applicant must file the concept plan application together with all supporting data.

3. The City Council will review the concept plan application and provide feedback to the applicant regarding the suitability of the request and any suggestions for modification prior to development stage approvals. No formal approval of the concept plan by the City Council is required. Any motions or resolutions by the City Council to approve any part of the concept plan are advisory in nature only and shall not obligate the City to approve the development stage plan or any part thereof or to rezone the property to a planned unit development district.

10-7-8: Development Stage PUD Approval.

A. Following general concept approval of a PUD, the applicant shall submit the development stage application, preliminary plat (if applicable), and fee. If appropriate because of the limited scale of the proposal, the concept stage and development stages may proceed simultaneously. The applicant shall file the development plans and preliminary plat (if required), together with all supporting data.

B. The City Council shall conduct a hearing on the preliminary plat (if applicable) and the PUD rezoning prior to taking action. Notification requirements shall follow the requirements for other zoning amendments, in accordance with Section 10-3-5.

C. The development stage plan shall include, but not be limited to:

1. A preliminary plat and information required by chapter 11 (if applicable);

2. An approved development plan drawn to a scale of not less than one inch equals 100 feet containing at least the following information:

a. Proposed name of the development;

- b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - c. The location, size, use, and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, and existing buildings which will remain, if any;
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, and access aisles, and all other circulation elements, including bike and pedestrian, and the total site coverage of all circulation elements;
 - e. The location, designation, and total area proposed to be conveyed or dedicated for private and public open space, including parks, playgrounds, school sites, and recreational facilities;
 - f. The location, use, and size of structures and other land uses located within 100 feet of the property boundary;
 - g. A proposed landscaping plan, including location of existing plants, identification of species, caliper size, and acreage;
 - h. The location, type, and size of all graphics and signage; and
 - i. Any other information that may have been required by the City Council in conjunction with the approval of the general concept plan.
3. If the City Council determines that it is necessary, in its sole discretion, a natural resource analysis may be required. This analysis will identify existing vegetation areas consisting of forest and wood lots as well as wetlands and wetlands vegetation; the geology, slope, soil, and groundwater characteristics of the site; existing lakes, streams, ponds, drainage swales, runoff settling areas, and floodplains must be identified; analysis of the relationship of the proposed use of the existing natural conditions listed above;
4. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
5. A tabulation indicating the number of residential dwelling units and expected population, if applicable;
6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity;

7. Preliminary architectural “typical” plans indicating use, floor plan, elevations, and exterior wall finishes of proposed building, including manufactured buildings;
 8. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;
 9. A soil erosion control plan acceptable to watershed districts, state department of natural resources, soil conservation service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures; and
 10. Protective covenants and homeowners’ association bylaws (if applicable).
- D. The city may request additional information from the applicant as needed, including, but not limited to, operational factors or retain expert testimony at the expense of the applicant concerning operational factors. Operational factors could include, but not be limited to, traffic, sound, structural integrity, stormwater conveyance or treatment, and utility availability.
- E. In addition to criteria and standards set forth in Subdivision 10-3-5 of this chapter for granting of a rezoning, the following additional findings shall be made by the City Council before the approval of a development stage PUD plan:
1. The proposed development stage PUD is in conformance with the comprehensive plan;
 2. The uses proposed will not have an undue or adverse impact on the reasonable enjoyment of neighboring property or will not be detrimental to potential surrounding uses;
 3. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated;
 4. The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed, to serve the area; and
 5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

10-7-9: Final PUD Approval.

Following preliminary plat approval (if applicable), the applicant for PUD shall prepare and submit the final plat and execute the development contract prepared by the City. The City Council shall then consider the submission for final approval and rezoning to PUD. City Council approval shall require a simple majority vote of the City Council, except for proposals requiring comprehensive plan changes or where the underlying zoning is changing from residential to a commercial or industrial use which shall require a four-fifths vote of the entire City Council.

10-7-10. Conveyance and Maintenance of Common Open Space.

A. All land shown on the final development plan as common open space must be conveyed to the homeowners' association or similar organization 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 homeowners' association or similar organization subject to covenants which restrict the common open space to the uses specified on the final development plan and provide for the maintenance of the common open space in a manner that assures its continuing use for its intended purpose. These provisions may not be amended or deleted without the prior written approval of the City.

B. If a homeowners' association is created, the applicant must submit any required homeowners' association documents at the time of the final plat to the city attorney and city staff which include:

1. Ownership and membership requirements;
2. Articles of incorporation and bylaws;
3. Time at which the developer will turn the association over to the homeowners;
4. Approximate monthly or yearly association fees for homeowners; and
5. A specific listing of all items owned by the homeowners' association including such items as drives, recreation facilities, parking, common open space grounds, and utilities.

The homeowners' association documents are subject to the review and approval of the city attorney and city staff.

10-7-11: Review and Amendments.

A. From time to time the zoning administrator may review PUDs within the city and may make a report to the City Council on the status of noncompliance for a particular PUD either during construction or after the construction has been completed. If the zoning administrator finds that the development has not commenced within one year after the original approval of rezoning for the PUD, the zoning administrator may recommend that the City Council extend the time or revoke the PUD approval and rezone the property to remove the PUD zoning. Prior to this action, the City Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

B. For additional phases of the PUD, if within five years the project has not progressed, the zoning administrator may recommend that the City Council determine what action will be taken with the remainder of the project, up to and including rezoning the property to revoke the PUD zoning. Prior to determining the outcome of the PUD, the City Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

C. Minor changes in the location, placement, and heights of the buildings or structures may be authorized by the zoning administrator or building official if required by engineering or other circumstances not foreseen at the time the final plan was approved.

D. Approval of the City Council shall be required for other changes such as rearrangement of lots, blocks, and building tracts. These changes shall be consistent with the purpose and intent of the approved final PUD development plan.

E. Any amendment to the PUD shall require the same procedures as for the application for a PUD as set forth in this chapter.

Adopted by the City Council of the City of Lauderdale the 23rd day of April, 2013.