

TITLE V - ZONING AND PLANNING

Chapter 55 - ZONING

ARTICLE VI. SUPPLEMENTARY REGULATIONS

5:80. PUD planned unit development regulations and standards for approval.

The provisions of this section shall apply to all PUD zoning districts:

(1) *Definitions.*

- (a) *Conceptual PUD plan:* A graphic depiction in plan form of the elements of a planned unit development district which illustrates the PUD development program and the district's supplemental regulations.
- (b) *PUD development program:* A written document describing the objectives, purposes, and beneficial effect for the city proposed to be achieved by the PUD zoning district.
- (c) *Supplemental regulations:* A written document which contains the zoning and site development requirements which, once approved, become part of the ordinance establishing the PUD zoning district, and, in addition to current city regulations and ordinances, will be in effect for the district.

(2) *Modifications permitted.* In order to achieve a beneficial effect for the city, the Planning Commission may recommend and City Council may approve, as part of the supplemental regulations, modifications that increase, decrease, or eliminate the requirements listed below for equivalent land uses and intensities:

- (a) Use regulations, and area, height and placement regulations as provided in this chapter, except that a modification allowing greater residential density may be approved only if the PUD zoning district proposed provides for dwelling units as affordable housing for lower income households as specified in section 5:80(6)(e).
- (b) Off-street parking requirements as provided in Chapter 59 (Off-Street Parking).
- (c) Landscaping, screening, and buffer requirements as provided in Chapter 62 (Landscape and Screening).

(3) *The PUD process.* The PUD process shall involve 5 consecutive steps: citizen participation, pre-petition conference with staff, pre-petition conference with Planning Commission, PUD zoning district review, and PUD site plan review. The pre-petition conference occurs before the petitioner has submitted a formal petition; zoning district and site plan reviews occur after the petitioner has submitted a formal petition. The PUD site plan review may occur only if the PUD zoning district has been approved as required by this chapter.

- (a) Before submitting a PUD application for formal review, the petitioner shall comply with section 5:110 (citizen participation for petitions that require public hearings).
- (b) *Pre-petition conference with staff.* Before submitting a petition, the petitioner shall contact the Planning and Development Services Manager or designee to schedule a pre-petition conference. At the conference the petitioner shall present the proposed conceptual site plan and development program. The staff may provide the applicant with their comments regarding compliance with ordinance of the proposed land uses, the proposal's conformance with adopted Master Plan and policies, and whether the project will require citizen participation, consistent with section 5:110
- (c) *Pre-petition conference with Planning Commission.* Before submitting a petition, the petitioner shall contact the Planning and Development Services Manager or designee to schedule a pre-petition conference at a regularly scheduled meeting or a working session of the Commission. At the conference, the petitioner shall present the proposed conceptual PUD plan and PUD development program. The Commission will take no official action, but the Commissioners and staff may provide the petitioner with their comments regarding the

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appropriateness of the proposed land uses, the proposal's conformance with adopted master plan and policies, the beneficial effects to be achieved, whether or not a model may be required and whether petitioner's requests for zoning district approval and PUD site plan approval should be presented together at the same meeting or independently at separate meetings. No fees will be charged for the preliminary review.

