

Sec. 117-123. - Planned Unit Development District.

- (a) *Intent.* The intent of the Planned Unit Development District is to provide a district that will encourage:
- (1) Flexibility in land development in order to make better use of new techniques in building design and construction and land development.
 - (2) Housing affordable to all income groups.
 - (3) More efficient use of public infrastructure.
 - (4) Energy conservation through the use of more efficient building designs and through the clustering of buildings and land uses.
 - (5) Preservation of desirable land characteristics and open space and protection of sensitive environmental features such as steep slopes, poor soils and trees.
 - (6) More effective and efficient use of land, open space and public facilities through the mixing of land uses and assembly and development of land in larger lots.
- (b) *Criteria.* Every proposal presented to the city for rezoning to Planned Unit Development District (PUD), shall be accompanied by a preliminary site plan as provided in subsection (k)(1) of this section. The city shall consider the following criteria and objectives in reviewing the PUD:
- (1) A high quality of design and design compatible with surrounding land uses, both existing and planned.
 - (2) A wider range of housing types, price ranges and styles than could be accomplished under existing zoning.
 - (3) Public amenities, facilities and open spaces that are greater than the minimum requirements of existing zoning and determined to be in the public good.
 - (4) Compatibility with the purposes and intents of this chapter and the city's comprehensive plan, specifically residential density requirements. Increases in density may be allowed, provided that traffic patterns will not be adversely affected and that public facilities are adequate.
 - (5) Provision for a minimum of 20 percent public open space and/or 50 percent private open space protected by adequate covenants running with the land or by conveyances or dedications. Credit for public open space shall be given pursuant to the following schedule:
 - a. Woodlands, steep slopes, prairie and grasslands: 100 percent credit.
 - b. Water features and wetlands: 50 percent credit.Private open space may include yard space, street boulevards, and other private common areas.
 - (6) The proposal shall exercise no substantial detrimental influence on the market value of surrounding properties.
 - (7) The proposal shall show a favorable economic impact on the community at large.
 - (8) The proposal shall not adversely impact natural features such as wetlands, water features, woodlands, and steep slopes.
 - (9) The proposal shall protect and preserve scenic qualities to the greatest extent possible.
 - (10) The proposal shall not impose any undue burden on public services and facilities, including fire and police protection, schools, streets, water systems, sanitary sewer systems and storm sewer systems.
 - (11) The proposal is designed in such a way to form a desirable and unified environment within its own boundaries, and also will not be detrimental to future land uses in the surrounding areas.
 - (12) The proposal is consistent with all other applicable city and state regulations.

- (c) *Standards.* In order to provide maximum flexibility, PUDs are not required to meet typical zoning code standards when specifically approved as a part of the PUD. At the discretion of the city, certain zoning code standards may be used as guidelines when determined appropriate.
- (d) *Procedure.*
- (1) Prior to the preparation and filing of a preliminary site plan and formal application for the rezoning to the PUD District, the developers or landowners shall meet with city staff to review all applicable ordinances, regulations and plans that will affect the area to be rezoned.
 - (2) The developers or owners of the property shall prepare a preliminary site plan in accordance with the regulations of this chapter and shall submit the plan to the zoning administrator 45 days prior to the required public hearing.
 - (3) The preliminary site plan and the application for a PUD District shall be submitted to the city staff for review and comment, to ensure compliance with other city codes and regulations.
 - (4) The preliminary site plan shall be submitted to the park and recreation commission for its review and comment. The park and recreation commission shall submit in writing to the planning commission its report as to the appropriateness of the preliminary site plan.
 - (5) Upon staff review of the preliminary site plan and the application for rezoning, a public hearing shall be scheduled before the planning commission.
 - (6) The notice for public hearing shall be published in the official newspaper at least ten days, but not more than 30 days, prior to the public hearing, at which time the item will be heard. Notices will also be sent to property owners within 350 feet of the subject property.
 - (7) A written evaluation from the city staff shall be forwarded to the planning commission and the applicant prior to the public hearing.
 - (8) The planning commission shall simultaneously hold a public hearing on the preliminary site plan and proposed rezoning request. Following the public hearing, the planning commission shall submit in writing to the council its report, its findings, and its recommendation as to the appropriateness of the preliminary site plan, and shall recommend approval, modification, postponement, or disapproval based upon the criteria set forth in section 117-49.
 - (9) The preliminary site plan and the rezoning application shall be scheduled for a council meeting within 30 days after the submittal of the planning commission report.
 - (10) The council shall consider the application for rezoning pursuant to section 117-49 and shall approve, postpone, or disapprove the application for the rezoning. If the application for rezoning is approved, and the property is rezoned, the council shall approve or modify and approve the preliminary site plan.
 - (11) The applicant shall file final plans in accordance with the requirements in section 117-49 with the zoning administrator at least 30 days before the council meeting at which the final plans are to be considered.
 - (12) The council, upon receipt of the final plans may approve the final plans if, in its determination, the proposed development is consistent with the preliminary site plan, as approved.
- (e) *Major changes.* If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by re-submission of a new preliminary site plan and rezoning application to the zoning administrator, and scheduling of a new public hearing before the planning commission and review again by the council. The following constitute major changes:
- (1) Increase in density.
 - (2) Change in architectural design or style.
 - (3) Change in type of ownership, private, condominium, or rental.

