

PLANNED UNIT DEVELOPMENTS

§ 157.395 PURPOSE.

- (A) The purpose of the planned unit development regulations is to encourage and allow for more creativity and flexibility in the development of land than is possible under conventional zoning district regulations. The planned unit development provides for more efficient use of the land and encourages development practices that are more sensitive to the site and surrounding environment.
- (B) It is further intended that planned unit developments are to be characterized by centralized ownership, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and an appropriate selection and utilization of uses.
 - (1) The following objectives may be obtained through the use of the planned unit development procedure:
 - (a) To permit the public a greater choice of development options than would be possible under the strict application of the other sections of this chapter;
 - (b) To promote the preservation of natural features and/or prime agricultural land;
 - (c) To encourage development that is rational and economical in relation to public infrastructure and services;
 - (d) To create a method for the permanent preservation of common open space; and
 - (e) To encourage a land use which promotes the public health, safety, comfort, morals, and welfare.
 - (2) The unique and substantially different character of planned unit developments requires their administrative processing as a special use in this chapter. Planned unit developments are more complex and of a different character than other special uses, requiring the establishment herein of specific and additional procedures, standards, and exceptions to govern the recommendations of the Zoning Board of Appeals and the action of the County Board.

(Prior Code, 7 TCC 1-23(a))

§ 157.396 GENERAL.

The basic provisions and requirements concerning planned unit developments are as follows.

- (A) The subdivision, development, and use of land as an integral unit, combining one or more of the following land uses which may provide for a single-family residential, multiple-family residential, educational, business, commercial, industrial, recreational, park, and common open areas, may be described as a planned unit development.
- (B) In its establishment and authorization as a special use, the procedures, requirements, restrictions, standards, and conditions listed in §§ 157.398 through 157.401 shall be observed.
- (C) The residential planned unit development is authorized as a special use in the A-2, R-R, R-1, and R-2 Districts of this chapter and may contain mixed uses, provided that:
 - (1) The non-residential components comprise only 10% of the square footage of the planned development;
 - (2) The non-residential use is of a type that is either allowed by right or by special use in the underlying district;
 - (3) No non-residential use exceeds 5,000 square feet; and
 - (4) Non-residential uses shall be clustered wherever practicable.
- (D) The non-residential planned unit development is authorized as a special use in the C-1, C-2, I-1, and I-2 Districts of this chapter.

(Prior Code, 7 TCC 1-23(b))

§ 157.397 PROCEDURES AND REQUIREMENTS FOR ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT.

- (A) An application for a special use permit shall be filed and processed by the Community Development Department based upon procedures established by §§ 157.435 through 157.447.
- (B) The special use permit application shall be accompanied by a planned unit development plat, which meets the preliminary plat requirements of the subdivision ordinance in addition to the following:
 - (1) The entire outline, overall dimensions, and area of the tract described in the application;
 - (2) The location, general dimensions, and approximate gross floor areas of all proposed buildings;
 - (3) The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use;
 - (4) The proposed location, arrangement, and number of automobile parking stalls;
 - (5) The proposed location, arrangement, and general dimensions of all truck loading facilities;
 - (6) The location and dimensions of all vehicular entrances, exits, and driveways and their relationship to all existing or proposed public streets;
 - (7) The location and dimensions of pedestrian entrances, exits, and walks;
 - (8) The location and dimensions of all walls, fences, and planting designed to screen the proposed district from adjacent uses;
 - (9) The type of all ground covers;
 - (10) Standards for exterior lighting, location and type of exterior signs, and any other variables which will be controlled in the design of buildings in the development area; and
 - (11) The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components obtained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the complete development plan.

(Prior Code, 7 TCC 1-23(c))

§ 157.398 PROPERTY CONTROL.

The intent of the requirements below are to protect the property values of the individual owner within the planned unit development through establishing private control.

- (A) In order that the purposes of this development may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this subchapter.
- (B) Prior to the use, occupancy, sale, lease, or the execution of contracts for the lease or sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions, and restrictions or an equivalent document shall be filed with the County Recorder of Deeds. A copy of said filing shall also be provided to the Community Development Department.
- (C) The declaration of covenants, conditions, and restrictions or equivalent document shall specify that deeds, leases, or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.

- (D) The declaration of covenants, conditions, and restrictions shall provide that an owner's association or corporation shall be formed and that all owners or lessees shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate share of joint or common costs.
- (E) (1) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the county or fails to pay taxes or assessments on properties as they become due, and in the event the county incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the county shall have the right to assess each property its pro rata share of said expenses.
- (2) Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.
- (F) (1) It is the intent of the subchapter to require subdivision of property simultaneous with application for special use.
- (2) The subdivision and/or platting of land as a planned unit development shall be subject to the requirements for approval and recording with the County Recorder of Deeds, as have been established by the county's Subdivision Code, adopted July 1997.

