

## **Article XXI-C. PD Planned Development District Regulations\***

*\*Editor's note: Ord. No. 4009, § 1, adopted June 10, 2013, amended art. XXI-C in its entirety to read as herein set out. Former art. XXI-C, §§ 01—6, pertained to similar subject matter, and derived from Ord. No. 2418-A, § 9, adopted Apr. 16, 1984; Ord. No. 2715-A, § 6, adopted Feb. 13, 1989; Ord. No. 2816-A, § 29, adopted Jan. 14, 1991; Ord. No. 2872-A, § 7, adopted Feb. 25, 1992; and Ord. No. 2881-A, § 4, adopted May 11, 1992; Ord. No. 3009-A, § 1F, adopted Feb. 13, 1995; Ord. No. 3063-A, § 1, adopted Feb. 26, 1996; Ord. No. 3377-A, § 1, adopted Jan. 14, 2002; and Ord. No. 3598, § 16, adopted March 26, 2007.*

### **Sec. 1. Intent.**

The City Council, after public hearing and proper notice to all parties affected and after recommendation from the City Plan Commission, may authorize the creation of a PD Planned Development District. The PD Planned Development District is intended to allow the development of tracts of land in a manner that will allow more flexibility than traditional zoning districts in terms of density, placement of buildings and structures, and mixture or combination of uses.

(Ord. No. 4009-A, § 1, 6-10-13)

### **Sec. 2. Use regulations.**

The list of approved uses for a PD Planned Development District shall be specifically requested in the PD Planned Development application and shall be included in the ordinance granting the planned development. Uses shall conform to the standards and regulations of the base zoning district referenced in the ordinance establishing the planned development district or as otherwise may be specifically defined within the ordinance establishing the planned development district.

For all PD Planned Development Districts approved by ordinance prior to June 10th, 2013, no land shall be used and no building shall be erected or converted to any use other than the following uses, except as otherwise specified in such ordinance:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bakery.
- (6) Bank or financial institution.
- (7) Barber or beauty salon.
- (8) Book, card, or stationery store.
- (9) Camera and photographic supply shop.
- (10) Catering service.
- (11) Church.
- (12) Clothing or apparel store.
- (13) Construction field office.

- (14) Convenience store with a maximum area of 2,500 square feet.
  - (15) Department store.
  - (16) Drugstore or pharmacy.
  - (17) Florist.
  - (18) Furniture, home furnishings, and appliance store.
  - (19) Health club.
  - (20) Hotel, full-service.
  - (21) Incidental retail, restaurant, and personal service activities in an office building subject to the supplemental regulations of article XXII-E.
  - (22) Jewelry store.
  - (23) Laundry pick-up station.
  - (24) Mailing service.
  - (25) Movie theater.
  - (26) Office.
  - (27) Office furniture, equipment and supply store.
  - (28) Parking lot, accessory.
  - (29) Parking lot or garage, commercial off-street.
  - (30) Photography or art studio.
  - (31) Print shop, minor.
  - (32) Private recreation club.
  - (33) Public building.
  - (34) Radio, recording or television studio.
  - (35) Research laboratories and facilities.
  - (36) Residential uses, including single-family detached and attached dwellings, patio homes, duplexes, townhomes, and apartments.
  - (37) Restaurant without drive-through or curbside service.
  - (38) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
  - (39) Tailor shop.
- (Ord. No. 4009-A, § 1, 6-10-13)

**Sec. 3. Building regulations.**

All buildings shall be a minimum 85% masonry construction or other approved materials as set forth in the ordinance granting the planned development district.

(Ord. No. 4009-A, § 1, 6-10-13)

**Sec. 4. Area requirements.**

- (a) The minimum area requirements for a planned development shall be as follows:
  - (1) Minimum Lot Area. No minimum land area is required for a Planned Development district. Any minimum lot area requirements relative to a particular use to be allowed in a Planned Development district shall be set forth in the ordinance establishing the Planned Development district.
  - (2) Height regulations. The application for a planned development shall contain an element which specifies the maximum height of structures on each tract of land.
  - (3) Residential density. The maximum density of any residential development within a planned development shall be 12 dwelling units per gross acre designated for residential development for PD Planned Development Districts approved by ordinance prior to June 10th, 2013. The maximum density of any residential development within a PD Planned Development District approved by ordinance after June 10th, 2013 shall be requested in the PD Planned Development application and the approved maximum density shall be set forth in the ordinance granting the planned development district.
- (b) The following area regulations shall be specifically enumerated in the PD Planned Development application and, upon approval, shall become a part of the zoning ordinance for the described property:
  - (1) Front yard (measured from all streets, whether public or private).
  - (2) Side yard.
  - (3) Rear yard.
  - (4) Lot coverage.
  - (5) Floor area ratio.

(Ord. No. 4009-A, § 1, 6-10-13)

**Sec. 5. Parking regulations.**

Parking shall be provided in accordance with the regulations of the Code of Ordinances, Chapter 21 unless otherwise specified in the PD Planned Development application.

