

Procedure for Rezoning to a Planned Unit Development (PUD) District

Purpose and intent.

The purpose of the Planned Unit Development (PUD) District is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the city council to make in its legislative capacity. The purpose and intent of a PUD is to include most or all of the following:

- (1) Provide for the establishment of planned unit development (PUD) zoning districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the city's comprehensive plan;
- (2) Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability and general welfare of the city;
- (3) Provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the city's standards to offset the effect of any variations. Desired design elements may include: sustainable design, greater utilization of new technologies in building design, special construction materials, landscaping, lighting, stormwater management, pedestrian-oriented design and podium height at a street or transition to residential neighborhoods, parks or other sensitive uses;
- (4) Ensure high quality of design and design compatible with surrounding land uses, including both existing and planned;
- (5) Maintain or improve the efficiency of public streets and utilities;
- (6) Preserve and enhance site characteristics, including natural features, wetland protection, trees, open space, scenic views and screening;
- (7) Allow for mixing of land uses within a development;
- (8) Encourage a variety of housing types, including affordable housing; and
- (9) Ensure the establishment of appropriate transitions between differing land uses.

Applicability/criteria.

(a) Uses. All permitted uses, permitted accessory uses, conditional uses and uses allowed by administrative permit, contained in the various zoning districts, as defined in this chapter, shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the comprehensive plan.

(b) Eligibility standards. To be eligible for a PUD district, all development should be in compliance with the following:

- (1) Where the site of a proposed PUD is designated for more than one land use in the comprehensive plan, the city may require that the PUD include all the land uses so designated or such combination of

the designated uses as the city council shall deem appropriate to achieve the purposes of this chapter and the comprehensive plan;

(2) Any PUD which involves a single land use type or housing type may be permitted, provided that it is otherwise consistent with the objectives of this chapter and the comprehensive plan and the design substantially exceeds any current standards;

(3) Permitted densities may be specifically stated in the appropriate planned development designation and shall be in general conformance with the comprehensive plan; and

(4) The setback regulation, building coverage and floor area ratio of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in subsection (b)(1) of this section.

Procedures.

(a) Preapplication conference. Prior to filing of an application for a PUD, the applicant must arrange for and attend a conference with city staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.

(b) Preapplication sketch plan review. Prior to filing of a PUD, the applicant is encouraged to submit a sketch plan of the project to the Planning and Development Department. The submittal should include a statement providing justification for the PUD, including, but not limited to, the intended utilization of the items listed in the purpose, intent and criteria in this subdivision.

(c) Planning commission and city council review. The Planning and Development Director shall refer the sketch plan to the planning commission and city council for discussion, review and informal comment. Any opinions or comments provided to the applicant by the city staff, planning commission and city council shall be considered advisory only and shall not constitute a binding decision on the request. There shall be no official application made for a sketch plan. It is an informal review and comment by planning commission and city council.

(d) Preliminary development plan and preliminary rezoning. Preliminary development plan submissions may depict and outline the proposed implementation of the sketch plan for the PUD. The preliminary development plan submissions shall include, but not be limited to, the submission requirements stipulated in article III of this chapter. Preliminary rezoning process is stipulated in sections 36-212—36-214. Preliminary rezoning shall include first reading of an ordinance amendment creating a PUD zoning district.

(e) Final development plan and final rezoning. After approval of the preliminary development plan, the applicant may apply for a final development plan and final rezoning approval for all or a portion of the PUD. The final development plan submissions shall include, but not be limited to, the submission requirements stipulated in article III of this chapter. Final development plan and final rezoning shall be heard before the city council. The final development plan and final PUD are reviewed to ensure that the proposed final development plan is consistent with the preliminary development plan and to address any new or outstanding concerns from preliminary approval. Should the plans be revised by the

applicant beyond the allowed plan modifications outlined in section 36-130, the final development plan and final rezoning shall therefore follow the process outlined in sections 36-212—36-214, which requires review by both planning commission and city council.

(f) Final rezoning to PUD. Final rezoning to PUD becomes official upon adoption of an ordinance rezoning the property.