

- (9) In townhouse developments with a total area greater than five (5) acres at least twenty (20) percent of the total area shall be devoted to common open space, exclusive of parking areas or accessory buildings. Such common open areas may include recreational facilities. Provisions satisfactory to the City Council and approved by the City Attorney shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, recreational use, and the common off-street parking spaces established for the development.
- (10) Story and building height requirements shall be in accordance with those specified for the district in which the townhouse is located.

10.2. Planned Unit Developments (PUD) (Ord. 3-2013)

Overview

Planned Unit Development (PUD) is defined as tracts of land under unified control consisting of at least 15 contiguous acres under unified control, planned and developed as a whole in a single development operation, or a definitely programmed series of development operations, including all lands and buildings. Suitability of such tracts for the plans and development proposed for the PUD district shall be determined by the existing and prospective character of surrounding development, and by reference to the comprehensive plan.

Information Required with Application

- A. Land developed for residential and non-residential uses in accordance to a Master or Development Plan must include a map showing all uses and be established as part of the PUD approval process. Plans should include streets, lots or building sites, site plans, setbacks and elevations for all major buildings as intended to be located, constructed, and used; and detailed plans for other uses and improvements on the land as related to the building; and other requirements as noted below to be established as part of the PUD approval process; and
- B. Evidence of provision for operation and maintenance of such areas, improvements, facilities, and services as well be for common use by some or all of the occupants of the development, but will not be provided, operated, or maintained at general expense; and
- C. A traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent street in the immediate area.

Items to be established as part of PUD approval

- A. **Allowed Uses** – A list of uses to be allowed in a PUD must be established as part of the PUD approval process.
- B. **Lot Size** – Lot size requirements must be established as part of the PUD approval process. The size and width of lots located along any PUD district boundary must have a lot area and width that is at least as large as the lots in any abutting R district. This requirement may be waived if the City Council determines that buffering or other techniques have been used to mitigate any adverse impacts on the compatibility of abutting developments.
- C. **Residential Density** – The maximum allowable residential density must be established as part of the PUD approval process.
- D. **Setbacks** – Setback standards must be established as part of the PUD approval process.
- E. **Height** – Building height standards must be established as part of the PUD approval process.

- F. **Parking** – Off-street parking requirements must be established as part of the PUD approval process.
- G. **Other Items** – The Planning Commission or the City Council may establish additional criteria for the approval or rezoning of the PUD application as they deem appropriate.

Development Plan Approval Required

Approval of a PUD master plan and plat must occur before any building permit is issued and before any development takes place in a PUD district. Permits may be issued for a development phase if a development takes place in a PUD district. Permits may be issued for a development phase if a development plan has been approved for the entire PUD and a plat has been approved for the subject phase.

Application Filing

Complete applications for PUD master plan approval must be filed with appropriate personnel in the Planning Department at the same time that the PUD zoning map amendment application is filed. PUD applications may be filed only by the subject landowner or the subject landowner's authorized agent.

Procedure

PUDs require concurrent approval of a zoning map amendment and major development plan. Those procedures govern unless expressly modified by provisions of this section.

- A. The Planning Commission must hold a public hearing on the proposed PUD zoning map amendment and major development plan. Following the close of the hearing, the Planning Commission must vote to recommend that the proposed PUD zoning map Amendment and development plan be approved; approved with conditions or Modifications; or denied.
- B. After action by the Planning Commission, the City Council must convene its own public hearing on the proposed PUD zoning map amendment and development plan.
- C. Following the close of the public hearing, the City Council may act to approve the proposed PUD zoning map amendment and development plan, approve the proposed PUD zoning map amendment and development plan with modifications, or deny the proposed PUD zoning map amendment and development plan. The City Council may also return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for doing so.

Changes to Approved PUD

- A. Minor changes involving changes to lot size, setbacks, heights and parking must be submitted to the appropriate personnel in the Planning Department, Planning Controls Division to be put on the Planning Commission agenda for review and decision.
- B. Major changes involving use (rezoning) must be submitted to the appropriate personnel in the Planning Department, Planning Controls Division to be put on the Planning Commission agenda for consideration and will then go to City Council for final approval.