

EXHIBIT 3B - (PUD) PLANNED UNIT DEVELOPMENT ZONING REG

DIVISION 4. - PROCEDURES ON PLANNED BUILDING GROUPS AND PLANNED UNIT DEVELOPMENTS (PUD)⁽¹⁷⁾

Footnotes:

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Editor's note— Ord. No. 156, 2014, adopted December 9, 2014, amended division 4 in its entirety to read as herein set out. Former division 4, §§ 106-1296—106-1304, pertained to procedures on planned building groups and residential planned unity development, and derived from Ord. No. 184, 1957, § IVC, 1-14-58; Ord. No. 27, 1974, § I, 4-15-74; Ord. No. 57, 1985, § I, adopted April 3, 1985; Ord. No. 159, 1986, § II, adopted June 24, 1986; and Ord. No. 112, 1996, August. 13, 1996.

Sec. 106-1296. - Pre-application conference.

Before submitting an application for a PUD or a planned building group, an applicant should confer with the planning department to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1297. - Application procedure and requirements for planned building groups.

An application for approval of a planned building group shall be filed with the planning commission and shall contain the following information:

- (1) *Applicant and owner.* An application for amendment shall contain the name and address of the applicant, and the names and addresses of all persons whose ownership interest (1) in the property proposed for rezoning and/or preliminary site plan approval, or (2) in any legal entity which owns or controls the property equals or exceeds five percent. Any application shall include the signed concurrence of the owners of the property for which approval is being sought by the applicant.
- (2) *Preliminary site plans.* An application for a planned building group is to be made accompanied by a preliminary site plan which must include both maps and a written statement and must show enough of the area surrounding the proposed development to demonstrate the compatibility of the development to adjoining uses, both existing and proposed. The application shall include the information listed in section 106-1267(b) on one or more dimensioned, engineer-scaled drawing on sheet size 24"x 36". The drawing shall include existing and proposed site conditions and improvements.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1298. - Application procedure and requirements for PUD.

An application for approval of a PUD shall be filed with the planning commission and shall contain the following information:

- (1) *Applicant and owner.* An application for amendment shall contain the name and address of the applicant, and the names and addresses of all persons whose ownership interest (1) in the property proposed for rezoning and/or preliminary site plan approval, or (2) in any legal entity which owns or controls the property equals or exceeds five percent. Any application shall include the signed concurrence of the owners of the property for which approval is being sought by the applicant.
- (2) *Preliminary site plans.* An application for a PUD is to be made accompanied by a preliminary site plan which must include both maps and a written statement and must show enough of the area surrounding the proposed development to demonstrate the compatibility of the planned development to adjoining uses, both existing and proposed. The application shall include the information listed below on one or more dimensioned, engineer-scaled drawing on sheet size 24"x 36". The drawing shall include existing and proposed site conditions and improvements:
 - a. Site boundaries and dimensions, existing and proposed lot lines, site coverage and square footage, and approximate distance to the nearest cross street.
 - b. Location map, north arrow, scale and title block.
 - c. The existing topography at two-foot contour intervals.
 - d. Drainage within the project and surrounding area including inlets, culverts, and other drainage structures onsite and immediately adjacent to the site.
 - e. Existing and proposed land use and existing zoning.
 - f. Natural features including tree masses, floodplains, drainage ways and creeks or bayous.
 - g. Existing and proposed development on adjacent properties.
 - h. Public streets and private drives with pavement widths, rights-of-way, turning lanes, median openings, curb cuts, driveways, and sidewalks with dimensions, radii and surface type.
 - i. Parking areas and structures including the number and layout of standard spaces, handicap spaces, the location of ramps, crosswalks, and loading areas with typical dimensions and surface types.

- j. Landscaping and open space areas with dimensions and total square footage (separate landscape plan required).
 - k. Areas proposed to be dedicated, or reserved for parks, parkways, easements, playgrounds, school sites, public and semipublic uses and common areas.
 - l. Building locations and footprints, including dimensions, size, coverage, height, building lines and setbacks, and use.
 - m. Location and type of signage.
 - n. Elevation and perspective drawings of proposed structures and improvements including proposed signage. The drawings need not be the result of final architectural decisions.
 - o. Screening walls, fences, living screens, retaining walls, headlight screens, dumpster screening, and service area screens, including height and type of construction and/or planting specification.
 - p. Water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes, and other structures on site or immediately adjacent to the site specified.
 - q. Water and sewer connections, meter locations, sizes, and meter and/or detector check valve vaults indicated.
 - r. A development schedule indicating:
 - 1. The proposed stages of development;
 - 2. The anticipated beginning and completion dates of each stage; and
 - 3. The area and location of common space that will be provided at each stage.
 - s. Agreements, provisions and/or covenants which govern the use, maintenance and continued protection of the PUD and of its common areas. In any development including townhouses, condominiums or similar ownership of units, the proposed homeowners association agreement must be included and must provide for a continuing maintenance for all common spaces.
- (3) *Standards of approval.* The planning commission and city council may approve, conditionally approve, or deny a preliminary site plan based on the plan's:
- a. Compliance with the comprehensive plan and adopted design studies.
 - b. Compliance with the zoning ordinance and other applicable development regulations, and previously approved, valid plans for the property.
 - c. Impact on the site's natural resources and effect on adjacent area, property, and land use.

