

CHAPTER 9

PLANNED UNIT DEVELOPMENTS

9-1 PURPOSE.

A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the County seeks to achieve the following specific objectives:

- (1) creation of a more desirable environment than would be possible through strict application of other county land use ordinances and regulations;
(2) promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
(3) combination and coordination of architectural styles, building forms and building relationships;
(4) the creation, landscaping and preservation of open space and recreational facilities;
(5) preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
(6) use of design, landscape or architectural features to create a pleasing environment;
(7) preservation of buildings which are architecturally or historically significant contribute
(8) establishment of interconnecting paths and trails for alternative transportation routes

which lead to common and popular destinations and interface with automobile traffic at few and specific points;

(9) provide a variety of housing, in accordance with the county's general or specific plans;

(10) inclusion of special development features; and

(11) elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

9-2 AUTHORITY TO MODIFY REGULATIONS.

(1) The planning commission shall have the authority in approving any planned developments to change, alter, modify or waive any provisions of this ordinance as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned unit development:

(a) will achieve the purposes for which a planned development may be approved pursuant to Section 9-1; and

(b) will not violate the general purposes, goals and objectives of this chapter and of any plans adopted by the planning commission or the county commission.

(2) No change, alteration, modification or waiver authorized by this chapter shall authorize a change in the uses permitted in any district, a modification with respect to any standard established by this chapter, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

9-3 MINIMUM AREA<sup>1</sup>.

A planned unit development proposed for any parcel or tract of land under single ownership or control shall have a contiguous minimum net site area for each zoning district as set forth below: Minimum Planned Unit

Table with 2 columns: Zoning District and Development Size. Rows include Multiple Use District (M-U-40, M-U-80, M-U-160), Agriculture District (A-20, A-40), Rural Residential District (RR-1, RR-5, RR-10), and Residential District (R-1-40, R-1-20, R-1-12, R-1-10, R-1-8).

Multiple Residential District, RM-7 .....	5 Acre
Multiple Residential District, RM-15 .....	5 Acres
Multiple Residential District, RM-30 .....	5 Acres
Neighborhood Commercial District, C-N .....	20,000 Square Feet
Shopping Commercial District, C-S .....	1 Acre
Highway Commercial District, C-H .....	1 Acre
General Commercial District, C-G .....	1 Acre
Manufacturing and Distribution, M-G .....	1 Acre
General Industrial District, M-G .....	1 Acre
Hazardous Industrial district, MG-H .....	1 Acre

**9-4 PRE-APPLICATION CONFERENCE.**

(1) Prior to submitting a planned unit development application, an applicant shall participate in a pre-application conference with the zoning administrator, county planner, county engineer, sheriff's department, fire district, and the health department. A member of the planning commission and a member of the county commission shall be invited to attend the pre-application conference. Representatives of other county departments and decision making bodies may also be present, where appropriate.

(2) The purpose of the pre-application conference is to enable the applicant to present the concept of the proposed planned unit development and to discuss the procedures and standards for the planned unit development approval. The conference is intended to facilitate the filing and consideration of a complete application. No representation made by the zoning administrator, county planner, county engineer, sheriff's department, fire district, the health department, the county commission, the planning commission or the representatives of any county departments or other decision making bodies during such conference shall be binding upon the county with respect to the application subsequently submitted.

(3) The zoning administrator shall schedule the pre-application conference within 14 calendar days after receiving the request from the applicant. At the time of the request for the pre-application conference, the applicant shall include a narrative summary of the proposal and a description of adjacent land uses and neighborhood characteristics.

**9-5 DEVELOPMENT PLAN APPROVAL STEPS.**

The development plan approval process requires three approval steps: a Concept Plan, Preliminary Plan approval and a Final Plan approval.

**9-6 CONCEPT PLAN.**

(1) The concept plan is intended to provide the applicant an opportunity to submit and obtain review of a plan showing the basic character and

scope of the proposed planned unit development without incurring undue cost. At the election of the applicant, the concept plan may be submitted to the planning commission for its review, and decision following a public hearing.

