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## **TITLE 10 — PLANNED UNIT DEVELOPMENT**

### **SECTION 1.0 PLANNED UNIT DEVELOPMENT: GENERAL PROVISIONS**

#### **1.1 PURPOSE**

The purpose of the Planned Unit Development is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new Developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of trafficways, utilities and public services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems that may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one (1) or more of the following advantages:

- A. Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the Planned Unit Development is to be located;
- B. Provide substantial buffers and transitions between areas of different land use and development densities;
- C. Enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green spaces;
- D. Counteract urban monotony and congestion on trafficways;
- E. Promote architecture that is compatible with the surroundings;
- F. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact that new development may have on existing or zoned development;
- G. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- H. Effectuate implementation of the Comprehensive Plan.

#### **1.2 DEFINITION**

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved Development Plan, consisting of a map showing the Development area and all improvements to the Development area, a text that sets forth the uses and the development standards to be met and exhibits setting forth any aspects of the Development not fully described in the map and text. The map, exhibits and text constitute a Development Plan. The uses and standards expressed in the Development Plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying Zoning District.

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**SECTION 2.0 PLANNED UNIT DEVELOPMENT: REQUIREMENTS**

- A. The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments that run to the benefit of the County.
- B. The outline plan shall indicate the land use, development standards and other applicable specifications of this Code that shall govern the Planned Unit Development. If the outline plan is silent on a particular land use, development standard or other specification of this Code, the standard of the underlying Zoning District or the applicable regulations shall apply.
- C. The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Official Zoning Maps and adopted pursuant to this Code.
- D. The Planned Unit Development must comply with all required improvements, construction standards, design standards and all other engineering standards contained within this Code and other pertinent regulations, except where specifically varied through the provisions of this Title of this Code.
- E. Designation and Conveyance of Permanent Open Space
  - 1. Permanent open space shall be defined as parks, playgrounds, landscaped green space and natural areas, not including schools, community centers or other similar areas in public ownership.
  - 2. No plan for a Planned Unit Development shall be approved unless such plan provides for permanent landscaped or natural open space. A minimum of twenty-five (25) percent of the proposed Planned Unit Development area shall be designated as permanent open space.
  - 3. In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses; provided, however, that the permanent open space need not be located in proximity to the use in the case of preservation of existing features.
  - 4. If the Outline Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
  - 5. Permanent open space shall be conveyed in one of the following forms:
    - (a) To a municipal or public corporation;
    - (b) To a not-for-profit corporation or entity established for the purpose of benefiting the Owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Planning Commission and the County Commissioners, adjoining property owners, or both. All conveyances hereunder shall be structured to ensure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the Owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners;

- (c) To Owners other than those specified in Subsections (a) and (b) above and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
  - (d) Included in single family residential lots under the control of lot owners.
6. Uses permitted in a Planned Unit Development may be any uses that are found in Title 1, Zoning Ordinance, subject to the approval of the Planning Commission and the County Commissioners.

### **SECTION 3.0 PLANNED UNIT DEVELOPMENT: PROCEDURES FOR APPROVAL**

- A. The Application shall be accompanied by all plans and documents required by Title 2. A three-step Application process shall be used:
- 1. Pre-Design Conference;
  - 2. Outline Plan Approval; and
  - 3. Development Plan Approval.
- B. Prior to filing a formal Application for approval of a Planned Unit Development, the Applicant shall schedule a Pre-Design Conference with the Zoning Administrator. The purpose of the Pre-Design Conference shall be to:
- 1. Allow the Applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted County policies; and
  - 2. Allow the Zoning Administrator to inform the Applicant of applicable policies, standards and procedures for the Planned Unit Development.

The Pre-Design Conference is intended only for the above purposes; neither the developer nor the County is bound by any decision made during a Pre-Design Conference.

- C. Procedure for Outline Plan Approval
- 1. The Outline Plan and Application for the Planned Unit Development shall be submitted to the Zoning Administrator, who, after certifying the Application to be complete, shall initiate a review by the Zoning Administrator.
  - 2. The Application and the results of the review shall then be forwarded to the Planning Commission for its consideration, public hearing and recommendations, together with the Planning Department's report and such other documents as may be pertinent to the Planned Unit Development.
  - 3. The Planning Commission shall hold a public hearing in accordance with its Rules of Procedure.
  - 4. Where there are environmentally sensitive features on the site or the Development Plan is expected to be complex or there are other important planning implications involved, the Planning Commission may reserve the right to review the Development Plan. And, where the Planning Commission recommends denial of an Outline Plan and the County

Commissioners approve the plan, the Planning Commission shall review the Development Plan.

