

ARTICLE 2

CHAPTER 5: PLANNED UNIT DEVELOPMENT OVERLAYS & ZONES

SEC 2.501 **PURPOSE:** The purpose of the Planned Unit Development (“PUD”) process is to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, ensure orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to the community. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the current district regulations.

SEC 2.502 **AUTHORITY:** The Board of County Commissioners (BOCC) may approve a rezoning request and development plan for a PUD in accordance with the procedures and standards specified in this Chapter and other regulations applicable to the district in which the subject property is located.

SEC 2.503 **APPLICABILITY:** This section applies to development on one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose density or intensity transfers, density or intensity increases, mixing of land uses, changes in lot size, bulk, lot coverage, parking, required open space, or other standards of the zoning and subdivision code otherwise applicable to the area in which the project is located. A PUD zoning district adopted prior to the effective date of this section is governed by the previous regulations and shall be identified on the zoning map as a PUD district.

SEC 2.504 **APPROVAL:** Three alternatives for PUD review and approval are provided.

2.504.1 **Interstate Highway Overlay:** PUDs within and consistent with the intent of the Interstate Highway Overlay (Interstate PUD) overlay district, as designated on the official zoning map, require a recommendation from the Regional Planning Commission (RPC), administrative approval by the BOCC and certification of zoning compliance by the Zoning Inspector. The approval of an Interstate Highway Overlay PUD Plan as being in compliance with standards of approval pursuant to this chapter shall not be considered to be an amendment or supplement to this Zoning Resolution. Upon final approval, the Zoning Inspector shall revise the official zoning map, removing the base zoning district designation and add the PUD designation.

2.504.2 **Standard PUD:** Planned Unit Developments beyond the boundaries of the Interstate Highway Overlay PUD district requires a map amendment and are subject to the Stage 1 application, review, and approval process specified in Section 1.305. Such PUDs may be approved as either:

- (A) an overlay district with regulations supplementary to the underlying zoning district if only marginal changes from the underlying zoning regulations are contemplated. The PUD rezoning shall be concurrent with the approval of a PUD Conceptual Plan. District regulations shall apply except to the extent modified by the overlay district. The PUD designation shall be noted as an overlay on the Official Zoning Map.
- (B) a new base district displacing the zoning in the underlying district. Upon approval, the PUD designation shall be noted as a new zoning district on the Official Zoning Map.

SEC 2.505 **ADDITIONAL SUBMITTALS:** In addition to the submittal requirements of Section 1.305, a PUD plan adopted pursuant to this Section shall include the following minimum provisions:

- (A) A statement of consistency with the comprehensive plan, area plans and the zoning code standards;
- (B) Specifications or reference to specifications, for all application documents and plan drawings;
- (C) Definitions, as appropriate, for such words or terms contained in the PUD resolution; Where this Code defines words or terms, the PUD plan shall incorporate those definitions, either directly or by reference;
- (D) A narrative documenting deviation from the zoning ordinance. All property in a PUD shall be required to adhere to all provisions of the zoning code unless otherwise stated in the approved PUD development plan.

SEC 2.506 **GENERAL STANDARDS FOR PUD APPROVAL:** In determining whether a PUD Plan filed pursuant to this Chapter shall be approved or recommended for approval, the Zoning Commission and the Board of County Commissioners shall apply the following general standards:

- (A) Compliance with this Zoning Resolution and compatibility with the purposes of the zoning district in which the proposed use and development is to be located;
- (B) Applicability of, and consistency with, adopted objectives and policies of the County related to land use and township plans duly adopted by the Regional Planning Commission;
- (C) Compatibility with and adequate protection of surrounding property;
- (D) Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
- (E) Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
- (F) Whether significant scenic or historic features, as identified in plans duly adopted by the Regional Planning Commission, are adequately conserved;
- (G) Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;
- (H) The adequacy of proposed pedestrian and vehicular circulation system;
- (I) The adequacy of the provisions for visual and acoustical privacy;
- (J) Preservation of open space, natural and cultural areas and whether the development includes an appropriate amount of, and appropriate access to, dedicated open space; and

- (k) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.