- (4) Change of more than ten percent in total floor area of the proposed buildings.
 - (5) Increase in height of any building.
 - (6) Major modification in the landscape plan.
 - (7) Reduction in the proposed open space.
 - (8) Change in the development schedule.
 - (9) Change in the road location or standards.
 - (10) Any other changes determined to be major by the council.
- (f) *Planned unit developments.* The developer shall be required to submit a sign plan for approval, drawn to scale with elevations. The sign plan shall include but not be limited to the following information: number of signs, type of signs, sign sizes, type of construction materials, and sign messages.
- (g) *Minor changes.* The council may, in its discretion, permit minor deviations from the preliminary site plan that do not change the concept or intent of the proposed development as previously approved.
- (h) *Denial.* The council shall deny any application if it finds the final plans do not substantially conform to the preliminary site plan as previously approved by the council. If the final plans are subsequently modified to conform to the approved preliminary plan, the applicant may resubmit said final plans to the council for approval.
- (i) *Rezoning.*
- (1) If final plan approval is not granted within one year from the time the council approved the rezoning and preliminary site plan, the council may initiate a rezoning to remove the PUD District zoning and rezone the property to the zoning that was in effect at the time of the PUD rezoning application. The applicant may request the council for no more than one six-month extension for final plan approval.
 - (2) If construction has not commenced in accordance with the approved development schedule, the council may initiate a rezoning of all or part of the land to change the PUD District zoning and rezone all or part of the property to the zoning that was in effect at the time of the PUD rezoning application.
- (j) *Development guarantee.* Prior to the granting of any building permit within a PUD District, a deposit shall be made to the city, in cash or letter of credit, approved by the city, equal to 125 percent of the estimated cost of all site improvements including but not limited to road construction and landscaping improvements as required by the final plans.
- (k) *Requirements for preliminary plans.*
- (1) *Preliminary site plan.* The preliminary site plan shall be drawn at a scale of one inch equals 50 feet, 100 feet, or 200 feet. The submission may be composed of one or more sheets and drawings and shall provide the following:
 - a. Location of all proposed buildings and their proposed uses.
 - b. Location of driveways and parking areas (all driveways and parking areas must include curbing).
 - c. Front, side and rear yard setbacks shall be indicated.
 - d. Square footage and dimensions of all proposed lots shall be indicated.
 - e. Location of all easements, width and purpose.
 - (2) *Landscape plan.* The landscape plan shall be prepared at a scale of one inch equals 50 feet and shall provide the following:
 - a. Location of areas for berming and sodding.
 - b. Location of proposed plantings, identify plant materials.

- c. Location of existing vegetation.
 - d. Trees to be removed shall be indicated.
- (3) *Grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one inch equals 50 feet, 100 feet or 200 feet and shall provide the following:
- a. Existing and proposed, grades with a minimum of two-foot contour intervals to a known sea level datum.
 - b. Sufficient spot elevations on all proposed hard surface areas.
 - c. Estimated runoff of the area based on ten- and 100-year storm events.
 - d. Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainageway, or street.
 - e. Location of proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored.
 - f. Finished floor elevations of all buildings.
 - g. Identification of soils by type and location, including identification of the water table, and suitability of soil for the proposed development.
 - h. Areas located in a flood hazard zone as identified by the department of natural resources.
- (4) *Topographic map.* The topographic map shall be drawn at a scale of one inch equals 100 feet and shall contain the following information:
- a. Two-foot contour intervals.
 - b. Watercourses, rock outcroppings, and other significant land features shall be indicated.
 - c. Use U.S. Geological Service datum for mapping.
- (5) *Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and shall provide the following:
- a. Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structures.
 - b. Elevations of the proposed building, identifying exterior treatment, materials to be used, and paint color.
- (6) *Platting requirement.* If a land subdivision is required, the subdivision requirements of article III of this chapter shall be followed.
- (l) *Requirements for final plan.*
- (1) *Final site plan.* The final site plan shall be prepared at a scale of one inch equals 50 feet, 100 feet or 200 feet, and shall provide the following:
- a. Location of proposed structures.
 - b. Location of proposed driveways and parking areas (all driveways and parking must have curbing).
 - c. Front, rear and side yard setbacks shall be indicated.
- (2) *Final landscape plan.* The final landscape plan shall be drawn at a scale of one inch equals 50 feet and shall provide the following:
- a. Plant types (botanical and common names), number, location, and size.
 - b. Areas to be sodded.
 - c. Location of existing vegetation.

- d. Trees to be removed shall be indicated.
- (3) *Final grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one inch equals 50 feet, 100 feet or 200 feet and shall provide the following:
- a. Existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum.
 - b. Sufficient spot elevations on all proposed hard surface areas.
 - c. Estimated runoff of the area based on ten- and 100-year storm events.
 - d. Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainageway, or street.
 - e. Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored.
 - f. Finish floor elevations of all buildings.
 - g. Identification of soils by type and location, including identification of the water table, and suitability of soil for the proposed development.
 - h. Areas located in a flood hazard zone as identified by the department of natural resources.
- (4) *Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and shall provide the following:
- a. Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structures.
 - b. Elevations of the proposed building, identifying exterior treatment, materials to be used, and paint color.
- (5) *Final plat.*
- a. If a land subdivision is required, the final plat shall be prepared in accordance with article III of this chapter.
 - b. With the final plans, the developer shall submit, for approval by the city, a development schedule for construction of all structures, open space, and recreational facilities.
- (m) *Compliance.* No development shall occur nor shall any building permits be issued for any construction that is not in accord with the approved final plans.

(Code 1978, §§ 9.12.11, 9.20.31; Ord. No. 86-2, 8-25-1986; Ord. No. 93-06, 4-23-1993; Ord. No. 94-02, 2-28-1994; Ord. No. 02-17, 7-15-2002; Ord. No. 03-21, 8-25-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)