

## **ARTICLE XVIII. PLANNED UNIT DEVELOPMENT**

### **SECTION 1800. PURPOSE AND APPLICABILITY**

1. The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas than is generally possible 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, the integration of necessary commercial and community facilities, and the preservation of open space for park and recreational use.
2. A Planned Unit Development is a distinctive use of property. A Planned Unit Development shall, therefore, be governed only by the provisions of this Article and not by any other provision of this Ordinance anything in this Ordinance to the contrary notwithstanding.

### **SECTION 1801. GENERAL REQUIREMENTS**

A request for a Building Permit and for a Zoning Compliance Certificate for a Planned Unit Development must meet the following requirements to qualify for consideration:

1. A Planned Unit Development site shall be not less than ten (10) contiguous acres of land.
2. The tract of land for a project must be either in one ownership or the subject of a request filed jointly by the owners of an properties included. The holder of a written option to purchase land or the holder of an executory land contract shall for the purposes of such request be deemed to be an owner of such land.
3. A Planned Unit Development shall be allowed only within an R-1, R-2, B-1, or B-2 District and providing the applicant can demonstrate that the proposed character of development will meet the objectives of Planned Unit Development.
4. Land use need not be uniform in all respects.
5. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and phone transmission wires shall be placed underground.
6. Approval by the Planning Commission of a sketch plan and detailed site plan is required.

### **SECTION 1802. PERMITTED USES**

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

1. Residential Uses.

- a. Single-family detached dwellings, excluding mobile homes.
  - b. Two-family dwellings.
  - c. Apartments.
  - d. Town houses.
  - e. Condominiums.
  - f. Other multi-family dwellings.
2. Commercial uses designed and intended to serve the convenience needs of the people residing in the planned unit development.
- a. Food stores.
  - b. Bakeries (retail only).
  - c. Barber or beauty shops.
  - d. Banks and financial institutions.
  - e. Shoe sales and repair stores.
  - f. Florist and garden shops.
  - g. Hardware stores.
  - h. Variety stores.
  - i. Book and stationary stores.
  - j. Dry cleaning (pick up or coin operated only).
  - k. Wearing apparel shops.
  - l. Offices.
  - m. Drug stores.
  - n. Post office.
  - o. Full course menu, table top, indoor restaurants conforming in appearance to a residence which provide no "drive-in", "short-order", or "car service" food or drink facility. Alcoholic beverages may be served incidental to the sale of food.
  - p. Private clubs, excepting those of which the chief activity is a service customarily carried on as a business.
3. Accessory and associated uses designed and intended to serve the convenience needs of the people residing in the Planned Unit Development, like:

- a. Private garages.
- b. Storage sheds.
- c. Recreational play areas.
- d. Churches.
- e. Elementary and secondary schools.

### **SECTION 1803. DESIGN REQUIREMENTS**

Within the Planned Unit Development approved under this Article, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations applicable to the district in which the development is located:

1. The maximum number of dwelling units permitted within the project shall be determined by dividing the net Planned Unit Development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
2. The minimum lot area shall not be reduced by any permitted use more than twenty (20%) per cent below that required in the district in which the project is located.
3. The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonable equivalent open space is provided elsewhere upon the site.
4. The minimum lot frontage and width for any lot designated for a single-family dwelling may be reduced twenty (20%) per cent below the requirements of the district in which the Planned Unit Development is located.
5. A screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.
6. Within every Planned Unit Development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated to be:
  - a. Sufficient in size, suitably located, with adequate access, and
  - b. That evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

7. All required open space within a Planned Unit Development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

#### **SECTION 1804. PROCEDURE**

Whenever any Planned Unit Development is proposed, before any Building Permit is granted, the developer shall apply for and secure approval therefor from the Planning Commission in accordance with the following procedure.

1. In order to allow the Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the Planning Commission with the applicable fee. The sketch plan shall be drawn to approximate scale and clearly show the following information:
  - a. Boundaries of the property.
  - b. Location and height of all buildings and structures.
  - c. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.
  - d. Delineation of the various residential and/or commercial areas indicating for each such area its size, number of buildings, structures and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the net residential density and commercial density.
  - e. The interior open space system.
  - f. The overall storm water drainage system.
  - g. If grades exceed thirty (30%) percent on portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
  - h. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
  - i. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  - j. A location map showing uses and ownership of abutting lands.
2. In addition, the following documentation shall accompany the Sketch Plan:
  - a. Evidence that the proposal is compatible with the objectives of the City's zoning plan.
  - b. A general statement as to how common open space is to be owned and maintained.

- c. The intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
3. The Planning Commission shall hold a public hearing or hearings on the application for a Planned Unit Development in accordance with the procedure of ARTICLE XVII, SITE PLAN AND/OR SPECIAL APPROVAL USE REVIEW.
4. Following the public hearing, the Planning Commission shall, within sixty (60) days, approve or disapprove the Sketch Plan or make modifications thereto and so notify the applicant of its decision.
5. Approval of a Sketch Plan shall not constitute approval of the detailed Site Plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.
6. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire Sketch Plan, as amended, to the Planning Commission pursuant to the above procedure.
7. After receiving approval from the Planning Commission of a Sketch Plan, the applicant may prepare his detailed Site Plan and submit it to the Planning Commission for approval. However, if more than six (6) months have elapsed since the time of Sketch Plan approval, the Planning Commission may require a resubmission of the Sketch Plan for further review and possible revision.
8. The detailed Site Plan shall conform to the Sketch Plan that has been given approval. It shall incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
9. The detailed Site Plan shall include the following information:
  - a. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within three hundred (300) feet of the applicant's property.
  - b. A topographic map showing contour intervals of not more than four (4) feet of elevation.
  - c. A plan showing location, proposed use, number, and height of all buildings or structures, location of all parking areas, with access and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for nonresidential uses, if any.
  - d. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

## **SECTION 1805. STANDARDS FOR APPROVAL**

The Planning Commission's review of the detailed Site Plan shall include, but shall not be limited to, the following:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
2. Location, arrangement, appearance, and sufficiency of off-street parking.
3. Location, arrangement, size and entrances of buildings, walkways and lighting.
4. Relationship of the various uses to one another.
5. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.

## **SECTION 1806. BUILDING PERMITS AND ZONING COMPLIANCE CERTIFICATES**

1. Upon approval of the Planned Unit Development, the Chairman of the Planning Commission shall direct the Zoning Inspector to issue Building Permits and/or Zoning Compliance Certificates.
2. In any case where the construction on the Planned Unit Development has not commenced within one (1) year from the date of approval, the Building Permits and/or Zoning Compliance Certificates shall be null and void.
3. After a Planned Unit Development has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
4. If construction and development does not conform to the approval of the Planning Commission, any Building Permit and/or Zoning Compliance Certificate shall be forthwith revoked by the Zoning Inspector by written notice of such revocation posted upon the site and mailed to the developer at his last known address. Upon revocation, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.