SEC 2.507 SPECIAL CONSIDERATIONS: The following list includes some of the special considerations which may become a requirement when reviewing applications for PUD rezoning. Satisfaction of these and other added considerations is strongly encouraged.

- (A) The creation of active and passive recreation to include greenways, sidewalks, and other pedestrian/bicycle circulation networks that serve to connect significant areas and various land uses.
- (B) Enhanced landscaping, deeper buffers, and increased planting along public rights-of-way, open space/recreational areas, and the overall perimeter of the project.
- (C) Separation of vehicular, pedestrian, and/or bicycle traffic lanes, internal traffic patterns, connections to adjacent properties/interconnectivity, and other traffic mitigation measures.
- (D) Public benefits (e.g., public parks and water access) and community facilities and the access thereto.

SEC 2.508 PHASING PLAN: A phasing plan shall be developed indicating the sequence of development, general land uses, and anticipated commencement and completion times of each phase. Adequate essential public services shall be provided for each Final Plat within each proposed phase prior to the issuance of any permits, except those permits required for the direct development of infrastructure, essential public services and associated grading.

- (A) The phasing plan shall include a narrative describing land use types, total area contained, anticipated population levels and essential public services. Essential public services necessary for the anticipated level of use of each phase shall be provided.
- (B) The phasing plan shall demonstrate how phased non-residential uses and recreational provisions will keep pace with the housing.

SEC 2.509 PUD DEVELOPMENT STANDARDS: The density, total floor area, and land coverage by buildings, within a PUD Overlay, shall not exceed the maximums allowed in the underlying zoning district by an amount greater than twenty percent (20%) except in accordance with Section 2.509.5(B). PUD projects granted relief from normal regulatory requirements of this chapter shall meet the following specific standards regarding density and intensity, uses, development size, design, open space, and landscaping.

2.509.1 Density and Intensity:

- (A) **Density Distribution:** A greater concentration of residential density may be located within portions of a project, provided there is an offset by a lesser concentration in another portion or an appropriate reservation of open space. Where a district boundary line divides the parcel or a development site has multiple zones, the total density is based on the combined allowable density for each area. The density may be distributed on any portion of the site regardless of the zoning district.

- (B) **Interstate PUD:** The density calculation for single-family residential structures is determined by the area dedicated for residential use. There is no numeric cap for second-story residential density. Developments two or more network road intersections away from an interstate interchange may include a mix of single-family residential-use that occupy no more than twenty percent (20%) of the development site.
- (C) **Density and Intensity Increases:** The BOCC may vary the density or intensity by not more than twenty percent (20%) in consideration of:
 - (1) The amount, location, and proposed use of common or secondary open space.
 - (2) The location and physical characteristics of the site of the proposed planned development.
 - (3) The location, design, and type of dwelling units.

2.509.2 Allowable Uses: The permitted use(s) within a PUD shall be determined at the time the zoning district and development plan is approved. Development within the district shall be limited to those uses specifically requested as part of the application and approved by the BOCC. Any addition of uses shall follow the zoning code amendment process. The development may provide for the authorization of uses that do not correspond with or are not expressly permitted by the zoning use district regulations for the area in which a PUD is located.

2.509.3 Use Permission: The permitted uses within an approved PUD Overlay shall be those of the underlying zoning district as indicated in the Table of Uses by Zoning District unless a deviation from the approval process is clearly stated in the PUD.

