

Section 1.5.3.1 - Purpose and Effect

- (a) *Purpose*. The purpose of a petition for a PD district is to authorize a special overlay zoning district designed to result in a higher quality development for the community, in accordance with an approved conceptual plan and development standards, than would otherwise result from the use of conventional zoning districts.
- (b) *Effect*. Enactment of an ordinance approving a petition to establish a PD district results in the addition of "PD Planned Development District" as an overlay zoning district on the official Zoning Map, thereby amending the map. Approval also results in adoption of a Concept Plan, zoning regulations and development standards for the overlay district, which may vary regulations applicable within the base zoning district, or standards in Chapters 5, 6 and 7 of this Land Development Code as applied to the land within the PD district. Thereafter, the property owner is authorized to establish any use allowed in the PD district or in the base zoning district, subject to the Concept Plan incorporated within the PD district, and the development standards in the PD and base zoning districts, upon obtaining approval of all applications for development permits required by this Land Development Code. Establishment of a PD district amends any development or public facilities standards otherwise applicable to plat approval to the extent of any conflict with standards applicable within the PD district, without the necessity of approval of a variance petition.

Section 1.5.3.2 - Sequence of Approvals

- (a) *Prior Applications*. A petition for a PD district shall not be accepted until a petition for amendment of the City's Comprehensive Plan, upon which the petition for the PD district is dependent, has first been approved.
- (b) *Accompanying Applications*. A petition for a planned development district may be accompanied by a petition to amend the base zoning district. The petition may also be accompanied by an application for a Watershed Protection Plan (Phase 1), together with an application for approval of a Cluster Development Plan, provided that the petition for the PD district shall be approved by ordinance before the Watershed Protection Plan (Phase 1) and Cluster Development Plan applications are decided.
- (c) *Subsequent Approvals*. No Site Preparation Permit for any tract or lot within the PD district shall be approved until a Cluster Development Plan has been approved, where applicable, under Division 8 of this Article 5.

(Ord. No. 2013-35, § 1(Exh. A), 8-6-13.)

Section 1.5.3.3 - Application Requirements

- (a) *Contents*. The petition for a PD district shall be accompanied by an application prepared in accordance with Chapter 1 of the Technical Manual.

Section 1.5.3.4 - Processing of Application and Decision

- (a) *Responsible Official*. The Director shall be the responsible official for a petition for a PD district.
- (b) *Changes Prior to Establishment of PD district*. Features of the Concept Plan or the development standards may be modified throughout the review and adoption process in response to continued refinements and negotiations regarding the terms of the PD district. Items may be added to improve the Concept Plan and development standards, and objectionable features of the plan and the development standards may be removed. Amendments may not, however, include an enlargement of the size of the PD district, a change to the base zoning district, or an increase in residential density without submission of a new petition.
- (c) *Procedures*. Procedures for processing and deciding the petition for a PD district shall be the same as those governing a petition for a zoning map amendment under Division 1 of this Article 5.

(Ord. No. 2013-35, § 1(Exh. A), 8-6-13.)

Section 1.5.3.5 - Criteria for Approval

- (a) *Factors*. The following criteria will be used by the Planning and Zoning Commission in recommending and the Council in deciding whether to approve, approve with modifications, or deny a petition for a PD district:
- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 4.2.6.1 warranting a PD district classification.
 - (2) The extent to which the proposed PD district furthers the policies of the Comprehensive Plan, as follows:
 - a. Does the request further the goals of the Core 4 through their strategies as outlined in the Comprehensive Plan?
 - b. Is the request in an area suitable for development as show on the Land Use Suitability Map? If not, what development constraints exist?
 - c. Does the request have a negative impact on the watershed?
 - d. Is the request consistent with any adopted Neighborhood Character Study for the area?
 - e. Is the request near existing parks and public utilities?
 - f. Will additional parks or greenspace be provided?
 - g. Is the request near a water or wastewater maintenance hotspot?
 - h. Based on the Travel Demand Model, is the request in an area with sufficient roadway capacity?
 - (3) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.
 - (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
 - (5) The extent to which the PD district is generally consistent with the criteria for approval of a watershed plan for land within the district.
 - (6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses.
 - (7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans.
 - (8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
- (b) *Conditions* . The Planning and Zoning Commission may recommend and the Council may impose such conditions to the PD district regulations and Concept Plan as are necessary to assure that the purpose of the PD district is implemented.

