

## PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT

### ZONING CODE: 153.341

#### Application Checklists

##### Concept Plan PUD Checklist

The following documents (including one digital copy) are required to initiate the Concept Plan Planned Unit Development (PUD) review process:

- Completed PUD Zoning Application Form with project narrative
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule
- Graphic materials in concept form fully explaining the proposed use, development, or change
- A signed financial bill-back agreement that consents to the Applicant being billed by the for all legal, engineering and administration costs pertaining to the City review of the application

##### Preliminary Plan PUD Checklist

The following documents (including one digital copy) are required to initiate the Preliminary Plan Planned Unit Development (PUD) review process:

- Completed PUD Zoning Application Form with project narrative
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule
- Written and graphic materials fully explaining the proposed use, development, or change
- Legal description of the property
- General site map, including neighboring properties/parcels;
- Principle land uses within 350 feet of the property
- Certificate of survey (to scale) which includes applicable existing and proposed conditions, including property lines and dimensions, building location(s) and setbacks, etc.
- Landscape plan drawn to scale
- Grading and drainage plans
- Soil conditions (if applicable)
- Building floor plans, elevations, and sections
- Description of business or activity; proposed number of employees;
- Certification/verification that there are no delinquent property taxes, special assessments, interest, or City utility fees due
- A signed financial bill-back agreement that consents to the Applicant being billed by the for all legal, engineering and administration costs pertaining to the City review of the application; and
- Other information as required by the City.

## Final Plan PUD Checklist

The following documents (including one digital copy) are required to initiate the Final Plan Planned Unit Development (PUD) review process:

- Completed PUD Zoning Application Form with project narrative
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule
- A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan, as approved during Preliminary Plan review or amended as needed
- A Final Plat (if applicable)
- If applicable, a document to be recorded with the County listing any deed restrictions, covenants, agreements, by-laws, or proposed homeowner's association or other documents or contracts controlling the use or maintenance of the property
- If applicable, a development phasing plan, including the date of beginning and completion of each stage
- Proof of ownership and title work.
- Any other information necessary to fully represent the intentions of the Final Plan

## **PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT**

### **ZONING CODE: 153.341**

A Planned Unit Development (PUD) is a zoning overlay district that may be applied for as part of a development proposal in situations where the Applicant seeks flexibility from strict conformance with the Zoning Code in order to achieve specific development goals. Once granted, the development may be constructed within the standards established by the PUD and the underlying zoning district. A PUD may not allow land uses not expressly permitted by the underlying zoning district.

The minimum total area required for a residential PUD is 7.5 acres of upland. Smaller tracts of land may be considered if the Applicant can show that certain conditions (specified below) exist. All multi-family, commercial, and/or industrial sites must have 2 principal buildings or 2 principal uses on-site to qualify as a PUD and all such sites with two principal buildings must be processed as a PUD.

#### **Purpose:**

The primary purpose of a Planned Unit Development (PUD) is to permit a more creative and flexible regulatory process in guiding land development as compared to the standard development regulations of this chapter. The PUD process provides a joint planning/design effort by the City and the Applicant. The intent is to provide a greater degree of creativity and flexibility and promote the health, safety, order, convenience, prosperity, and general welfare.

Land developed through a PUD is intended to:

- Promote more efficient and effective use of land, open space, and public facilities;
- Preserve, enhance, and protect desirable site characteristics, open spaces, and valuable natural resources;
- Benefit from new technology in building design and construction;
- Encourage variety in the organization and site elements, land uses, building densities, and building types and to promote higher standards of site and building design for all PUD projects;
- Assure that the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the Comprehensive Plan.

### **Information Required for a PUD**

#### **Concept Plan**

An Applicant may submit a Concept Plan for informal City review prior to submitting a detailed Preliminary Plan. The Concept Plan must show the overall concept of the development and present enough information on proposed land use, development intensity or density, site access, internal vehicle and pedestrian circulation, required public infrastructure, environmental features and constraints, and neighboring land uses or development to enable staff and the Planning Commission to provide informed feedback on the proposal.