2.509.4 Development Size:

- (A) **Minimum Development Size:**
 - (1) Standard PUD beyond the Suburban Fringe: Minimum development size of five (5) acres.
 - (2) Interstate PUD: Minimum development size of ten (10) acres.
- (B) **Waiver from Development Size Requirements:** The development size requirements may be waived at Stage 1 or 2 if the BOCC finds:
 - (1) That an unusual physical or topographic feature of importance to the area as a whole, such as wetlands, exists on the site or in the surrounding area that will contribute to and be protected by the PUD; or,
 - (2) That the property or the surrounding area has an historic character of importance to the community that will be protected by the PUD; or,
 - (3) That the proposed PUD is adjacent to an approved PUD that has been completed and will contribute to the amenities and values of the neighboring PUD; or,
 - (4) That the PUD is located in an area that is being redeveloped and will advance redevelopment or comprehensive plan policies.

2.509.5 Open Space Standards:

(A) Required Open Space: *Table 2.509-1*

Development Type		Required Open &/or Common Open Space	
Residential	Suburban Fringe	20%	
	Rural – Development >20 acres	50%	
Mixed Use	Single-Family Residential component	Suburban Fringe	10% of the residential component
		Rural – Development >20 acres	40% of the residential component
	Upper Story Residential		10% of the site
	Non-Residential		10% of the non-residential component
Non-Residential		10%	

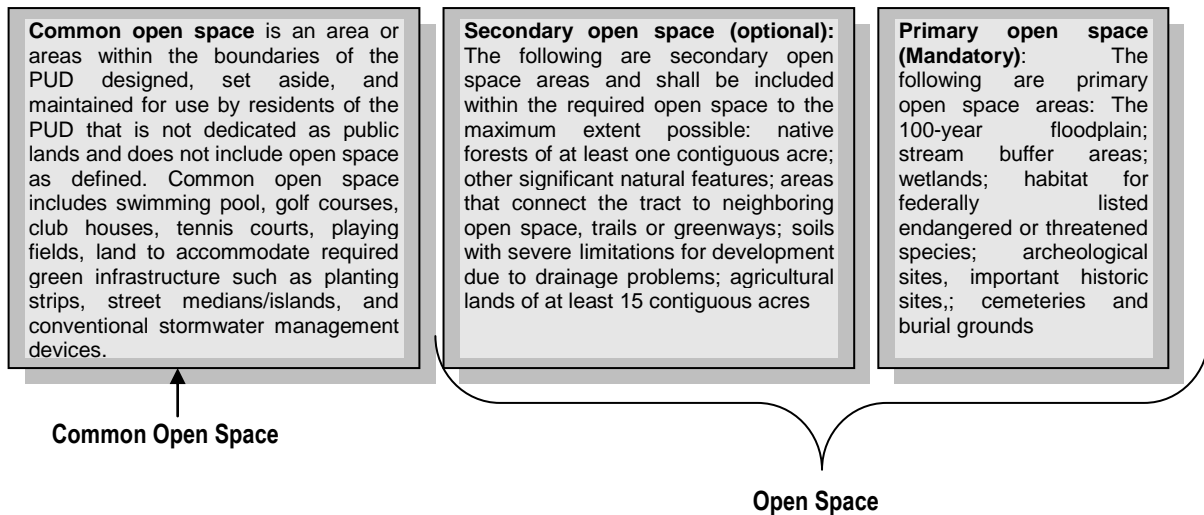
(B) Elective Open Space: *Table 2.509-2*

Residential Gross Density Multiplier	
Percent Increase of Common or Secondary Open Space* (The provision of common/secondary open space beyond the required amount)	Gross Density Multiplier
10%	1.1
20%	1.22
25%+	1.35

* In rural areas, the density multiplier shall apply only to an increase of secondary open space protected as an agricultural preserve at a minimum size of fifteen (15) acres.

In suburban fringe areas, ten percent (10%) of the required open/common open space must be set aside as recreation land. Recreational land shall not include natural features with a 100 percent (100%) protection standard nor any portion of those natural features that may not be developed.

