

PUD Ordinance – Utica

A. *Intent.*

1. The intent of this section is to encourage innovation and to allow more efficient use of land through the use of regulatory flexibility in the consideration of proposed land uses within the city consistent with the requirements of the city's Master Land Use Plan. It is the further intent to replace the usual approval process involving rigid use and bulk specifications by the regulations contained in this Section and by the utilization of an approved development plan.

2. The planned unit development (PUD) permitted under this section shall be considered as an option to the development permitted in all zoning districts and shall be mutually agreeable to the developer and the city. Development under this section shall be in accordance with a comprehensive physical development plan establishing functional use areas, density patterns, and vehicular and pedestrian circulation systems. The development is to be in keeping with the physical character of the city and the area surrounding the proposed development, preserving as much natural vegetation and terrain as possible.

B. *General Requirements for PUD.* PUDs may be permitted after review and recommendation of the conceptual development plan by the Planning Commission and approval of the City Council in accordance with the procedures set forth herein and after public hearings on the concept plan have been held by the Planning Commission and the City Council, subject to the following conditions:

1. Basic land conditions.

- a. PUDs may be permitted in all zoning districts.
- b. The site area used for computing density shall consist of land that is under single ownership or control.
- c. The proposed development must be in basic accord with the intent of the PUDs.
- d. The city may also qualify sites where an innovative, unified, planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.

2. Uses permitted.

a. All uses permitted as principal uses permitted, or special approval land uses and accessory uses permitted in all zoning districts. Multiple uses contained in a PUD must be complementary in nature. If a PUD includes residential uses, the housing types may be clustered to preserve common open space, in a design not feasible under the underlying zoning district regulations. The PUD must provide a complementary variety of housing types and/or a complementary mixed-use plan of residential and/or non-residential uses that is harmonious with adjacent development.

3. Residential density.

a. The maximum permitted densities within a PUD shall be governed by the zoning district in which it is located. The overall dwelling density for single or multiple family

residential districts cannot exceed the maximum dwelling unit density computed for the entire gross site area based on the allowable density of the underlying zoning district.

b. At the discretion of the City Council, after review and recommendation by the Planning Commission, the maximum density permitted may be increased, by up to 25% of the permitted zoning density within that district, provided that the development meets the intent and all other standards of the PUD provisions and all other city ordinances.

c. A majority of the proposed residential units within all residential districts must be developed as either single family, two-family, or multiple family as determined by the underlying zoning.

4. Mixed use and commercial PUDs.

a. A PUD may include residential and non-residential uses as determined by the City Council after review and recommendation of the Planning Commission. The use of creative development concepts including mixed uses and green infrastructure should be used to create commercial nodes and gateways and facilitate renovation of existing retail centers as opposed to creating strip commercial centers and large surface level parking areas along major thoroughfares.

b. Setback and other dimensional requirements of the underlying zoning district(s) shall be used as guidelines for reviewing a proposed mixed-use or commercial PUD, which requirements may be modified by the City Council to achieve the intent of the PUD after review and recommendation of the Planning Commission.

c. Permitted commercial uses shall be limited to those determined by the City Council after review and recommendation of the Planning Commission, to be suitable for the site and compatible with the surrounding area. Any uses listed as special approval land uses shall be required to comply with specific conditions relating to such uses, although no additional review process is needed, other than the PUD approval process.

d. Attached residential units may be permitted as a transitional use between commercial uses and lower density residential in a mixed-use PUD where the underlying zoning is commercial.

e. Elderly housing may be permitted in a mixed-use or commercial PUD. The permitted dwelling unit density of the elderly housing component shall be evaluated based upon the type of elderly housing proposed (i.e. independent, assisted, etc.), the conditions of the site, anticipated traffic impacts, and character of surrounding uses and the neighborhood.

5. Design and layout conditions. The Planning Commission and City Council shall use any applicable standards for approval contained in city ordinances related to land use and any adopted development guidelines.

a. Where a planned or proposed major, secondary, or collector thoroughfare is included partially or wholly within the project area of a PUD, such portion of the roadway shall be provided as a public right-of-way with the width standards as stated in the master road plan for the right-of-way. The alignment of the roadway shall be in general conformance to the proposed alignment as shown on the master plan.

b. In order to provide an orderly transition of density, where the project being proposed for use as a PUD immediately abuts a residential district, (not including districts separated by a major thoroughfare), the City may require that the area immediately abutting the district shall be developed with a like development or landscaped open space.

c. Site design standards should include frontage beautification, buffering devices, landscaping, green infrastructure and storm water treatment, pedestrian amenities, walkway linkages, controlled vehicular access, and attractive signage.

6. Area, height and bulk conditions.

a. All yards, height, bulk, minimum floor area, lot coverage, lot area, and lot width requirements for single-family development shall be in conformance with the requirements of the applicable zoning districts, including special development options, unless otherwise modified by the approved development plan.

b. All yards, height, bulk, minimum floor area, and lot coverage requirements for multiple-family and attached development shall meet the requirements of C-1, C-2, MXD and DMXD Districts, as applicable, unless otherwise modified by the approved development plan.

c. All other uses permitted within the applicable districts shall be subject to the requirements of the respective districts unless otherwise modified by the approved development plan.

