

CHAPTER 14

PLANNED UNIT DEVELOPMENT

SECTION 1401

GENERAL

1401.1 Planned Unit Development Statement. The Planned Unit Development is a contiguous area to be planned and developed as a single entity containing one or more structures to accommodate residential, and/or commercial uses in accordance with applicable zoning regulations. The procedure for approval of Planned Unit Developments is subject to the approval procedure specified by Chapter 2 of these Regulations for a Major Subdivision Development, regardless of the number of lots or dedication of public infrastructure.

1401.2 Purpose. Planned unit development of land may be permitted in order to provide a means for a more desirable physical development pattern than would be possible through the strict application of zoning regulations and subdivision regulations. The Planning Commission will permit certain variety and flexibility in land development to encourage the subdivider to adjust design to irregular topography, economize in the construction of utilities, and create architectural variation as well as attractive and usable buildings and building sites.

SECTION 1402

DESIGN

1402.1 Uses Permitted. Compatible residential, commercial, and public and quasi-public uses may be combined, provided that the proposed location of the commercial uses will not adversely affect or disregard adjacent property, public health, safety, and the general welfare. A variety of housing and building types is encouraged by permitting a higher per acre housing density and a reduction in lot dimensions and yard and building setbacks, compared with conventional development standards.

1402.2 General Requirements.

- A.** The gross area of the tract to be developed under the planned unit development approach shall comprise not less than five (5) acres, unless otherwise approved by the Planning Commission.
- B.** The total ground area occupied by buildings and structures shall not exceed eighty percent (80%) of the total ground area, unless previous development in the neighborhood has a greater ground coverage, in which case the plan may increase the ground coverage of buildings and structures to correspond with the average coverage in the neighborhood.
- C.** A minimum of ten percent (10%) of the land developed shall be reserved for open space and similar uses such as an internal park network, recreational facilities, and preservation of natural features.

- D. The minimum lot size shall be not less than seventy percent (70%) of the lot area per family or use which would be otherwise required under these regulations. Lot widths and required setbacks may be reduced to eighty percent (80%) of the requirements of these regulations.
- E. The design of the internal circulation system shall provide convenient access to dwelling units and non-residential facilities, separation of vehicular and pedestrian traffic, and shall be adequate to carry anticipated traffic, including access for emergency vehicles.

1402.3 Open Space and Common Property. The amount of open space reserved in the Planned Unit Development shall either be held in corporate ownership by the owners of the project area, for the use of those who buy property, be held by an association of property owners within the development, or be dedicated to the City and retained as open space or related uses. All land dedicated to the City shall meet the requirements of the Planning Commission. Public utility or water course easements are not acceptable for open space dedication unless such land is usable as a trail and approved by the Planning Commission.

1402.3.1 Management of Common Property. A homeowner's association, or in the case of non-residential development, an owners association, shall be established to provide for the maintenance of all facilities and/or properties held in common within Planned Unit Developments. These shall include, but not be limited to, private streets and walkways, private recreational facilities, common lots and open space areas. The developer shall submit evidence as to the financial ability of the homeowners association to maintain any property or facilities held in common ownership, including the estimated annual cost of maintaining all common properties and facilities; the estimated monthly fee which shall be assessed to each residential property; and an estimate of the value of the dwelling units which will be constructed within the planned unit development. Any homeowners association and accompanying regulations shall be reviewed and approved by the City Attorney.

1402.3.2 Open Space Improvement Guarantee. At the time of the application for final plat approval, the subdivider shall provide:

- A. A performance guarantee in accordance with Section 203.6.3 of these Regulations, in the amount of the estimated cost of the proposed improvements.
- B. A maintenance guarantee, in accordance with Section 203.6.3 of these Regulations, in such amount as determined and approved by the Planning Commission that shall be arranged for a required maintenance period from the date of acceptance of the improvements.

SECTION
1403

STREETS

1403.1 Conformity to Existing Streets and Thoroughfare Plan. Whenever a Planned Unit Development abuts or contains an existing or proposed major thoroughfare or minor existing street, the roadway standards as contained in these Regulations shall be applicable.

1403.1.1 Public Streets. The Planning Commission may require certain streets within the Planned Unit Development be public if it determines that the project density necessitates the use of public streets for adequate circulation.

1403.1.2 Private Streets.

- A. Private streets may be permitted in Planned Unit Developments and shall meet the construction requirements of these Regulations. Private streets shall be owned and maintained by a mandatory Homeowner's Association. Lot deeds shall convey membership in the Association and provide for the payment of dues and assessments required by the Association.
- B. The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a Homeowner's Association requiring the payments of fees. Failure to pay such fees are subject to attachment of a lien on your property by the Association.

- C. The Association documents shall establish a reserve fund for the maintenance of streets and other improvements and contain provisions for reliable access to provide City services and to other utility service providers with appropriate identification. The Association may not be dissolved, and no portion of the Association documents pertaining to this section may be amended without the written consent of the City.
- D. In the event the Association fails to maintain the streets in accordance with City standards, the City may repair and maintain the streets and charge the cost to the Association. If the Association fails to pay for the maintenance cost, after notice to the property owners, the costs shall be filed as a lien on all property within the subdivision.

SECTION
1404

DEVELOPMENT

1404.1 Phased Development of Planned Unit Development. Each stage of a Planned Unit Development must be so designed so as to stand independently of future related stages, in the event future stages are not constructed. The construction and provision of all

the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.

If a Planned Unit Development contains non-residential uses, these uses may be constructed first, but only if the Planning Commission approves such construction on the Preliminary Development Plan.