

## 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

( 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) Reinststate 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)

## DIVISION 6: - PLANNED DEVELOPMENT DISTRICTS

### Section 4.2.6.1 - Purpose, Applicability, Nature and Size of District

- (a) *Purpose.* The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.
- (b) *Applicability.* A PD district may only be established in one of the following circumstances:
  - (1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;
  - (2) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
  - (3) The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;
  - (4) The land consists of inner-City or downtown property that is proposed for redevelopment or infill development, and special design considerations are deemed desirable;
  - (5) The land serves as transition between different and seemingly incompatible land uses;

- (6) The land is proposed for development as an employment center, and special design standards may be warranted.
- (7) The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan.
- (c) *Nature of District*. Each PD district shall be established as an overlay zoning district that combines with one or more base zoning districts. Development in a PD district must be consistent with a Concept Plan that is incorporated as part of the district by the adopting ordinance.
- (d) *Minimum District Size* . No PD district shall be established for a gross contiguous area less than the following:
  - (1) Single-family detached, attached and duplex uses: two acres;
  - (2) Multifamily uses: one acre;
  - (3) Nonresidential uses: one acre;
  - (4) Mixed residential and nonresidential uses: two acres.

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

#### Section 4.2.6.2 - Authorized Uses

- (a) *Base Zoning District Uses* . Any use permitted outright or conditionally in the base district shall be permitted in the PD district, unless the use is prohibited or otherwise conditioned in the regulations adopted for the PD district. Uses designated as conditional uses in the land use matrix in Article 3, Division 1 of this Chapter 4 may be authorized in the PD district only if designated on the Concept Plan adopted as part of the PD district, in which case the use does not require a separate Conditional Use Permit under Chapter 1, Article 5, Division 7.
- (b) *Overlay Zoning District Uses*. The PD district may provide for uses not allowed in the base zoning district, provided that the uses are compatible with the stated purposes of the district and do not conflict with policies in the Comprehensive Plan, considering the arrangement, combination and design features of the uses within the PD district, as depicted on the Concept Plan.
- (c) *Location and Arrangement of Uses* . The location and arrangement of all authorized uses in the PD district shall be consistent with the Concept Plan approved with the district.
- (d) *Limitations on Residential Uses*. Proposed lot sizes for residential uses in the PD district shall be no smaller on average than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.). Minor deviations from the standards are allowed in a small per centage of the lots in order to provide improved design, or to provide flexibility in the layout of the subdivision or diversity in lot size choices. Unless otherwise provided by the PD district regulations on the basis of exceptional design and provision of enhanced open space, residential density shall not exceed 7.5 units per gross acre for single-family residential use and 24 units per gross acre for multifamily use.

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

#### Section 4.2.6.3 - Development Standards

- (a) *Base District and Supplemental Standards* . In a PD district, uses shall conform to the standards in the base zoning district governing area, building and height requirements in this Chapter 4, and to the supplemental standards in Chapter 6 of this Land Development Code, unless specifically excepted in the ordinance establishing the PD district.
- (b) *Overlay Zoning District Standards* . In a PD district, standards otherwise applicable to authorized uses in the base zoning district or pursuant to Chapter 6 of this Land Development Code may be varied, and thereafter shall be applied to the uses established in the PD district, only if approved in the ordinance establishing the PD district. Standards that may be varied include, but may not be limited to, residential density, lot area, lot width, lot depth,

yard depths and widths, building height and size, building exterior construction, lot coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signage and lighting. Varied standards may increase or decrease the requirements otherwise applicable to particular uses. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD district regulations, shall be considered standards that apply to subsequent development applications.

(c) *Traditional Neighborhood Design* . Traditional Neighborhood Design (TND), is emerging as a popular type of development in many urban areas. The following are characteristics of this type of development and shall be incorporated into all Planned Developments that desire to incorporate this design concept:

- (1) Compact, mixed-use, pedestrian-oriented design,
- (2) Incorporation of open space, public plazas, or other public amenity,
- (3) Human-scale design (Three stories or less) that encourages pedestrian circulation,
- (4) High quality development standards for signs, landscaping, building materials, and other components,
- (5) Integrated design or clustering of residential uses,
- (6) Creative circulation and parking solutions.

Projects without the above-listed characteristics shall not be considered TND projects.

