

5-24 PUD Planned Unit Development

5-24.1 Purpose

- A. The Planned Unit Development (PUD) District is intended to encourage flexible and innovative design in the development of appropriate sites as integrated project units. Regulations for this district are designed to:
1. Allow a workable, interrelated mix of diverse land uses;
 2. Encourage flexibility in design for efficiency and cost savings for the developer and the community;
 3. Maximize the potential for large-scale office, residential, commercial and industrial development and at the same time reduce to a minimum the impact of the development on surrounding land uses and the natural environment;
 4. Encourage new development to preserve and utilize existing land characteristics and features which offer visual recreational benefits or other amenities;
 5. Promote the economic, attractive, innovative and harmonious arrangement and design of new buildings, streets, utilities and other improvements or structures;
 6. Provide a living, working and shopping environment within the layout of the site that contributes to a sense of community and a coherent lifestyle;
 7. Provide for the creation and preservation of more and larger useable public or common open spaces than would normally be provided under conventional development;
 8. Encourage the careful design and planning of larger development projects;
 9. Give developers reasonable assurances regarding project approvals before the unnecessary expenditure of design efforts, while providing the City with appropriate assurances that approved PUD's will retain the character envisioned at the time of project approval.
- B. Property may be reclassified to the planned unit development designation when the proposed development plan will promote the purpose of the district and this ordinance and is formulated in conformance with the review procedures and standards of this section.

5-24.2 General Requirements

A PUD may be established on any parcel of two acres or more in size for residential, office, commercial or industrial development. A PUD is required for all retail commercial uses open to the public or members which have over 60,000 square feet of building area. A PUD is also required for regional shopping centers, manufactured home parks, biofuels production facilities, commercial wind energy conversion systems and for all new industrial parks and all new office parks. Any structure existing at the time of adoption of this Code which is expanded for retail

commercial use to over 60,000 square feet of building area and which expansion constitutes an increase of 25 percent or more to the building area shall be subject to this section, including rezoning to PUD. Such PUD district designation(s) shall be shown on the Official Zoning Map as a P followed by a letter designating the primary use, C (commercial), O (office), I (industrial), or R (residential); i.e. PC, PO, PI, and PR.

5-24.3 Development Regulations

Lots, uses, signs and structures shall conform to the bulk, sign, parking and any other development regulations specifically provided in the ordinance establishing the PUD; however, PUD districts established prior to adoption of this Code without specific bulk, sign, parking and other development regulations shall be regulated by the regulations of the most compatible district allowing the existing uses which are in the PUD. In all PUDs the following minimum standards shall be met:

A. General Standards:

1. The density and design of the PUD shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
2. The PUD shall take into consideration the impact in existing streets and utilities.
3. The economic, environmental and neighborhood impacts of the development shall be considered.
4. The PUD shall conform to the adopted Comprehensive Plan.

B. Specific Standards:

1. Maximum land coverage of all buildings and impermeable areas shall be established.
2. Minimum open space shall be established and continued maintenance of the open space shall be provided in the specific PUD ordinance.
3. Minimum interior and perimeter setbacks shall be established.
4. Maximum height limitations shall be established.
5. Minimum landscape screening requirements shall be established.
6. Sign regulations for the PUD development shall be established.
7. Provision for the continued maintenance of all improvements shall be noted within the ordinance establishing the PUD district.

C. Other Conditions: Other conditions may be required, if found necessary to protect and promote the best interests of the surrounding property or the neighborhood. These conditions may include, but are not limited to, the following:

1. Improvement of traffic circulation for vehicles and pedestrians in the proposed development and adjoining properties and streets.
 2. Specific landscaping/screening/lighting requirements to maintain privacy or reduce impacts in adjoining properties.
 3. Joint use of private open space or amenities by adjoining property owners.
- D. Due consideration shall be given to the natural topography and major grade changes shall be avoided. If the development includes hillsides and slopes, special evaluation is given to geological conditions, erosion and topsoil loss.
- E. If unfavorable development conditions exist, the Zoning Advisory Commission and City Council may restrict clearing, cutting, filling, or other substantial changes in the natural conditions of the affected area.

5-24.4 Procedure to Establish, Amend, or Expand a PUD

- A. Preapplication Conference: Prior to any application for PUD district establishment, the applicant and/or their representative shall meet with planning services staff to determine the applicability of the development, timing of procedure, and any other information pertinent to the proposal.
- B. Application and Submission of Conceptual Development Plan: After the preapplication conference, the application for PUD district establishment shall be filed with the established filing fee with the Planning Services Office. The application shall be submitted with a conceptual development plan, which shall include the following:
1. Legal description and address of property.
 2. Name, address and phone number(s) of the property owner(s).
 3. Number, type and general location of residential units.
 4. General location and type of nonresidential uses including commercial, office and industrial uses.
 5. List of principal permitted uses, conditional uses, accessory uses, and temporary uses.
 6. General location and type of recreational (passive and active) and open space (usable and nonusable) areas.
 7. Location of existing infrastructure and utilities, including: streets with appropriate grades, sidewalks; access drives; water, sanitary sewer and storm sewer drainage systems, where appropriate.
 8. Proposed access to public right of way, including approximate grades, traffic projections and general indication of traffic control measures.