(2) An application for submittal of a concept plan shall include schematic drawings at a scale of not smaller than 100 feet to the inch, of the proposed development concept, showing buildings located within 85 feet of the site exclusive of intervening streets and alleys, the general location of vehicular and pedestrian circulation and parking; public and private open space; and residential, commercial, industrial and other land uses, as applicable, and a tabulation of the following information:

(a) total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms;

(b) total square feet of building floor area proposed for commercial uses, recreation and accessory uses and industrial uses, by general type of use;

(c) proposed number of off-street parking and loading spaces for each proposed type of land use;

(d) total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; other land uses; public and private open space; streets, sidewalks, trails and paths; and off-street parking and loading area; and

(e) total project density or intensity of use.

(3) The applicant shall submit an application for planning commission consideration, 14 calendar days prior to the next planning commission meeting. Upon receipt of an application, the zoning administrator shall forward the concept plan application accompanied by staff recommendations to the planning commission seven days prior to the next scheduled planning commission meeting.

(4) Upon review, the planning commission shall approve the concept plan, approve the concept plan subject to modifications or conditions, or disapprove the concept plan.

(5) If the Planning Commission denies the application for the concept plan, it shall refer it through the zoning administrator to the applicant for consideration of specific matters necessary to be resolved before approval may be granted. The applicant shall have 14 days following the receipt of the zoning administrator's notice within which to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the 14 day period, unless extended by the planning commission, the concept plan shall automatically expire and be rendered void. If the planning commission approves the concept plan, with or without modifications or conditions, it shall adopt a motion establishing the land uses and density for the proposed planned unit development and authorizing the applicant to submit an application for a preliminary plan consistent with the approved concept plan. Every such motion shall be expressly conditioned upon approval of the preliminary plan.

(6) Unless the applicant fails to meet time schedules for filing the preliminary plan or in any other manner fail to comply with any condition or approval required under this chapter, the county shall not, without the consent of the applicant, take any action to modify, revoke or otherwise impair the approved concept plan pending the application for approval of the preliminary plan. In submitting an application for preliminary plan approval, the applicant shall be bound by the approved concept plan with respect to each such element.

(7) Subject to an extension of time granted by the planning commission, unless a preliminary plan covering the area designated in the concept plan has been filed within one year from the date the planning commission grants concept plan approval, the planning commission's approval of the concept plan shall automatically expire and be rendered void.

#### **9-7 PRELIMINARY PLAN.**

(1) The applicant must file an application for preliminary plan with the planning commission. The preliminary plan application shall be submitted on a form provided by the zoning administrator, accompanied by four 24" X 36" copies and eight 11" X 17" copies of the plan and documents for processing of the application, and shall include at least the following information set forth below:

(a) the applicant's name, address, telephone number and interest in the property;

(b) the owner's name, address and telephone number, if different than the applicant,

(c) and the owner's signed consent to the filing of the application;

(d) the street address and legal description of the subject property;

(e) the zoning classification, zoning district boundaries and present use of the subject property;

(f) a vicinity map with north point, scale and date, indicating the zoning classifications and current uses of properties within 85 feet of the subject property, exclusive of intervening streets and alleys;

(g) the proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;

(h) a preliminary plan at a scale of 50 feet to the inch or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:

(i) the location, dimensions, and total area of the site;

(ii) the location, dimensions, floor area, type of construction and

(iii) use of each proposed building or structure;

(iv) the number, the size and type of dwelling units in each building, and the overall dwelling unit density;

(v) the proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

(vi) architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross-sections;

(vii) the number, location and dimensions of parking spaces and

(viii) loading docks, with means of ingress and egress;

(ix) the proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

(x) a traffic impact analysis;

(xi) the location and purpose of any existing or proposed dedication of easement;

(xii) the general drainage plan for the development tract;

(xii) the location and dimensions of adjacent properties, abutting public rights-of-way and easements, and utilities serving the site;

(xiv) significant topographical or physical features of the site, including existing trees;

(xv) soils and subsurface conditions;

(xvi) the location and proposed treatment of any historical structure or other historical design element or feature; and

(xvii) one copy of the preliminary plan colored or shaded but unmounted for legibility and presentation at public meetings.

(h) A plat of the surveyed piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel of land, lot, lots, block, blocks, parts or portions thereof, according to the registered or recorded plat or such land.