C. *Submittal procedures and conditions.* Two distinct steps are required to develop a parcel of land as a PUD development: approval of the concept plan and site plan approval. Any person owning or controlling land may make application to the City Council for consideration of a PUD. In order to adequately review the site plan, the applicant shall be required to submit the following materials to the city:

1. Submittal of proposed PUD concept plan. The proposed PUD concept plan shall contain at least the following:

a. A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (Scale: 1 inch = 200 feet).

b. A current aerial photograph of the area shall be provided (Scale: 1 inch = 200 feet).

c. Application form and required fee.

d. A narrative indicating the period of time within which the project will be completed.

e. A site plan with four-sided elevations showing a layout of the uses and structures in the PUD and their locations including:

(1) Layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district, and generalized building footprints;

(2) Roads, parking areas, drives, driveways, and pedestrian paths;

(3) Building setbacks and spacing;

(4) General location and type of landscaping proposed;

- (5) Any significant woodlands that will be preserved;
- (6) A preliminary layout of the storm water drainage plan, including detention or retention pond locations;
- (7) Locations of public or private utilities; and
- (8) Identification of each phase, if a multi-phase development is proposed.

f. Any additional graphics or written materials reasonably requested by the Planning Commission or City Council to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public primary and secondary schools and utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction costs.

2. Planning Commission review of proposed PUD plan: Upon receipt of an application by the city, such request shall be referred to the Planning Commission for its review and recommendation. In its review, the Planning Commission shall consider the following:

a. That all applicable provisions of this section have been met. Insofar as any provision of this section shall be in conflict with the provisions of any other section of this code, the provisions of this section shall apply to the lands embraced within a PUD area.

b. That adequate areas have been provided for all utilities, walkways, recreational areas, parking areas and other open spaces, and areas to be used by the public or by residents of the community.

c. The plan provides for an efficient, aesthetic, and desirable use of the open areas and the plan is in keeping with the physical character of the city and the area surrounding the development.

e. Upon finding that the conditions outlined above have been satisfactorily met, the Planning Commission will within a reasonable time forward its report and recommendation to the City Council.

3. Approval of PUD Concept Plan: Upon receipt of the report and recommendation from the Planning Commission, the City Council shall hold a public hearing and consider whether or not all conditions have been satisfactorily met

a. The City Council shall review the conceptual plan, together with the findings of the Planning Commission, and shall approve, approve with conditions, or deny the conceptual plan.

b. Once an area has been included within a plan for a PUD that has been approved by the City Council, no development may take place in such area nor may any use thereof be made except in accordance with a City Council approved amendment thereto.

c. The owner must receive final site plan approval for the proposed development within 12 months of approval of the conceptual plan, obtain a building permit within 18 months of conceptual plan approval, and complete development of the PUD within 30 months of conceptual plan approval. This time limitation may be extended by the City Council in response to a request from the owner.

d. Approval of the concept plan by the City Council shall not constitute final site plan approval. Approval of the conceptual plan shall serve as a guide in the preparation and review of the final site plan.

D. *Site plan review.* Upon approval of the PUD conceptual plan by the City Council, a site plan review is required in accordance with Ordinance Site Plan Review Requirements and Procedures prior to the issuance of building or zoning compliance permits. Site plans shall also provide the following:

1. Structural outline (building envelope) of all structures proposed on the site;

2. Architectural renderings of building facade elevations, typical floor plans and topography shall be drawn at a two-foot contour interval. Elevation drawing shall be drawn to scale. Where more than one type of structure or design is intended, the sample elevation and corresponding floor plans of each type shall be submitted;

3. A plan identifying the areas to be dedicated as open space and recreational use showing access, location and any improvements. To assure the permanence of the open space and its continued maintenance, the developer shall provide a proposed open space agreement for review and approval by the City Attorney. The open space agreement must be in a form satisfactory to the city and shall include the following:

a. The proposed manner of holding title to the open space;

b. The proposed manner of payment of taxes;

c. The proposed method of regulating the use of open space;

d. The proposed method of maintenance of the open space area and the financing thereof;

e. Any other facts relating to the legal or practical problems of ownership and maintenance of the open space;

4. The location of access drives, streets, off-street parking areas, and sidewalks;

5. A landscape plan showing location, extent and type of plantings and screening in accordance with the Zoning Ordinance.

E. *Regulatory flexibility.* The City Council may increase, decrease, waive, or otherwise modify the current standards within the Zoning Ordinance including, but not limited to: use, density, intensity, setbacks, building heights, parking, design standards, project design standards, and landscape standards provided the modification is found to improve the quality of development above and beyond what could be developed under the underlying zoning, or results in a higher level of public benefit, and to achieve the purpose of this article. The Zoning Board of Appeals shall have no variance authority for PUD projects.