## Preliminary Plan

An application for a Preliminary Plan shall be made to the City on the zoning application form and accompanied by the required application fee. All applications shall be accompanied by the Preliminary PUD application fee as set by City Council. The application shall include the following information:

1. A written statement generally describing the proposed PUD and the market which it is intended to serve. The statement shall also demonstrate the proposed PUDs relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged, and operated to permit the development and use of neighboring property in accordance with the applicable provisions of the City Code.
2. A legal description of the entire area within the PUD for which Final Plan review approval is sought;
3. A Preliminary Plat prepared in accordance with the city's subdivision regulations. The requirements for a Preliminary Plat may be found in [§ 152.072](#)
4. Any other information that may have been required by the city staff, Planning Commission, or City Council. The City may require additional information depending on the complexity of the proposal.

## Final Plan

The application for Final Plan approval shall be accompanied by the required application fee, development plans of the proposed PUD and supporting information as listed below or as deemed necessary by the City. The Final Plan submittal shall include the following:

1. A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan, and all applicable data required in [§ 152.072](#) and [§ 153.035](#), as deemed necessary depending upon the complexity of the proposal.
2. A Final Plat.
3. If applicable, a document to be recorded with the County listing any deed restrictions, covenants, agreements, by-laws, or proposed homeowner's association or other documents or contracts controlling the use or maintenance of the property.
4. If applicable, a development phasing plan, including the date of beginning and completion of each stage.
5. Any other information necessary to fully represent the intentions of the Final Plan.

After the Final Plan is approved a development agreement will be developed and executed. The development agreement will include all terms and conditions of the approved Planned Unit Development plans and financial requirements.

## PUD Review Process

### Pre-application Meeting

Prior to submission of any plan for consideration of the Planning Commission, the Applicant meets with the City to discuss the contemplated project relative to community development objectives for the area in question to learn what procedural steps and exhibits shall be required. If the proposed development does not conflict with the community development objectives, the Applicant may proceed to concept plan review.

### Concept Plan Review

Before submitting an application for Preliminary Plan review, the Applicant may request that the Planning Commission review a concept of the proposed PUD. The concept plan review allows the Applicant to receive general, non-binding feedback from the Planning Commission before the Applicant prepares and submits a more detailed application for Preliminary plan review.

### Preliminary Plan Review

The Applicant for a PUD shall apply for Preliminary Plan review and appear before the Planning Commission. The Planning Commission shall make a recommendation to the City Council to approve or deny the Preliminary Plan and the Council shall take final action on the application. City Council approval of the Preliminary Plan indicates that the Applicant can proceed on to Final Plan review. All applications for review of a Planned Unit Development proposal, except concept review, require a public hearing and shall be noticed and processed according to the standards and procedures for zoning ordinance text and map amendments as established in § [153.037](#).

The Planning Commission may recommend and the City Council may act to approve or deny a Preliminary or Final Plan for a PUD. The Planning Commission, in making a recommendation, and the City Council, in acting upon a plan, shall consider the following factors:

1. The consistency of the proposed PUD with the city's Comprehensive Plan;
2. The proposed use's compliance with the standards and criteria of the zoning code and subdivision regulations;
3. The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, and sufficiency of drainage and utilities;
4. The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area;
5. The impact of the proposed uses on the health, safety, and general welfare of the occupants of the surrounding area;
6. The burden or impact created by the PUD on parks, schools, streets, and other public facilities and utilities;

7. The sufficiency of each phase of the PUD to ensure its construction and operation is feasible without dependence upon any subsequent phase;
8. The impact of the PUD on environmental quality, property values, scenic views, and reasonable enjoyment of the surrounding area; and
9. That any exceptions to City Code, policy, or regulations are justified by the design or development of the proposed use.