(d) *Open Space Standards* . In residential or mixed-use PD districts, unless otherwise expressly provided by the PD regulations or designated in the PD Concept Plan, the following standards governing open space shall apply:

- (1) A minimum of 20 per cent of the gross land area within the entire PD district, except within TND developments, shall be devoted to open space. Open space for PD districts may be satisfied by either public or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the City.
- (2) The 100-year floodplain areas shall be encouraged to be preserved and maintained as open space; and
- (3) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
- (4) Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

(e) *Public Facilities Standards* . In order to implement the plan of development depicted in the Concept Plan and to assure that the purposes of the district are realized, public facilities standards in Chapter 7 of this Land Development Code may be varied, provided that such exceptions are expressly identified in the PD district regulations and illustrated where necessary on the Concept Plan incorporated as part of the district regulations. Thereafter, standards applicable to plat applications and applications for site preparation plans shall conform to the variations approved in the ordinance establishing the PD district.

(f) *Public Facilities Studies* . In order to justify variations from public facilities standards pertaining to provision of roadway and drainage facilities and to demonstrate compliance with the adequate public facilities policies in Chapter Z of this Land Development Code, a traffic impact study or drainage study may be required as a pre-requisite for approving a petition for a PD district.

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

#### Section 4.2.6.4 - Concept Plan

(a) *Requirement for Concept Plan* . No PD district may be established without approval of a Concept Plan that illustrates

the proposed location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development. Detailed requirements for the contents of a Concept Plan are contained in Chapter 1, Article 5, Division 3. The Concept Plan shall be incorporated as a component part of the PD district regulations, and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

- (b) *Consistency Required* . All development applications within the PD district shall be consistent with the incorporated Concept Plan. Failure of a subsequent development application to conform to the approved Concept Plan for the PD district shall result in denial of the application, unless the PD district regulations first are amended through incorporation of a Concept Plan with which the development application is consistent.

#### Section 4.2.6.5 - Subsequent Development Applications

- (a) *Development Applications Authorized* . The development standards for a PD district shall be applied to the authorized uses through the following types of development applications:
  - (1) Cluster Development Plan, and
  - (2) Plat application.
- (b) *Minor Deviations from Approved Concept Plan* . Minor deviations from the Concept Plan may be approved by the Director. The following are considered minor deviations:
  - (1) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
  - (2) Changes in building position or layout that are less than ten feet or ten per cent in size.
  - (3) Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
  - (4) Changes in parking layouts as long as the number of required spaces and general original design is maintained.

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

#### Section 4.2.6.6 - Adopting Ordinance

- (a) The ordinance establishing a PD district shall incorporate the approved Concept Plan as part of the district regulations and shall set forth the following:
  - (1) The base zoning district(s) to be overlaid, together with the boundaries of the district(s);
  - (2) A statement as to the purpose and intent of the PD district established therein;
  - (3) The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or floor-to-area ratios associated with base districts or phases of the development in conformance with the approved Concept Plan;
  - (4) The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD District;
  - (5) Provisions stating that all zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in Chapters 5, 6 and 7 that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district;
  - (6) Design standards applicable to the development;
  - (7) A specific list of deviations from standards in the base zoning district(s), together with any standards in Chapters 5, 6 and 7 which are to be varied for development within the PD district;;

- (8) Required dedications of land or public improvements;
  - (9) The timing of performance by the developer in relation to the phasing of development, where applicable; and
  - (10) Such additional conditions as are established by the Council to assure that the PD district and Concept Plan are consistent with the stated purposes of the district.
- (b) *Residential PD Concept Plan.* A Concept Plan shall be submitted with any residential PD zoning request for a development comprised of single-family or two-family (duplex) dwellings on individually platted lots, and shall show general uses, the topography and boundaries of the PD area, existing physical features of the site, location of existing or proposed public facilities, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, conceptual project scheduling, and other pertinent development data.
- (c) *Nonresidential or Multifamily PD Concept Plan.* A Concept Plan shall be submitted with any nonresidential, multifamily, single-family attached, or manufactured (mobile) home PD zoning request, and shall clearly show all pertinent aspects of the type and nature of the proposed development. The Concept Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; conceptual project phasing and scheduling; and other pertinent development data to adequately describe the proposed development (see Chapter 1 and the Technical Manual of this Code for Concept Plan requirements and procedures).
- (1) *For a nonresidential, multifamily, single-family attached, or manufactured (mobile) home PD (or portion of a PD).* A detailed Site Plan shall be submitted for approval within one year from the approval date of the Concept Plan for all or some portion of the PD covered by the overall PD Concept Plan. If a detailed Site Plan is not submitted within one year, then the PD Concept Plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the PD Concept Plan is no longer valid or that the proposed development is no longer viable, then a new PD Concept Plan (along with a zoning application to amend the PD ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to detailed Site Plan review/approval (and any subsequent issuance of a building permit) for any nonresidential, multifamily, single-family attached, or manufactured (mobile) home portion of the PD district.