(Prior Code, 7 TCC 1-23(d))

§ 157.399 GENERAL DEVELOPMENT PROVISIONS.

- (A) *Setbacks.* The front, rear and side setbacks shall be the same as the district in which they are located.
- (B) *Spacing.* Space between residential buildings, the minimum horizontal distance between buildings side to side shall be:
- (1) Ten feet between single-family detached dwellings;
 - (2) Ten feet between clustered or zero-lot line single-family attached and detached dwellings;
 - (3) Fifteen feet between buildings, other than single-family detached dwellings, of one, two, and one-half stories in elevation;
 - (4) Equal to the height of the taller building in the case of free standing buildings greater than two and one-half stories in elevation; and
 - (5) The minimum horizontal distance between buildings corner to corner shall be 15 feet or be as determined appropriate by the Zoning Board of Appeals in reviewing the preliminary planned unit development plat to ensure that all occupants receive a sufficient amount of light and air.
- (C) *Roadways.*
- (1) Private roadways within the project shall have a paved surface of at least 20 feet or more in width and shall be so designated as to permit fire trucks to provide protection to each building.
 - (2) No portion of the required 20 feet road system may be used in calculating required off- street parking.
 - (3) When private streets and common driveways are made a part of the planned unit development or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement where by these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.

- (D) *Subdivision and ownership.* It shall be permissible within a planned unit development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownerships. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must, however, conform to the minimum area requirements established for the respective district.
- (E) *Minimum project size.*
- (1) Within residential districts, a planned unit development shall not be applied to a parcel of land containing less than one acre.
 - (2) Within a commercial or industrial district, a planned unit development shall not be applied to a parcel of land containing less than two acres.

(Prior Code, 7 TCC 1-23(e))

§ 157.400 REVIEW AND EVALUATION.

The Zoning Board of Appeals may recommend approval of a planned unit development special use application if it has determined that all of the following standards have been complied with:

- (A) Compliance with the requirements listed in §§ 157.397 through 157.399;
- (B) A planned unit development must conform with the planning objectives specified in the comprehensive plan;
- (C) The uses permitted in a planned unit development must be of type and so located as to exercise no undue detrimental influence upon surrounding properties. In addition, the planned unit development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located;
- (D) The planned unit development must be of a character and contain such uses that are needed in the area of the proposed project;
- (E) The density of a planned unit development (either in dwelling units for residential uses, or in floor area for all other uses) shall generally correspond to the density regulations imposed by the underlying zoning district. The density of the planned unit development is not necessarily required to precisely correspond with the normal density of the underlying zoning district but instead should reflect that district's character through complimentary building types and architectural design;
- (F) The planned unit development shall comply with the provisions of the county's subdivision regulations and development codes unless otherwise agreed to and approved by the County Board;
- (G) The interior traffic pattern plan plus ingress and egress onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public;
- (H) A sufficient amount of usable open space is provided;
- (I) The development shall comply with the erosion, sediment, and stormwater control ordinance; and
- (J) The development schedule ensures a logical development of the site which will protect the public interest and conserve land.

(Prior Code, 7 TCC 1-23(f))

§ 157.401 AMENDMENT OF A PLANNED UNIT DEVELOPMENT SPECIAL USE.

- (A) The planned development project shall be developed only according to the special use ordinance, the approved preliminary plat, and recorded final plat and supporting documents. The special use ordinance and approved preliminary and final plats shall be binding on the applicants, their successors, grantees, and assigns, and shall limit their control, the use of the premises, and location of structures in the planned unit development project as set forth therein.

(B) Changes to the recorded planned unit development may be made as follows.

- (1) *Major changes.* All major changes shall be reviewed in accordance with the procedures set forth in §§ 157.435 through 157.447.
 - (a) Changes which alter the concept or intent of the planned unit development, including changes in density, changes in the height of buildings, changes in proposed open space, changes in total bedroom counts, changes in road standards, changes in street design, or changes in the final governing agreements, provisions, or covenants, or other changes, may be approved only by submission and reconsideration of a new preliminary and/or final planned unit development plat and supporting data and following the preliminary or final plat procedure.
 - (b) If the major change alters data or evidence submitted during the preliminary plat stage, then the resubmission must begin at the preliminary plat stage. If only final plat evidence or data is altered as result of the major change, then the resubmission shall begin at the final plat stage.
 - (c) All changes to the “original” final plat shall be recorded with the County Recorder of Deeds as amendments to the final plat or reflected in the recording of a new “corrected” final plat.
- (2) *Minor changes.* The Community Development Department may review and approve additional improvements or changes in a planned unit development, provided that such changes comply with the following:
 - (a) Comply with the general intent of the planned unit development special use;
 - (b) The changes do not constitute a major change as defined in the previous section; and
 - (c) The proposed changes must comply with the requirements of the underlying zoning district unless otherwise specified in the planned unit development special use.

(Prior Code, 7 TCC 1-23(g))