

Chapter 16 Zoning - ARTICLE XVII Planned Unit Development

Sec. 16-301. Purpose and intent.

- (a) The purpose of the PUD District is to facilitate greater flexibility resulting in higher quality development through more creative and imaginative design of the commercial, industrial and residential areas than is typically possible under conventional, restricted zoning regulations. Further, this Article is intended to promote more efficient and economical use of land while providing a greater number of usable and suitably located recreation facilities and other amenities. It is intended to provide measured design freedom by permitting the developer to best utilize the physical characteristics of the site by modifying minimum lot size, setbacks and other zoning and subdivision related restrictions; by encouraging high quality mixed use development; and by encouraging energy efficient design. Increased commercial and industrial floor area ratios may be permitted if such increases can be justified on the basis that the superior design makes the densities desirable with no reduction of amenities.

Sec. 16-302. Permitted uses.

- (a) PUD-R, Planned Unit Development Residential District:

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- (b) PUD-I, Planned Unit Development Industrial Park District:

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- (c) PUD-B, Planned Unit Development Business District:

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- (d) PUD-MU, Planned Unit Development Mixed-Use District:

- (1) Intent. The PUD-MU Mixed Use District is created to allow the integration of mixed-density residential, commercial and employment/light industrial development within an area so as to facilitate the formation of a self-sustaining project. Light industrial uses are permitted, provided that they complement the commercial uses and do not substantially negatively impact the residential uses. The following provisions apply to the PUD-MU District:
- a. The developer must establish that a special type of business and professional community will be created in which the addition of residential units would be a benefit to the business and professional development and the citizens who occupy the residential units.
 - b. The land use arrangement, physical design and amenities of the PUD-MU District will be considered for their benefit to the citizens who would occupy the planned residential units.
 - c. The number of residential units that may be built is flexible, but said number must achieve an acceptable proportion with commercial development to allow the development to be self-supporting. A fiscal impact study may be required to determine if the plan is self-supporting.
 - d. Retail uses shall be consistent with the land use designation of the Comprehensive Plan or otherwise be consistent with the criteria for neighborhood or convenience commercial.
 - e. Mixing various types of residential units and neighborhood commercial uses is typically appropriate in a PUD MU. If larger or more intensive commercial uses or warehouse or industrial

uses are included, it is the intent of the Town that they have access from arterial streets that do not pass through residential neighborhoods in the PUD, that truck access be isolated from typical pedestrian and light vehicle circulation patterns, and that such uses be buffered from residential and mixed-use neighborhoods with appropriate combinations of separation, berms, landscaping, walls and fences.

- f. The following residential unit types are allowed in a PUD-MU: any residential unit type allowed in the SF-1 District; any residential unit type allowed in the SF-2 District; any residential unit type allowed in the MF-1 District; and, in commercial areas of a PUD-MU, residential uses above the first floor.
 - g. The following commercial uses are allowed in residential or mixed residential-commercial portions of a PUD MU: any commercial use allowed in the NB District; the size limit on individual establishments set forth in the NB District shall apply in the residential or mixed residential-commercial portions of a PUD MU, but the size limits imposed on centers and the setback requirements from other uses applicable to the NB District shall not apply in these sections of the PUD MU.
 - h. Commercial and industrial development within a PUD shall be located so as not to create undue traffic congestion or street hazards. Location of sufficient off-street parking and loading area shall be determined as appropriate to the particular PUD. Consideration shall be given to anticipated pedestrian, bicycle and vehicular impacts, adjacent development providing multiple use of off-street parking facilities and the types of commercial uses implicated.
 - i. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics and lighting shall be designed as integrated portions of the total PUD.
- (2) Size. There is no minimum size for the PUD-MU District.
 - (3) Uses permitted. Within a PUD-MU District, the following uses shall be permitted subject to meeting all applicable criteria and regulations: any permitted, conditional or accessory uses allowed in PUD-R, PUD-B, PUD-NC, Gateway and Gateway Commercial Districts.
 - (4) Supplemental mixed use regulations:
 - a. Multifamily dwellings may be constructed above commercial uses, provided that there is separate access to dwelling units.
 - b. No commercial uses shall occupy the same floor as occupied by dwelling units.
- (e) PUD-V, Planned Unit Development Village District.
- (Ord. 99-615 §1; Ord. 2010-117 §§8, 12; Ord. No. 2022-220, § 1, 2-7-2022)

Sec. 16-303. Declaration of policy; review criteria.