(Ord. No. 2013-35, § 1(Exh. A), 8-6-13 ; Ord. No. 2017-36, § 4, 8-1-17)

Section 1.5.3.6 - Amendments and Relief Measures

- (a) *Amendments* . The Director may permit the applicant to make minor amendments to the Concept Plan without the necessity of amending the ordinance that established the PD district. If the Director determines that proposed amendments substantially impact the nature or purposes of the approved PD, whether individually or cumulatively, the Director will deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the PD. If an applicant wishes to make any amendments to an approved Concept Plan other than minor amendments approved by the Director, the Director will submit the amendments to the Planning and Zoning Commission and City Council for review and approval as a revised PD district. Minor amendments shall be as follows:
- (1) Corrections in spelling, distances and other labeling that do not affect the overall development concept;
 - (2) Changes in building position or layout that are less than ten feet or ten percent of the total building project or area;
 - (3) Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent; and
 - (4) Changes in parking layouts as long as the number of required spaces and general original design are maintained.

(b) *Variances* . A separate variance from the standards in Chapters 4 through 7 of this Land Development Code shall not be required where the development standards incorporated within the PD district expressly modify such standards.

(Ord. No. 2013-35, § 1(Exh. A), 8-6-13.)

Section 1.5.3.7 - Expiration of Rights

(a) *Lapse of Rights in District* . In a PD district, progress toward development of the Concept Plan shall occur within the following time periods:

- (1) An application for approval of a Cluster Development Plan, accompanied by a Watershed Protection Plan (Phase 1), where applicable, or other required permit, shall be submitted for approval within five years of the date of establishment of the PD district, unless otherwise provided in the adopting ordinance. If a Cluster Development Plan or required permit application for all or a phase of the development depicted in the Concept Plan is not submitted within this period, the authority to submit a Cluster Development Plan or required permit and all subsequent Cluster Development Plans or required permits for the PD district shall be suspended.
- (2) If the land within the PD district is to be developed in phases, a Cluster Development Plan and Watershed Protection Plan (Phase 1), or other required permit, shall be submitted for the next phase within two years from approval of a Cluster Development Plan or required permit application for the preceding phase, or as otherwise provided in the approved phasing schedule for the PD district. If a subsequent Cluster Development Plan or required permit application is not submitted within this period, the authority to submit a Cluster Development Plan or permit application for that portion of the property and any subsequent Cluster Development Plans for the district shall be suspended.
- (3) Expiration of an approved Cluster Development Plan or required permit shall result in suspension of the authority to submit a new Cluster Development Plan or required permit for that portion of the property and any Cluster Development Plans or required permits for subsequent phases of development within the district.

(b) *Commission Recommendation*. Following expiration of the right to submit a Cluster Development Plan or required permit, the Planning and Zoning Commission shall consider whether the undeveloped land within PD district should be changed to another zoning classification in accordance with the procedures for action upon a petition for a zoning map amendment under Division 1 of this Article 5. The Planning and Zoning Commission thereafter shall recommend to the City Council whether the right to submit a Cluster Development Plan or required permit application should be reinstated, or whether the property should be zoned to another classification.

(c) *Council Consideration*. The Planning and Zoning Commission's recommendation shall be considered by the City Council in accordance with procedures for action upon a petition for a zoning map amendment under Division 1 of this Article 5. The Council shall determine whether the right to submit the Cluster Development Plan or required permit application should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:

- (1) Whether the PD district remains consistent with the Comprehensive Plan and any adopted Neighborhood Character Study;
- (2) Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
- (3) Whether there are extenuating circumstances justifying the failure to submit a development plan during the applicable time period; and
- (4) Whether rezoning the property to another classification would constitute confiscation of a vested property right or deprive the owner of the economically viable use of the land.

(d) *Council Action*. The City Council may take the following actions:

- (1) Reinstatement of the right to submit the Cluster Development Plan or required permit application within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;
- (2) Modify the PD district regulations applicable to the property; or

(3) Repeal the PD district for the affected portions of the property and zone the property to another zoning district classification.

(Ord. No. 2013-35, § 1(Exh. A), 8-6-13; Ord. No. 2017-36, § 5, 8-1-17)