- d. Safety and efficiency of vehicular and pedestrian circulation, traffic control, and congestion mitigation.
- e. Safety and convenience of off-street parking and loading facilities.
- f. Access for firefighting and emergency equipment to buildings.
- g. Use of landscaping and screening to shield lights, noise, movement, or activities from adjacent properties and to complement the design and location of buildings and parking.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1299. - Administrative review for planned building groups.

- (a) For a planned building group application involving a rezoning request a public hearing before the planning commission shall be held and interested parties notified, as provided for in division 2 of article II of this chapter. The planning commission's recommendations pertaining to the approval or denial of the rezoning shall be forwarded to the city council for their consideration.
- (b) The planning commission shall review the submitted preliminary site plan and may approve, approve with conditions, deny or defer the application for future consideration.
- (c) For a minor planned building group (one additional building), the applicant may file an application with a preliminary site plan for the planning director's review and approval. If the preliminary site plan does not comply with all requirements or after inspection does not appear to be compatible with development in the area and is denied, the applicant shall apply for a planned building group approval under subsection 106-1297.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1300. - Administrative review for planned unit developments.

- (a) For an application involving a PUD rezoning request with the required preliminary site plan a public hearing before the planning commission shall be held and interested parties notified, as provided for in division 2 of article II of this chapter. The planning commission may recommend approval, approval with conditions, denial or defer for future consideration. All recommendations will then be forwarded to the city council for final consideration.
- (b) An application requesting planning commission approval of a revised preliminary site plan on property already designated with PUD zoning shall be held in a public hearing and interested parties notified, as provided for in division 2 of article II of this chapter. The

planning commission may recommend approval, approval with conditions, denial or defer for future consideration. All recommendations will then be forwarded to the city council for final consideration.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1301. - Final site plan approval and amendments.

Following approval of the preliminary site plan the applicant may prepare and file with the planning director a final site plan including all or any increment of the area included in the preliminary site plan. If in compliance with the approved preliminary site plan, the planning director shall approve the final site plan for use in the issuance of building permits. If the final site plan reflects significant change from the preliminary site plan, the planning director shall forward it to the planning commission for further consideration in accord with procedures established for preliminary site plan review.

The planning director may approve minor amendments to the final site plan provided the amendment conforms to the following standards:

- (a) The amendment does not increase the density of the development by no more than ten percent in the total number of residential units.
- (b) The amendment does not substantially alter the arrangement of buildings, increase the number or size of buildings (limited to no more than a ten percent increase in the total gross floor area in square feet), or change the use of building space designated on the original plan.
- (c) The amendment does not substantially alter the configuration of streets or lots.
- (d) The amendment does not increase the height of buildings by more than six feet.
- (e) The amendment does not substantially alter vehicular circulation or placement of parking areas.
- (f) The amendment does not significantly reduce or lessen the effectiveness of open space, landscaped buffers, and edges.
- (g) The amendment does not conflict with other regulations specified within the ordinance establishing the district.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1302. - Registration of final site plan.

Upon approval of the final site plan, a copy of such plan shall be registered in the official case record and shall thereafter be binding upon the applicants, their heirs, successors, and assigns; shall limit and control the issuance and validity of permits and certificates; and shall restrict and limit the use and operation of all land and structures within the area designated in such site plan to all conditions and limitations specified in such site plan and approval thereof. Except as provided for in this section, the zoning administrator shall approve building permits or zoning certificates for buildings or structures in accordance with the approved final site plan and with all other applicable ordinances and regulations.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1303. - Failure to begin planned development.

The approval of a preliminary site plan for a planned building group or a PUD shall be effective for a period of two years from the date of approval by the planning commission or city council, at the end of which time the applicant must have submitted and received approval of a final site plan. If a final site plan is not approved within two years, the preliminary site plan approval is null and void. If the final site plan approval is only for a portion of the property, the approval of the preliminary site plan for the remaining property shall be null and void. The applicant shall be required to submit a new preliminary site plan for review and approval subject to the existing regulations.

If engineering plans and building permits are not approved and permitted construction activities has not commenced within two years, the final site plan approval shall be null and void. If engineering plans and permits have been approved only for a portion of the property and permitted construction activities has commenced, the final site plan for the remaining property shall be null and void. The applicant shall be required to submit a new site plan for review and approval subject to the existing regulations.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1304. - Amendment of final site plan.

Pursuant to the same procedure and subject to the same limitations and requirements by which the final site plan was approved and registered, the final site plan may be amended, either partially or completely.

(Ord. No. 156, 2014, 12-9-14)

Sec. 106-1305. - Appeal.

Any person aggrieved by a decision of the planning commission in approving or disapproving an application for a PUD, may within ten days from the date of such decision, file a written request with the city council and thereupon the city council shall proceed to review such decision. After such review, the decision of the planning commission shall be affirmed, modified or reversed and the applicant and the planning commission notified.

(Ord. No. 156, 2014, 12-9-14)

Secs. 106-1306—106-1325. - Reserved.