Figure 2.509-1



(C) **Open Space Resource Protection Factor:** *Table 2.509-3*

Resource	Resource Protection Factor	Resource Area Size (If a resource overlaps the resource protection area is calculated using the highest resource protection factor)	Resource Protection Area (Resource Protection Factor multiplied by the Resource Area)
Floodplains & Stream Setback Areas (land within the 100-year floodplain)	0.8		
Wetlands	1.0		
Wildlife Habitat (endangered or threatened species)	0.7		
Historic & Archeological Resources	1.0		

(Blank spaces above for work sheet calculation)

The buildable area equals the total site area minus the total Resource Protection Areas. The resource protection area shall be designated as Primary Open space.

Rural Areas: If the primary open space area makes up less than the required open space, the remainder to the required open space shall be made up of secondary open space.

(D) **Open Space Design:**

- (1) Common Open Space: The location of common open space shall be planned as much as possible as a contiguous area located for the maximum benefit of the residents, preserving, and where possible, enhancing natural features. Buildings, structures, and improvements permitted in the common open space must be appropriate to the uses authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
- (2) Open space may either be centrally located, located to preserve natural features and woodlands, located to buffer adjacent farmland, or located to connect open spaces throughout the development.
- (3) Allow a minimum of fifty (50) feet from the edge of any lake or wetland. Trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities are permitted within this space.
- (4) Whenever possible, open space areas shall be interconnected within the PUD and on abutting parcels by open space corridors, at a minimum of ten (10) feet in width. Open space corridors may be credited towards the total open space required.

- (5) Open space areas shall have a minimum area of five thousand (5,000) square feet and a minimum width of seventy (70) feet.

(E) **Open Space on Platted Lots:** This section provides the rules by which primary open space is permitted to occur on a lot. Only large lots that may accommodate a construction envelope equal to one (1) acre shall be eligible for this provision. The construction envelope is defined as a delineated area that identifies the location within which all grading, clearing, excavation and development shall occur, including but not limited to septic systems, wells, dwellings, storage buildings or other structures or improvements. Construction envelopes shall be identified on the record plat and may be changed through the PUD amendment process as provided in Section 1.305. The following standards apply:

- (1) The construction envelope shall extend at least fifteen (15) feet from the foundation and five (5) feet from any other area to be developed or disturbed to provide for machinery and earth movement.
- (2) All eligible lots shall conserve the resource area in question, restricting the use of that land to open space uses and prohibiting fencing and the clearing, cutting, or disturbing of vegetation.
- (3) All lot construction and clearing shall be confined to a construction envelope that includes buildings, decks or patios, driveways, lawns, pools, tennis courts, septic tanks and tile fields, and utility access.
- (4) The construction envelope shall be designated on the subdivision plan.
- (5) The areas outside of the construction envelope may be credited towards the required open/common open space.

(F) **Unqualified Areas:** Land area that is commonly owned or devoted to the following shall not be included as meeting the common/open space requirement:

- (1) Public street rights-of-way, private roads, and parking areas;
- (2) Required setbacks between buildings, parking areas, and project boundaries and between buildings and public or private streets unless the required setback is contiguous to, and part of, a larger area of open space;
- (3) Private yards within subdivided lots, except in accordance with Section 2.302.3(F);
- (4) A minimum of fifteen (15) feet between buildings and open space;
- (5) Any land dedicated to a sewage disposal system or for a stormwater management device.

(G) **Ownership:**

- (1) **Ownership Alternatives:** An individual, a group of individuals, a nonprofit organization, a homeowners' association, a public body, or a combination of these entities may hold fee simple title to the open space area. Any use of the open space areas shall be in conformance with the Development Plan.

- (2) Public Agency: A public agency involved in conservation or preservation may be designated as the holder of the conservation easement for the open space land.
- (3) Legal Instrument for Permanent Protection: Open space shall be in place before building permits are issued. Dedicated open space shall be set aside in perpetuity by the developer through a conservation easement or a permanent restrictive covenant for conservation/preservation purposes that is found acceptable to the Commissioners. Such covenant or easement shall assure that the open space will be protected from all forms of development by being recorded and filed with the final development plan.