- (d) *PUD zoning district review.* PUD zoning district review involves departmental and Commission review of the conceptual PUD plan, the PUD development program, and supplemental regulations to determine consistency with or the appropriateness for deviating from the city's adopted plans and policies and its suitability for inclusion in the land use and zoning plans of the city and adoption by City Council as part of the zoning ordinance. Once approved by the City Council, the property shall be zoned to a PUD zoning district, and use of the property shall be regulated by the supplemental regulations and all other applicable Code requirements.
 - (e) *PUD site plan review.* Review and approval of a PUD site plan consistent with the requirements of Chapter 57, the supplemental regulations, and the Land Development Regulations is required prior to the issuance of permits. If the PUD zoning district provides that a PUD may be developed in phases, as shown on the conceptual PUD plan, approval of a PUD site plan for each phase is required prior to the issuance of permits for that phase.
- (4) *PUD zoning district review submittal requirements.* The petitioner for any PUD zoning district shall submit a complete petition together with the following materials:
- (a) *Ownership.* The entire parcel or parcels for which application is made shall be under 1 ownership, or the application shall be made with the written authorization of all property owners who have a legal or equitable ownership interest in the property or properties. Application for a PUD zoning district may be made only by or with the written authorization of the owner(s) of the parcel(s) involved. All property that is proposed to be part of the development shall be included in the PUD zoning district request.
 - (b) A conceptual PUD plan containing the information required by Chapter 57 and the Land Development Regulations for area plans. Such plan shall include, but not be limited to: criteria of area, height, and placement standards; the location and relationships of permitted land uses; parking and circulation systems; landscape features; preserved natural features; proposed phasing, and any other unique physical characteristics which warrant the PUD zoning.
 - (c) A boundary survey and legal description of the parcel(s) to be zoned.
 - (d) A PUD development program describing the objectives, purposes, and beneficial effect for the city proposed to be achieved by the PUD zoning district; why this beneficial effect cannot be achieved under any other zoning designation; and its conformity to the adopted master plan and policies of the city or detailed compelling justification for departures from the plan and policies.
 - (e) Proposed supplemental regulations for the PUD zoning district which shall include, but not be limited to permitted land uses; accessory uses; minimum and maximum standards of lot area and lot area per dwelling unit, if applicable; minimum usable open space in percentage of lot area; minimum required front, side and rear setbacks; maximum height and number of stories. The supplemental regulations shall include sufficient analysis and justification for the beneficial effect and detailed performance standards by which the development will be evaluated and the beneficial effect achieved. Such analysis and justification may include, but are not limited to:

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- (i) A comprehensive analysis of the surrounding neighborhood, providing such details as scale of structures, minimum and maximum height and number of stories, minimum and maximum setbacks, historic or architectural styles or features, building materials and colors, and other unique features and a detailed analysis of how the PUD site plan and design contribute to the neighborhood.
 - (ii) A comprehensive analysis of the unique features of the site, including such components as topography, site orientation, circulation, or special condition and a detailed analysis of how the PUD site plan and design contribute to the preservation, protection, utilization, and enhancement of the site's unique features.
 - (f) A study model, indicating the 3-dimensional character of the proposal, unless determined by the Commission during its preliminary review that 1 is unnecessary. With the approval of the Planning and Development Services Manager or designee, other visual representations such as computer-enhanced photography or video may be substituted.
 - (g) Any additional graphics, photographs, or written materials requested by the Planning and Development Services Manager or designee, Commission or City Council to assist the city in visualizing and understanding the proposal and assessing the possible benefits and impacts.
 - (h) Materials supporting a request for additional residential density in accordance with section 5:80(6)(e), where applicable.
- (5) *Procedure for PUD zoning district review.* A PUD zoning district is established as follows:
- (a) All required materials, together with appropriate fees as established by City Council, shall be filed with the Planning and Development Services Manager or designee. Copies of the materials will be distributed by the Planning and Development Services Manager or designee to the appropriate city service units and other reviewing agencies for review to determine the following:
 - (i) If the development can be accommodated by the existing public utility, street, and general city service facilities, or if any additions to, or extension of facilities are necessary for the project.
 - (ii) If the proposal meets the standards for PUD zoning district approval listed below.
 - (iii) If the development will comply with all applicable local, state, or federal laws, ordinances, standards, and regulations or provides sufficient compelling justification for modifications of those local ordinances, standards or regulations as permitted for PUDs, and
 - (iv) If the proposal conforms to the adopted master plan and policies, or provides sufficient compelling justification for departure from the adopted plan and policies.
 - (b) The Planning and Development Services Manager or designee will notify the petitioner of any questions raised by the city service units and other reviewing agencies and shall submit a report to the Commission for its consideration including an evaluation of the planning aspects of the project and its impact on the present and future development of the city.
 - (c) The Commission shall hold a public hearing with notification as required by this chapter for zoning ordinance amendments.
 - (d) The Commission shall recommend to City Council action as it deems proper and shall transmit its recommendation together with any recommended conditions of approval and all related reports and minutes to City Council.

