

## ARTICLE 16

### PLANNED UNIT DEVELOPMENT OVERLAY (PUD-O) DISTRICT

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#### SECTION 16-1 INTENT

**16-101.** It is the intent of the Planned Unit Development Overlay (PUD-O) District to encourage innovation in residential, commercial and industrial development by greater variety in type, design and layout of buildings, to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of the land; and to provide a procedure which relates the type, design and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

The PUD-O District is an overlay zone. The developer shall submit preliminary and final development plans in accordance with the provisions and conditions set out in this Article.

#### SECTION 16-2 GENERAL PROVISIONS

**16-201.** A planned unit development shall be in general conformity with the provisions of the City's Comprehensive Plan, and shall not have a substantially adverse effect on the development of the neighboring area. The plan shall consist of a preliminary plan for development of the entire tract and for a final plan of development for individual portions of the plan.

- a. **Permitted uses.** The applicant may propose any mixture of land uses including residential, commercial, and/or industrial uses.
- b. **Size.** The minimum size allowed for a planned unit development shall be two (2) acres.

- c. **Bulk regulations including front, rear and side yard setbacks, and structure height.** Generally consistent with the existing zoning district on the proposed site, but may be varied for a specific site as proposed by the developer when so approved.
- d. **Parking.** Off-street parking and loading areas shall be provided for all uses within the district in accordance with the requirements of these regulations, unless it is determined by the Planning Commission and the Governing Body that other parking ratios are more appropriate for a specific proposal.

## **SECTION 16-3 SPECIFIC STANDARDS AND CONDITIONS**

### **16-301.**

- a. The applicant shall satisfy the Planning Commission that he or she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of eighteen (18) months following approval of a final plan by the Governing Body. The time period established for the commencing of the plan may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. In the event the landowner shall fail to commence the planned unit development within eighteen (18) months after final approval has been granted by the Governing Body, such approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowners.
- b. The site shall be accessible from public roads that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways on the site of the development shall be adequate to serve the residents or occupants of the proposed development. Streets may be either public or private streets, however all private streets shall be of a size that will carry anticipated traffic and shall be paved. If it is determined that traffic control signals are required to prevent traffic hazards or congestion upon adjacent streets, the control signals shall be provided at the developer's expense.
- c. The development shall not impose an undue burden on public services and facilities.
- d. The application for a planned unit development shall be signed by all owners of the land at the time of application. The plan may have areas designated for sale after platting or development.

- e. The location and arrangement of structures, parking areas, walks, lighting, and facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking, loading areas, or access ways shall be landscaped or otherwise improved.
- f. When a commercial or industrial planned unit development or a commercial or industrial use within a mixed use development abuts a residential district, either adjacent to or within the planned development, a solid or semi-solid fence or wall from six (6) to eight (8) feet in height and having a visual density of not less than ninety percent (90%) per square foot shall be erected. Such fence or wall shall be on or within three (3) feet of the property line separating the use from the residential zone. Screen plantings may be used provided the type, size and number are shown on the final development plan and are approved by the Planning Commission. All required screening and plantings shall be maintained.
- g. Setbacks shall be as required in the base zone in which the planned unit development is located unless otherwise specifically approved by the Planning Commission and Governing Body.
- h. The planned unit development shall include such provisions for the ownership and maintenance of the common open spaces and private streets as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing Body if such is allowed to deteriorate, or is not maintained in a condition consistent with the best interest of the planned development or of the entire community.
- i. No residential use shall have vehicular access onto an arterial street.
- j. Sidewalks shall be provided for on all private streets in accordance with the size, construction and location of sidewalks on public streets. An alternative pedestrian and sidewalk plan may be developed which provides pedestrians access between each use in the planned unit development, and consideration shall be given to providing for bicycle traffic along arterial and collector streets and along the approved pedestrian sidewalk system.