5. Upon completion of its review, the Planning Commission shall certify the Application to the County Commissioners with a favorable recommendation, an unfavorable recommendation or no recommendation.
6. The County Commissioners shall vote on the proposal within ninety (90) days after the Planning Commission certifies the proposal. The County Commissioners may adopt or reject the proposal. If the Planning Commission has given the proposal a favorable recommendation and the County Commissioners fail to act on the proposal within ninety (90) days, the proposal takes effect as if it had been adopted as certified ninety (90) days after certification. If the Planning Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the County Commissioners fail to act on the proposal within ninety (90) days, the proposal is defeated.

D. Effect of Approval of Outline Plan

1. When an Outline Plan for a Planned Unit Development has been approved by the County Commissioners, the Plan shall become effective and its location shall be shown on the Official Zoning Maps. The Official Zoning Maps shall be amended to designate the site as a Planned Unit Development.
2. Upon such amendment of the Official Zoning Maps, the use and development of the site shall be governed by the Planned Unit Development Outline Plan, subject to approval of a Development Plan.
3. No permit of any kind shall be issued until the Development Plan has been approved.

E. Development Plan Requirements

1. The purpose of the Development Plan is to designate the controls for development of the Planned Unit Development. The Development Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
2. The Development Plan shall be submitted to the Planning Department not more than eighteen (18) months following the County Commissioners' approval of the Outline Plan.

The Outline and Development Plans may be submitted as a single plan if all requirements of Title 2, Section 2.0 are met. The Development Plan may be submitted and approved in stages, with each stage representing a portion of the Outline Plan, at the discretion of the Planning Commission. The time limit for submitting each stage for approval may be set forth in the Outline Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Planning Commission may extend the time for Application for approval of the Development Plan for good cause, consistent with the purposes of this Code.

3. Periodically, the Zoning Administrator shall report to the Planning Commission on Planned Unit Developments whose time limits have expired. The Applicants shall be notified. The Planning Commission shall determine whether to consider extending the time or to initiate action to amend the Official Zoning Maps so as to rescind the Planned Unit Development designation.
4. The Development Plan shall conform to the Outline Plan as approved.

5. Procedure for approval of a Development Plan shall be:
  - (a) The Development Plan and supporting data shall be filed with the Planning Department staff.
  - (b) The Zoning Administrator shall review the Development Plan, to include Site Plan review, in accordance with the requirements of this Code.
  - (c) It shall generally be the responsibility of the Technical Review Committee to review Development Plans unless the Planning Commission reviews the Site Development Plans as provided in Title 1.0, Section 14.8, or where a new Development Plan is required.
  - (d) If the Planning Commission has retained Development Plan approval authority, the Planning Commission shall hold a public hearing in accordance with its Rules of Procedure. The Planning Commission may approve, deny or approve with modifications.
6. The Development Plan shall expire two (2) years after approval, unless grading and/or Building Permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a Development Plan approved in stages. The Applicant may request an extension of time in writing, and the approving authority may extend the time limit where appropriate. Such extension may be considered at the time of Development Plan approval.
7. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved Development Plan and after acceptance by the Planning Commission of all required guarantees for improvements pursuant to Title 2, Section 2.6.

## **SECTION 4.0 PLANNED UNIT DEVELOPMENT: SPECIFIC CONTENT OF PLANS**

Planned Unit Development plans and supporting data shall include all documentation listed in this Section of this Code unless certain documentation is deemed superfluous by the Zoning Administrator due to the specific circumstances of the particular request.

### **4.1 PRE-DESIGN CONFERENCE REQUIREMENTS**

- A. A written letter of intent from the Applicant describing the Applicant's intention for developing the site; and
- B. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major trafficways and the approximate location of any existing easements, natural features and topographic or geologic constraints.

### **4.2 OUTLINE PLAN REQUIREMENTS**

- A. A drawing of the Planned Unit Development shall be prepared at a scale not less than one (1) foot to fifty (50) feet, or as considered appropriate by the Zoning Administrator, and shall show in concept major circulation, generalized location and dimensions of buildings, structures and parking areas, open space areas, recreation facilities and other details to indicate the character of the proposed Development. The submission shall include:

1. A site location map;
  2. The name of the Development, with the words "Outline Plan";
  3. Boundary lines and acreage of each land use component;
  4. Existing easements, including location, width and purpose;
  5. Existing land use on abutting properties;
  6. Other conditions on adjoining land: topography (at two- (2-) foot contours) including any embankments or retaining walls, use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining Subdivision plat;
  7. Existing trafficways on and adjacent to the tract, including name of trafficway, right-of-way width, walks, curbs, gutters and culverts;
  8. Proposed public improvements: trafficways and other major improvements planned by the public for future construction on or adjacent to the tract;
  9. Existing utilities on the tract;
  10. Any land on the tract within the one hundred- (100-) year floodplain;
  11. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees six (6) inches or more in diameter, existing structures and other significant features;
  12. Existing vegetation to be preserved and the locations, nature and purpose of proposed landscaping; and
  13. Map data such as approximate true North Arrow, scale and date of preparation.
- B. The Zoning Administrator shall inform the Applicant of any additional documents or data requirements after the Pre-Design Conference.
- C. An explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
1. A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies that affect the land in question.
  2. A statement of present and proposed ownership of all land within the project, including the beneficial owners of a land trust.
  3. A development schedule indicating:
    - (a) Stages in which the project will be built, including the area, density, use, public facilities and open space to be developed with each stage. Each stage shall be described and mapped; and
    - (b) Projected dates for beginning and completion of each stage.