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



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- (b) *Applicability*. A PD district may only be established in one of the following circumstances:
  - (1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;
  - (2) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
  - (3) The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;
  - (4) The land consists of inner-City or downtown property that is proposed for redevelopment or infill development, and special design considerations are deemed desirable;
  - (5) The land serves as transition between different and seemingly incompatible land uses;
  - (6) The land is proposed for development as an employment center, and special design standards may be warranted; and
  - (7) The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan.
- (c) *Nature of District*. Each PD district shall be established as an overlay zoning district that combines with one or more base zoning districts. Development in a PD district must be consistent with a Concept Plan that is incorporated as part of the district by the adopting ordinance.
- (d) *Minimum District Size*. No PD district shall be established for a gross contiguous area less than the following:
  - (1) Single-family detached, attached and duplex uses: two acres;
  - (2) Multifamily uses: one acre;
  - (3) Nonresidential uses: one acre;
  - (4) Mixed residential and nonresidential uses: two acres.

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## Section 4.2.6.2 - Authorized Uses

- (a) *Base Zoning District Uses*. Any use permitted outright or conditionally in the base district shall be permitted in the PD district, unless the use is prohibited or otherwise conditioned in the regulations adopted for the PD district. Uses designated as conditional uses in the land use matrix in Article 3, Division 1 of this Chapter 4 may be authorized in the PD district only if designated on the Concept Plan adopted as part of the PD district, in which case the use does not require a separate Conditional Use Permit under Chapter 1, Article 5, Division 7.

- (b) *Overlay Zoning District Uses*. The PD district may provide for uses not allowed in the base zoning district, provided that the uses are compatible with the stated purposes of the district and do not conflict with policies in the Comprehensive Plan, considering the location, arrangement, combination and design features of the uses within the PD district, as depicted on the Concept Plan.
- (c) *Location and Arrangement of Uses*. The location and arrangement of all authorized uses in the PD district shall be consistent with the Concept Plan approved with the district.
- (d) *Limitations on Residential Uses*. Proposed lot sizes for residential uses in the PD district shall be no smaller on average than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.). Minor deviations from the standards are allowed in a small percentage of the lots in order to provide improved design, or to provide flexibility in the layout of the subdivision or diversity in lot size choices. Unless otherwise provided by the PD district regulations on the basis of exceptional design and provision of enhanced open space, residential density shall not exceed 7.5 units per gross acre for single-family residential use and 24 units per gross acre for multifamily use.

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#### Section 4.2.6.3 - Development Standards

- (a) *Base District and Supplemental Standards*. In a PD district, uses shall conform to the standards in the base zoning district governing area, building and height requirements in this Chapter 4, and to the supplemental standards in Chapter 6 of this Land Development Code, unless specifically excepted in the ordinance establishing the PD district.
- (b) *Overlay Zoning District Standards*. In a PD district, standards otherwise applicable to authorized uses in the base zoning district or pursuant to Chapter 6 of this Land Development Code may be varied, and thereafter shall be applied to the uses established in the PD district, only if approved in the ordinance establishing the PD district. Standards that may be varied include, but may not be limited to, residential density, lot area, lot width, lot depth, yard depths and widths, building height and size, building exterior construction, lot coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signage and lighting. Varied standards may increase or decrease the requirements otherwise applicable to particular uses. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD district regulations, shall be considered standards that apply to subsequent development applications.
- (c) *Traditional Neighborhood Design*. Traditional Neighborhood Design (TND), is emerging as a popular type of development in many urban areas. The following are characteristics of this type of development and shall be incorporated into all Planned Developments that desire to incorporate this design concept:
  - (1) Compact, mixed-use, pedestrian-oriented design,
  - (2) Incorporation of open space, public plazas, or other public amenity,
  - (3) Human-scale design (Three stories or less) that encourages pedestrian circulation,
  - (4) High quality development standards for signs, landscaping, building materials, and other components,
  - (5) Integrated design or clustering of residential uses,
  - (6) Creative circulation and parking solutions.

Projects without the above-listed characteristics shall not be considered TND projects.