Planned Unit Developments provide a more flexible approach to the physical development of real property, providing an opportunity for creative development planning and building design, to the end that the public health, safety and general welfare will be better served by tailoring development to the unique or special characteristics of the subject property and surrounding area. The Town Administration, Planning and Zoning Commission and the Town Council shall evaluate all Planned Unit Development plans pursuant to the following criteria, which may be applicable to the particular circumstances, balancing and evaluating the implementation of such criteria to maximize, to the greatest practical extent, the community interest and welfare.

- (1) Comprehensive Plan and Code requirements:

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- a. Is the proposed development in accordance with all elements of the Comprehensive Plan including, but not restricted to, park and school sites, street location and classification?
 - b. Have all applicable provisions of the subdivision and zoning regulations been met? If not, have the exceptions/variances requested been evaluated through the PUD process and found to contribute positively to the PUD design?
 - c. For PUDs including exceptions to the height standards, have the following been satisfied?
 1. Benefit to the Town has been demonstrated, including what considerations the applicant is prepared to offer in exchange for resulting increased structure height.
 2. Proposed structures' effect upon adjacent properties is minimal with respect to compatibility of use and design, alternative energy access, visual access, and rights of privacy, light and air.
 3. Public services can be provided to the site at a level currently enjoyed by the area, or at adequate levels per existing Town policies and regulations.
 4. Mix of developed area within the site is appropriate, including building coverage, parking, landscaping, pedestrian area, vehicle area and screening.
 5. Project complies with all adopted Fire District regulations and standards.
 - d. Have all material and procedural requirements of the Town Code been met?

(2) Public facilities:

- a. Is there present and available adequate capacity to serve the proposed development at appropriate service levels with the following utilities and facilities without negatively impacting the service levels of the surrounding neighborhoods, or have arrangements been made for extension and/or augmentation to adequately serve the proposed development and mitigate negative impacts on surrounding neighborhoods?

Water Streets/Transportation System
 Sewer Gas
 Electric Telephone
 Storm
 Drainage

- b. Does the proposed development comply with all standards, requirements and specifications for the following services, without a negative impact on existing services, or alternatively have exceptions been evaluated through the PUD process and found to contribute positively to the PUD design?

Water Storm Drainage
 Sewer Floodplain
 Electricity Telephone
 Gas Streets/Pedestrian System
 Ditch Fire Protection
 Public Cable Television
 Transit
 Refuse
 Collection

(3) Neighborhood compatibility:

- a. Are the scale, building bulk and orientation, setbacks, landscaping and visual integrity of the proposed development appropriate for the development, sensitive to the immediate area, compatible with the character of the neighborhood and promote the stabilization of the surrounding neighborhood?
- b. Does the design and layout of the proposed development facilitate the development of adjacent property rather than limit design options for adjacent landowners?

(4) Resource protection:

- a. Does the proposed development preserve significant existing vegetation (i.e. large trees) and unique features of the site?
- b. If the project contains known areas of natural or geologic hazard, including unstable slopes, flood, high groundwater or soil conditions unfavorable to urban development, are special engineering precautions proposed to be taken to address satisfactorily those limitations, or have these areas been set aside appropriately restricted from development?
- c. Does the proposed development preserve significant scenic views from both on and off the site?
- d. Does the proposed development include design features or facilities to promote energy, water and other resource conservation?

(5) Land use:

- a. Is the land use mix appropriate given land use designations of the Comprehensive Plan, support facilities in the area, project design and PUD district intent?
- b. Do the land use specifications of the PUD meet the restrictions for permitted uses and appropriately address conditional use standards, goals and criteria for those uses which are specified in this Chapter as conditional in the underlying zoning district?
- c. Have the appropriate design standards been satisfied?
- d. Are the exceptions to standard requirements warranted by virtue of inclusion in the PUD of design elements and amenities exceeding minimum requirements?