### **Final Plan Review**

The Applicant shall secure Final Plan review approval from the City Council within 1 year following the date of approval of the Preliminary Plan review. If application for Final Plan review approval is not received within 1 year, the Preliminary Plan review will be considered abandoned and a new application for Preliminary Plan review must be submitted. After receiving a recommendation from the Planning Commission, the City Council shall make final determination on approval of the Final Plan review.

## **Administration of a PUD**

### **Final Plan Revisions**

Minor changes in the location, placement, and heights of buildings or structures may be authorized by the City if required by engineering or other circumstances not foreseen at the time the Final Plan review was approved.

Major changes such as rearrangement of lots, blocks, and building tracts or any other significant changes as determined by the City shall be reviewed by the Planning Commission with recommendation to the City Council. Upon Planning Commission recommendation the City Council shall make final approval. Any changes shall be consistent with the purpose and intent of the approved Final Plan review.

### **Method of Amending a PUD**

Any desired change involving density, use, building type, enlargement, or intensification of the use not specifically allowed by a particular PUD, or any request for a variance from the specific terms of a previously passed PUD, shall require the Applicant to submit an application and proceed through the PUD review process, same as if it were a new PUD application.

### **Method of Cancellation of a PUD**

Any existing approved PUD will be canceled if the owner of the land rezones the land prior to the construction of the PUD. In addition, an approved PUD will be null and void if it is not recorded with Washington County within 120 days following final approval of the PUD by the City Council. The PUD shall expire and be considered null and void 1 year after it has been issued if no construction has begun or if use has not been established.

## Rules and Standards

Applicants may be excused from certain requirements of this chapter when specifically approved as part of the PUD. The elimination of requirements shall only be allowed for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the Applicant. All provisions of this chapter not specifically excused in the Preliminary Plan review and/or Final Plan review shall apply to the PUD.

The granting of a PUD does not alter in any manner the underlying zoning district uses. Building permits shall not be issued which are not in conformity with the approved PUD.

PUDs may be utilized in all zoning districts except for Conservancy, Rural Residential, and Agriculture districts.

## Development Standards

### Minimum Area for Residential PUDs

The minimum total area required for a PUD shall be 7.5 acres of contiguous upland (excluding wetlands). Tracts of land of less than 7.5 acres contiguous upland (excluding wetlands) may qualify only if the Applicant can show that the minimum lot area requirement should be waived because a PUD is in the public interest and that one or more of the following conditions exist:

1. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not allow a physical or terrain feature of importance to the neighborhood or community to be preserved;
2. The property is adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood;
3. The development of the property as a PUD will provide the City with other significant on-site or off-site benefits or amenities.

### Residential Densities

A PUD may provide for a variety of housing types in any one of the basic residential zoning districts. The total number of dwelling units allowed in a development shall be determined by either of the following:

1. The area standards of the underlying zoning district in which the proposed development is to be located;
2. The density specified by the PUD is consistent with the intent of the city's Comprehensive Plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the Comprehensive Plan if the Applicant can demonstrate that additional private amenities and increased efficiency in public facilities and services can be achieved by:
  - a. The location, amount, and proposed use of common open space;
  - b. The location, design, and type of dwelling units; and
  - c. The physical characteristics of the site.

**Multi-family, Commercial, and Industrial Sites**

All multi-family, commercial, and/or industrial sites shall at a minimum have 2 principal buildings or 2 principal uses on-site to qualify as a PUD. All multi-family, commercial, and/or industrial sites that have 2 or more principal buildings must be processed as a PUD.

**Open Space**

A primary function for all PUDs is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial. All open space shall be labeled as such and as to its intent or designed functions.

**Relationship to Adjacent Areas**

The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be designed to minimize any undesirable impact of the development on adjacent properties and, conversely, to minimize any undesirable impact of adjacent land use and development characteristics on the PUD.