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- (e) Before taking final action on the petition, the City Council shall hold a public hearing with notification as required by this chapter for zoning ordinance amendments.
 - (f) A protest of a proposed PUD zoning district may be presented as provided in this chapter for zoning ordinance amendments.
 - (g) The Planning and Development Services Manager or designee shall keep a record of all approved PUD zoning districts and supplemental regulations. Notice of approvals shall be published as required by this chapter for zoning ordinance amendments.
- (6) *Standards for PUD zoning district review.* The Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:
- (a) The use or uses, physical characteristics, design features, or amenities proposed shall have a beneficial effect for the city, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination thereof, on present and potential surrounding land uses. The beneficial effects for the city which warrant the zoning include, but are not limited to, features such as:
 - (i) Innovation in land use and variety in design, layout and type of structures which furthers the stated design goals and physical character of adopted land use plans and policies;
 - (ii) Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities;
 - (iii) Provision of usable open space;
 - (iv) Preservation and protection of natural features that exceeds ordinance requirements, especially for those features prioritized in the land development regulations as being of highest concern, or that preserves existing conditions instead of merely providing mitigation;
 - (v) Employment and shopping opportunities particularly suited to the needs of the residents of the city;
 - (vi) Expansion of the supply of affordable housing for lower income households; and
 - (vii) The use and reuse of existing sites and buildings which contributes to the desired character and form of an established neighborhood.
 - (b) This beneficial effect for the city shall be one which could not be achieved under any other zoning classification and shall be one which is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.
 - (c) The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.
 - (d) The use or uses proposed shall be consistent with the master plan and policies adopted by the city or the petitioner shall provide adequate justification for departures from the approved plans and policies.
 - (e) If the proposed district allows residential uses, the residential density proposed shall be consistent with the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide affordable housing for lower income households in the following manner:

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- (i) Proposed PUD projects exceeding the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, by up to 25% shall provide 10% of the total dwelling units as dwelling units affordable to lower income households. Proposed PUD projects exceeding the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, by over 25% shall provide 15% of the total dwelling units as dwelling units affordable to lower income households.
 - (ii) Dwelling units affordable to lower income households shall be provided by the development of units on-site, or payment of an affordable housing contribution in lieu of units consistent with the formula adopted by annual resolution of City Council, or any combination thereof.
 - (iii) When the affordable housing requirement results in a fractional unit, the fractional unit shall be converted to an affordable housing contribution in lieu of units, using the following formula: the fraction shall be multiplied by the per-unit PUD affordable housing contribution as determined by the formula adopted annually by City Council.
 - (iv) The Commission shall recommend approval, approval with conditions, or denial, and City Council, in its sole discretion, may approve or deny payment of an affordable housing contribution in lieu of units.
 - (v) Provisions to implement the affordable housing proposal shall be included in the PUD supplemental regulations or the development agreement, or both, as determined by the city.
 - (f) The supplemental regulations shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.
 - (g) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.
 - (h) Disturbance of existing natural features, historical features and historically significant architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.
- (7) *Effect of PUD zoning district approval.*
- (a) Approval of the PUD zoning district by City Council shall rezone the property to a "PUD" zoning classification for the land uses, the area, height, and placement standards, and the objectives, purposes, beneficial effects, and special conditions provided in the PUD development program, the conceptual PUD plan, and supplemental regulations for the zoning district. In the case of differences between plans and written documents, written documents shall govern.
 - (b) The approval shall confer upon the owner or subsequent owners the right to seek PUD site plan approval for the proposal or for any of its approved phases in accordance with Chapter 57, the approved PUD zoning district and supplemental regulations and city regulations and ordinances.
 - (c) A PUD zoning district and its supplemental regulations shall remain in effect as approved until a change to the PUD zoning district has been approved.

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- (8) *Changes to a PUD zoning district.* A change to a PUD zoning district may be accomplished by amending the PUD zoning district by the process provided for establishment of a PUD zoning district or by rezoning to a different zoning district pursuant to the procedures of this chapter for zoning ordinance amendments.
- (9) Any deviation from the approved PUD zoning district or PUD site plan, except as authorized in Chapter 57, shall be considered a violation of this chapter and subject to the penalties stated herein.