(i) A preliminary plat of the subdivision showing that the planned unit development consists of and is conterminous with a single lot described in a recorded plat of subdivision, or a proposed re-division or consolidation to create a single lot or separate lots of record in suitable form ready for review.

(j) The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

(i) a certificate of disclosure of ownership interest;

(ii) proposed planned unit development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a government authority, copies

of the proposed articles of incorporation and by-laws of such entity shall be submitted;

(iii) copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned unit development;

(iv) when the planned unit development is to be constructed in stages or phases, a schedule for the development of such stages or phases shall be submitted stating the approximate beginning and completion time for each stage or phase. When a development provided for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages or phases completed or under development bear to the entire development;

(v) a statement showing the relationship of the proposed planned unit development to any adopted general plan of the county;

(vii) a written statement addressing each of the standards set forth in Section 7-4, and such additional standards, if any, as may be applicable under the specific provisions of this ordinance. The statement shall explain specifically how the proposed planned unit development relates to and meets each such standard; and

(viii) a statement showing why the proposed planned unit development is compatible with other property in the neighborhood.

(2) Upon review of a preliminary plan application, the zoning administrator shall notify the applicant of any deficiencies and or modifications necessary to perfect the application. A planned unit development, as a conditional use, shall be subject to the standards for approval set forth in chapter 7-4. The zoning administrator shall place the application on the next planning commission work meeting agenda, after the item is moved to the next business meeting, the planning commission shall render a decision on the basis of the standards contained in chapter 7-4, to approve, approve with modifications or conditions, or deny the application. The planning commission shall not approve a preliminary plan unless it shall make written findings of fact with respect to each of the standards in chapter 7-4.

(3) Upon receipt of an application for final plan certification the zoning administrator, shall review the application to determine if it is complete, including any modifications required in conjunction with the approval of the preliminary plan. Once it is determined to be complete, the final plan shall be placed on the next business agenda of the planning commission. The planning commission shall either certify that the final plan complies with the approved Preliminary Plan; or refuse to certify the final plan for lack of compliance with the preliminary plan as it was finally approved. A final plan as finally approved and certified in accordance with the provisions of this chapter shall not be modified except in accordance with section 9-8. The decision approving a planned unit development shall contain a legal description of the property subject to the planned unit development. The decision, along with the development plan, shall be recorded by the county in the office of the county recorder before any permits may be issued. The approval of the proposed planned unit development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the county, including but not limited to a building permit, a certificate of occupancy and subdivision approval.

(4) If the planning commission determines that the final plan does not comply with the approved preliminary plan, and refuses to certify the plan, the zoning administrator shall notify the applicant in writing of its decision, and identify the items of the approved preliminary plan with which the final plan does not comply. The applicant shall have 14 days following the receipt of the zoning administrator's notice within which to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the 14 day period, unless extended by the planning commission, the final plan shall automatically expire and be rendered void.

(5) Any party aggrieved by the decision of the planning commission not to certify a final plan, may appeal to the board of county commissioners. No planned unit development conditional use permit shall be valid for a period longer than one year unless a building permit is

issued and construction is actually begun within that period and is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further hearing.

(6) Following final plan approval, the final plan, rather than any other provision of this ordinance, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the final plan shall be permitted within the area of the planned unit development.

### **9-8 ADJUSTMENTS TO DEVELOPMENT PLAN.**

(1) No alteration or amendment shall be made in the construction, development or use without a new application under the provisions of this Chapter. However, minor alterations may be made subject to written approval of the planning commission and the date for completion may be extended by the planning commission. During build-out of the planned unit development, the planning commission may authorize minor adjustments to the approved final plan pursuant to the provisions for modifications to an approved site plan, when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to:

(a) adjusting the distance as shown on the approved final plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

(b) adjusting the location of any open space, but the size or amount which shall not be compromised;

(c) adjusting any final grade; and

(d) altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of this chapter and the final plan as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this chapter.

(3) Any adjustment to the approved final plan not authorized by this section shall be

considered to be a major adjustment. The planning commission following notice to all property owners whose properties are located within 100 feet of the planned unit development exclusive of intervening streets and alleys, may approve an application for a major adjustment of the final plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity to the final plan. If the planning commission determines that a major adjustment is not in substantial conformity with the final plan as approved, then the planning commission shall request in accordance with the procedures set forth in Section 9-7.