(Ord. No. 4009-A, § 1, 6-10-13)

**Sec. 6. Planned development review procedure.**

- (a) The procedure for establishing a PD Planned Development District shall follow the procedure for zoning amendments as set forth in the Comprehensive Zoning Ordinance. The applicant for a planned development district shall comply with the zoning amendment procedure for a change in zoning district classification.
- (b) An applicant for a PD Planned Development District shall specify in the application the base zoning district to be referenced or the unique zoning regulations being proposed; the proposed use or combination of uses; proposed development regulations including all requested deviations from the base zoning district or those uniquely proposed; any other requirements of the Comprehensive Zoning Ordinance; and be accompanied by a

conceptual site plan. During the review and public hearing process, the City Plan Commission and City Council shall require and approve a conceptual site plan as part of the ordinance granting the PD Planned Development District. The conceptual site plan shall be attached to and made a part of the ordinance establishing the PD Planned Development District. Except for minor amendments to a conceptual site plan as provided in Section 7 below, an amendment to a conceptual site plan shall follow the normal process for a change in zoning.

- (c) An application for rezoning of property to the PD Planned Development District shall be accompanied by the following supportive information:
- (1) The conceptual site plan shall be submitted by the applicant at the time of application. The conceptual site plan shall graphically show the applicant's intent for the use of the land within the proposed planned development district. A conceptual site plan shall include, but not limited to, the major circulation pattern surrounding and serving the site, major landscaping elements and features, open space, drainage ways and wetlands, parking areas, building groupings, land uses, gross acreage for each use, lot coverage, floor area ratio when applicable, building heights and locations, identification of major access points, right-of-way or other areas to be dedicated to the city, indication of each phase of development if separate phases of development are proposed and significant physical features of the site. With respect to residential areas, the proposed density, lot configuration and circulation shall be included on the conceptual site plan.
  - (2) A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall include current traffic counts for streets surrounding the project, analysis of the existing capacity on those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level, which will be determined by the City Plan Commission. At the discretion of the City Manager or designee, these requirements may be modified or waived.
  - (3) A statement and/or plan indicating how the property relates to surrounding properties and also indicating what measures will be taken to create appropriate transitions from the subject property to neighboring tracts.
  - (4) Any other supportive information the applicant feels may be beneficial to the City to describe the proposed development in the evaluation of the request.
  - (5) Any other information the City Manager or designee may deem necessary to adequately evaluate the proposed planned development and its potential impact on environmental, land use, utility and public service delivery systems.
- (d) Development regulations. The application for and the ordinance establishing a PD Planned Development District shall specify appropriate development regulations in written form and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depth, and widths, building height, lot coverage, floor area ratio, off-street parking and loading, open space, access, screening, landscaping, project phasing or scheduling, property or homeowner management associations, and other conditions or requirements the City Plan Commission and City Council may deem appropriate.

- (e) Base zoning district. The application for and the ordinance establishing a PD Planned Development District shall specify the base zoning district. The specific uses permitted in the base zoning district which are to be allowed in the planned development district must be specified in the ordinance. Any additional uses not permitted in the base zoning district must also be specified in the ordinance. In selecting a base zoning district, the uses allowed in the base zoning district must be similar or compatible with those allowed in the planned development district. Any variations or deviations to the base zoning district or other provisions of the Comprehensive Zoning Ordinance or other regulation shall be stated in the ordinance.
- (f) Unique PD district. In lieu of referencing a base zoning district in establishing a PD Planned Development District, unique zoning regulations exclusively affecting development within the district may be set forth in the ordinance granting the Planned Development District.
- (g) No application shall be complete until all of the enumerated data is on file with the Department of Development Services. Upon approval, all of the above information, as may be amended, shall become a part of the ordinance granting the PD Planned Development District.
- (h) Compliance. All development and construction shall conform to the approved conceptual site plan. Before a certificate of occupancy can be granted, all development regulations and provisions of the conceptual site plan must be adequately addressed.

(Ord. No. 4009-A, § 1, 6-10-13)

**Sec. 7. Conceptual Site Plan Amendments.**

- (a) Minor amendments to a conceptual site plan for a PD Planned Development District shall be defined as a change which does not increase the building coverage, floor area ratio or residential density of the planned development, or change permitted uses, does not decrease any of the specified area regulations or enumerated parking ratios, nor substantially changes the access or circulation on or adjacent to the site.
- (b) The City Manager or designee may upon written application and explanation of the change by the owner of the property approve minor amendments to a conceptual site plan which do not alter the basic relationship of the proposed development to adjacent property, the permitted uses, increase the density, building height, coverage of site, off-street parking ratio, or area regulations as indicated on the approved conceptual site plan. No public hearing shall be required for approval of such minor amendments to an approved conceptual site plan.
- (c) Any other change to a conceptual site plan for a PD planned development district shall be considered a change in zoning and shall be processed through the normal rezoning procedure, requiring public hearings before the City Plan Commission and the City Council.

(Ord. No. 4009-A, § 1, 6-10-13)

***End of Article XXI-C***