- (d) *Open Space Standards*. In residential or mixed-use PD districts, unless otherwise expressly provided by the PD regulations or designated in the PD Concept Plan, the following standards governing open space shall apply:
  - (1) A minimum of 20 per cent of the gross land area within the entire PD district, except within TND developments, shall be devoted to open space. Open space for PD districts may be satisfied by either public or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the City.
  - (2) The 100-year floodplain areas shall be encouraged to be preserved and maintained as open space; and
  - (3) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
  - (4) Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space

is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

- (e) *Public Facilities Standards* . In order to implement the plan of development depicted in the Concept Plan and to assure that the purposes of the district are realized, public facilities standards in Chapter 7 of this Land Development Code may be varied, provided that such exceptions are expressly identified in the PD district regulations and illustrated where necessary on the Concept Plan incorporated as part of the district regulations. Thereafter, standards applicable to plat applications and applications for site preparation plans shall conform to the variations approved in the ordinance establishing the PD district.
- (f) *Public Facilities Studies* . In order to justify variations from public facilities standards pertaining to provision of roadway and drainage facilities and to demonstrate compliance with the adequate public facilities policies in Chapter 7 of this Land Development Code, a traffic impact study or drainage study may be required as a pre-requisite for approving a petition for a PD district.

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

#### Section 4.2.6.4 - Concept Plan

- (a) *Requirement for Concept Plan* . No PD district may be established without approval of a Concept Plan that illustrates the proposed location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development. Detailed requirements for the contents of a Concept Plan are contained in Chapter 1, Article 5, Division 3. The Concept Plan shall be incorporated as a component part of the PD district regulations, and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.
- (b) *Consistency Required* . All development applications within the PD district shall be consistent with the incorporated Concept Plan. Failure of a subsequent development application to conform to the approved Concept Plan for the PD district shall result in denial of the application, unless the PD district regulations first are amended through incorporation of a Concept Plan with which the development application is consistent.

#### Section 4.2.6.5 - Subsequent Development Applications

- (a) *Development Applications Authorized* . The development standards for a PD district shall be applied to the authorized uses through the following types of development applications:
  - (1) Cluster Development Plan, and
  - (2) Plat application.
- (b) *Minor Deviations from Approved Concept Plan* . Minor deviations from the Concept Plan may be approved by the Director. The following are considered minor deviations:
  - (1) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
  - (2) Changes in building position or layout that are less than ten feet or ten per cent in size.
  - (3) Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
  - (4) Changes in parking layouts as long as the number of required spaces and general original design is maintained.

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

#### Section 4.2.6.6 - Adopting Ordinance

- (a) The ordinance establishing a PD district shall incorporate the approved Concept Plan as part of the district regulations and shall set forth the following:
  - (1) The base zoning district(s) to be overlaid, together with the boundaries of the district(s);

- (2) A statement as to the purpose and intent of the PD district established therein;
  - (3) The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or floor-to-area ratios associated with base districts or phases of the development in conformance with the approved Concept Plan;
  - (4) The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD District;
  - (5) Provisions stating that all zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in Chapters 5, 6 and 7 that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district;
  - (6) Design standards applicable to the development;
  - (7) A specific list of deviations from standards in the base zoning district(s), together with any standards in Chapters 5, 6 and 7 which are to be varied for development within the PD district;;
  - (8) Required dedications of land or public improvements;
  - (9) The timing of performance by the developer in relation to the phasing of development, where applicable; and
  - (10) Such additional conditions as are established by the Council to assure that the PD district and Concept Plan are consistent with the stated purposes of the district.
- (b) *Residential PD Concept Plan.* A Concept Plan shall be submitted with any residential PD zoning request for a development comprised of single-family or two-family (duplex) dwellings on individually platted lots, and shall show general uses, the topography and boundaries of the PD area, existing physical features of the site, location of existing or proposed public facilities, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, conceptual project scheduling, and other pertinent development data.
- (c) *Nonresidential or Multifamily PD Concept Plan.* A Concept Plan shall be submitted with any nonresidential, multifamily, single-family attached, or manufactured (mobile) home PD zoning request, and shall clearly show all pertinent aspects of the type and nature of the proposed development. The Concept Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; conceptual project phasing and scheduling; and other pertinent development data to adequately describe the proposed development (see Chapter 1 and the Technical Manual of this Code for Concept Plan requirements and procedures).
- (1) *For a nonresidential, multifamily, single-family attached, or manufactured (mobile) home PD (or portion of a PD) .* A detailed Site Plan shall be submitted for approval within one year from the approval date of the Concept Plan for all or some portion of the PD covered by the overall PD Concept Plan. If a detailed Site Plan is not submitted within one year, then the PD Concept Plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the PD Concept Plan is no longer valid or that the proposed development is no longer viable, then a new PD Concept Plan (along with a zoning application to amend the PD ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to detailed Site Plan review/approval (and any subsequent issuance of a building permit) for any nonresidential, multifamily, single-family attached, or manufactured (mobile) home portion of the PD district.