9. Sketches to indicate the general design of building types and the overall character of development.
 10. Existing contours of the property taken at regular contour intervals.
 11. Proposed parking facilities, including surface lots, ramps and loading/delivery areas.
 12. Location of natural features, including woods, bluffs, waterway courses, floodways and meadows.
 13. Conceptual landscape plan showing berms, plantings and fences.
 14. Proposed development conditions for bulk, sign and parking regulation.
 15. A location map or other framing at appropriate scale showing the general location and relation of the property to surrounding areas, including the zoning and land use pattern of adjacent properties, the existing street system in the area, and location of nearby public facilities.
 16. Other information as required by the Planning Service Department as necessary.
- C. Commission Hearing. A public hearing shall be held by the Zoning Advisory Commission on the PUD application in the same manner and with the same public notice procedure as required for zoning reclassification.

5-24.5 Plan Approval Standards

The PUD shall not be approved unless and until the City Council determines that the conceptual development plan conforms to each of the following standards:

- A. The conceptual development plan is in substantial conformance with the Comprehensive Plan to guide the future growth and development of the City.
- B. The proposed development is designed so as to be functionally integrated with existing City streets, sanitary and storm sewer and water service.
- C. The proposed development shall not interfere with the appropriate use and enjoyment of property on abutting districts.
- D. The conceptual development plan will not violate any provision or requirement of this Code.
- E. Natural drainage areas are retained as appropriate and improved if necessary.
- F. Due consideration is given to preserving natural site amenities and minimizing the disturbance to the natural environment.
- G. Existing trees are preserved wherever possible, and the location of trees will be considered in designing building locations, underground services, and paved areas.

- H. If the development includes floodplain areas, any development within the floodplain shall conform to the Floodplain Hazard Overlay District regulations in accordance with **Section 6-4**.

5-24.6 Commission Recommendation

The Zoning Advisory Commission's recommendation shall be transmitted to the City Council with a statement of reasons in support of, or in opposition to, the application, and with recommended conditions or restrictions to be included in an ordinance authorizing the PUD district. The conditions or restrictions shall include, but not be limited to:

- A. Time limitations, if any, for submission of final site plans and commencement of construction.
- B. Uses permitted in the District.
- C. Lot, bulk and performance standards for the development and operation of the permitted uses.
- D. Requirement that any transfer of ownership or lease of property in the District include in the transfer or lease agreement a provision that the purchaser or lessee acknowledges awareness of the conditions authorizing the establishment of the District.
- E. The submittal and approval of a final site plan may be required by the Zoning Advisory Commission to determine if the final detailed plans are in conformance with the conceptual development plan.

5-24.7 Council Action

- A. Upon the recommendation of the Zoning Advisory Commission, the City Council shall act in the manner provided by law to approve or disapprove the requested PUD zoning reclassification of the property. The affirmative vote of at least three-fourths of all the membership of the Council shall be necessary to approve the conceptual development plan when the Commission has recommended disapproval thereof, or to remove any conditions, requirements, or limitations imposed by the Commission in approving the conceptual development plan.
- B. The ordinance authorizing the establishment, expansion, or amendment of a PUD district shall be recorded in the office of the Dubuque County Recorder at the applicant's expense.

5-24.8 Development to Follow Approved Site Plan

- A. Submission of Final Site Plan. After adoption of the ordinance establishing the PUD by the City Council, the applicant shall submit a final site plan to the City Planner prior to development. The final site plan shall be in substantial conformance with approved conceptual development plan.

- B. Site Plan Review. No building permit shall be issued for any site unless a final site plan has been submitted and approved in accordance with the provisions of **Article 12** and unless such plan conforms with the conditions of the adopted conceptual development plan and PUD ordinance.
- C. Construction of Improvements and Posting of Bond. No buildings may be erected and no uses may occupy any portion of the PUD district until the required related off-site improvements are constructed or appropriate security as determined by the City Manager is provided to ensure construction. If the PUD district is to be development in phases, all improvements necessary for the proper operation and functioning of each phase, even though some improvements may be located outside of the section, must be constructed and installed or appropriate security as determined by the City Manager must be provided to ensure their construction.
- D. Changes from Conceptual Plan. After recording of a final site plan, nonmaterial changes consistent with the purpose or intent of this Section may be approved by the City Planner. Material changes affecting the purpose or intent of this Section shall require a new application to be filed.