4. Proposed uses:
  - (a) Residential Uses: gross area, architectural concepts (narrative, sketch or representative photo), number of units, bedroom breakdown and proposed occupancy limits for each residential component; and
  - (b) Non-residential uses: specific non-residential uses, including gross areas, architectural concepts (narrative, sketch or representative photo) and building heights.
5. Facilities Plan: Preliminary concepts and feasibility reports for:
  - (a) Trafficways;
  - (b) Sidewalks;
  - (c) Sanitary sewers;
  - (d) Stormwater management;
  - (e) Water supply system;
  - (f) Street lighting; and
  - (g) Public utilities.
6. Traffic Analysis: If requested by the Zoning Administrator or the Planning Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.

### **4.3 DEVELOPMENT PLAN REQUIREMENTS**

The Application for Development Plan approval shall include, but not be limited to, the following documents:

- A. Such additional information as may have been required by the Outline Plan approval;
- B. An accurate map exhibit of the entire phase for which Development Plan Approval is being requested, showing the following:
  1. Precise location of all buildings to be constructed and a designation of the specific use or range of uses for each building. Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints;
  2. Design and precise location of all trafficways, drives and parking areas, including construction details, centerline elevations, pavement type, curbs, gutters and culverts;
  3. Location of all utility lines and easements;
  4. A final detailed Landscape Plan; and
  5. Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown and limits on occupancy;

- C. If lands to be subdivided are included in the Planned Unit Development, a Subdivision plat meeting the requirements of a Primary Plat, as modified by the Outline Plan approval, is required where platting is to be done concurrent with the Development Plan approval;
- D. Projected construction schedule;
- E. Agreements and covenants that govern the use, maintenance and continued protection of the Planned Unit Development and its common spaces, shared facilities and private trafficways; and
- F. Guaranty of Performance for Completion of Improvements.

A bond or other guaranty acceptable to the County Commissioners shall be provided for all required improvements and shall be executed at the time of permit Application or platting, whichever comes first. Improvements that must be guaranteed include facilities that shall become public and may include other facilities or improvements as may be specified in the Outline or Development Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements and shall be in an amount of one hundred twenty-five (125) percent of the estimated cost of the improvements.

## **SECTION 5.0 PLANNED UNIT DEVELOPMENT: REVIEW CONSIDERATIONS**

In their consideration of a Planned Unit Development Outline Plan, the Zoning Administrator in his report to the Planning Commission, the Planning Commission in its recommendation and the County Commissioners in their decision, shall consider as many of the following as may be relevant to the specific proposal:

- A. The extent to which the Planned Unit Development meets the purposes of this Code, the Comprehensive Plan and any other adopted planning objectives of the County;
- B. The extent to which the proposed plan meets the requirements, standards and stated purpose of the Planned Unit Development regulations;
- C. The extent to which the proposed plan departs from the zoning and Subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, bulk, use, required improvements and construction and design standards and the reasons that such departures are or are not deemed to be in the public interest;
- D. The extent to which the proposal will not be injurious to the public health, safety and general welfare;
- E. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space and furthers the amenities of light and air, recreation and visual enjoyment;
- F. The extent to which the relationship and compatibility of the proposed plan to the adjacent properties and neighborhood is appropriate and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods;
- G. The extent to which the proposed plan is desirable to the County's physical development, tax base and economic well being;

- H. The extent to which the proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services; and
- I. The extent to which the proposal preserves significant ecological, natural, historical and architectural resources as much as possible.

## **SECTION 6.0 PLANNED UNIT DEVELOPMENT: CHANGES IN THE PLANNED UNIT DEVELOPMENT**

### **6.1 CHANGES REQUIRING NEW OUTLINE PLAN APPROVAL**

Changes that alter the concept or intent of the Planned Unit Development, including, but not limited to:

- A. Significant increases in density;
- B. Significant changes in the proportion or allocation of land uses;
- C. Changes in the list of approved uses;
- D. Changes in the location of uses;
- E. Changes in functional uses of open space, where such change constitutes an intensification of use of the open spaces; and/or
- F. Changes in the final governing agreements where such changes conflict with the Outline Plan Approval.

### **6.2 CHANGES REQUIRING NEW DEVELOPMENT PLAN APPROVAL**

- A. Changes in lot arrangement or addition of buildable lots that do not change approved density of the Development;
- B. Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint or other such requirements of this Code;
- C. Changes to the internal trafficway system or off-street parking areas;
- D. Changes in drainage management structures;
- E. Changes in access to the Development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
- F. All other changes not expressly addressed under Section 6.2 shall require new Development Plan approval.