## **SECTION 16-4 APPLICATION PROCESS**

**16-401.** The process for PUD-O approval is a two-step process. The applicant shall submit application for preliminary approval to the Planning Commission which shall conduct a public hearing on the application. The recommendation of the Planning Commission shall be submitted to the Governing Body for approval. The developer may then submit a final plan on the entire project or for designated areas to the

Planning Commission for approval. The recommendation of the Planning Commission on the final plat is then submitted to the Governing Body for its final approval and/or acceptance of street rights-of-way and utility easements.

## **SECTION 16-5 PRELIMINARY PLAN**

### **16-501.**

- a. An application for a PUD-O shall be handled in the same manner as prescribed for rezoning, including notice, advertisement of public hearing, protest and adoption. If lots are to be platted for sale, then the preliminary plan shall also be considered as a preliminary subdivision plat.
- b. The applicant shall prepare and submit five (5) copies of the preliminary development plan for review and approval of the Planning Commission, which plan shall be prepared by a licensed engineer or land surveyor and shall include:
  1. A site plan showing:
    - (a) Contours at intervals of two (2) feet.
    - (b) General location, size and use of all proposed structures, with all setbacks shown or the design of individual lots that are to be later developed or sold including lot, block, easements and public right-of-way if required.
    - (c) All points of ingress and egress, driveways, parking lots, parking spaces and service areas.
    - (d) All streets adjoining subject property and the width of the existing right-of-way of such streets.
    - (e) All public or private streets desired in the planned unit development along with any required and proposed sidewalks and or pedestrian ways.
    - (f) Areas set aside for public open space with the type of facilities planned for each area indicated.
    - (g) Intensity of use of each space.
    - (h) Location of natural features such as ponds, tree clusters, etc.

- (i) Location and proposed type of all required and proposed screening.
  - 2. A full legal description of the boundaries of the property or properties to be included in the PUD-O.
  - 3. A vicinity map showing the general arrangements of streets and use of land of property within one thousand (1,000) feet from the boundaries of the proposed PUD-O.
  - 4. If the proposed development includes common open spaces, streets, recreational facilities, or other common ownership, a statement describing the provisions for the care and maintenance of such common spaces. If it is proposed that such open space be owned and/or operated by an entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
  - 5. Where a proposal calls for construction in parcels over a period of years, a proposed schedule showing a proposed time and sequence for final approval of all sections shall be submitted.
- c. **Action by the Planning Commission.** The Planning Commission shall conduct a public hearing on the preliminary plan following the same procedure as for any other rezoning application. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
  - d. **Action by the Governing Body.** The Governing Body may approve the preliminary development plan and authorize the submitting of the final development plan or plans. If the Governing Body approves the preliminary plan, it shall pass an ordinance designating the tract with an overlay of the planned unit development and so order the official zoning map to be amended.
  - e. Substantial or significant changes in the preliminary planned unit development shall only be made after rehearing and re-approval as required for the approval of a preliminary plan.

## **SECTION 16-6 FINAL PLAN**

### **16-601.**

- a. After approval of a preliminary plan by the Governing Body, the applicant shall submit an application for final approval. The application may include the entire planned unit development or may be for a section thereof. The application shall include five (5) copies of such drawings, specifications, easements, and

conditions as set forth in the approval of the preliminary plan and with requirements of this article.

- b. A plan submitted for final approval shall be deemed to be in substantial compliance with the approved preliminary plan, provided any modification of the plan does not:
  - 1. Vary the proposed gross residential density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; or
  - 2. Increase by more than ten percent (10%) the floor area proposed for any building; or
  - 3. Increase by more than five percent (5%) the height of the proposed building; or
  - 4. Substantially change the design of the plan so as to significantly alter the approved preliminary plan, as determined by the Planning Commission, including such items as pedestrian or vehicular traffic flow or different land uses.
- c. A public hearing need not be held for approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications of water, stormwater, sanitary sewers or other utilities. The Planning Commission shall forward its recommendation to the Governing Body for its final approval.
- d. In the event the final plan contains substantial changes from the approved preliminary development plan, the applicant shall resubmit an amended preliminary plan which shall be considered in the same manner prescribed in the article for original approval.

## **SECTION 16-7 RECORDING**

**16-701.** Any approved final plan shall be filed of record with the Cowley County Register of Deeds.