(H) **Provision and Maintenance:**

- (1) The development plan shall:
 - (a) Identify the uses and development permitted in the open/common open space; and,
 - (b) Include a schedule that shall coordinate the preservation of open space and the provision of common open space with the construction of the PUD, taking into account the location of the open/common open space and any phases in the construction of the PUD.
- (2) Further subdivision of open space land or its use for other than recreation, conservation, or agricultural purposes shall be strictly prohibited.
- (3) The owners or easement holder of open space shall maintain the open space and any buildings, recreational facilities, detention and retention basins, sidewalks, or private streets upon it.

2.509.6 Interstate Highway Overlay: Within a PUD approved under the Interstate PUD process, the following provisions shall apply:

- (A) Non-Residential uses must be the predominant land use. Single family residential uses shall not exceed ten percent (10%) of the development site. Residential uses are not permitted within the Interstate 71 areas of the Highway Overlay District, wherever the base zoning is commercial or industrial.
- (B) Maximum sixty percent (60%) of the gross parcel acreage may be devoted to coverage by buildings, structures, street, driveway, or parking pavement.
- (C) Lot size, lot width, or setback requirements may be waived except for front setbacks on arterial and primary collector roadways.
- (D) For Commercial Business, Office, and Light Manufacturing uses a minimum fifty (50) foot setback shall be provided when abutting an external residential use or district.
- (E) For General Industrial Manufacturing uses, a minimum seventy-five (75) foot setback shall be provided when abutting an external residential use or district.
- (F) Building and accessory structure height for Commercial Business, Light Manufacturing, and General Industrial Manufacturing use, within one hundred (100) feet of the property line, shall not exceed sixty (60) feet.

- (G) Trip Generation: All developments generating more than one hundred (100) peak hour trips shall submit a traffic impact study.
- (H) There shall be no areas of a PUD that are unspecified as to the category of land uses that will occupy those particular areas.
- (I) The PUD site plan requirements shall comply with Sec. 1.305.6 (A) (1) thru (10), and the development standards for the PUD shall be established at Stage 2.
- (J) The following uses are prohibited through the Interstate Highway Overlay District Procedure.
 - (1) Internet Sweepstakes Establishment
 - (2) Sexually Oriented Businesses
 - (3) Outdoor Shooting Range
 - (4) Asphalt or Concrete Batch Plant or Products Manufacturing
 - (5) Slaughterhouse and Stockyards
 - (6) Mineral Extraction
 - (7) Sanitary Landfills
 - (8) Solid Waste Disposal Facility
 - (9) Motor Vehicle Impound Lots
 - (10) Scrap Metal Salvage Yard and Recycling Centers
 - (11) Outdoor Storage or Displays Associated with an Industrial Use
- (K) The following uses are permitted through the Interstate Highway Overlay District procedure only when developed in conjunction with another permitted commercial or industrial use not listed below.
 - (1) Automobile Washing Facility
 - (2) Automobile Sales
 - (3) Mover Storage Facility
 - (4) Moving Truck & Trailer Rental
 - (5) Truck Stop or Washing Facility
 - (6) Self-Storage Facility
 - (7) Tattoo & Body Piercing Parlor

2.509.7 Standard Rural Residential PUD: The BOCC may approve a Standard Rural Residential PUD in order to preserve agricultural, environmental, or open space resources. In addition, the RRPUD shall be designed to achieve the following:

- (A) To preserve in perpetuity unique or sensitive natural resources such as, but not limited to, groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat;
- (B) To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- (C) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- (D) To create contiguous farm preservation areas within, and adjacent to, the development site;
- (E) To protect the rural character and scenic views;
- (F) To protect prime agricultural land and retain farming as an economic activity.
- (G) Development Standards
 - (1) Housing shall be clustered, while the remaining area is preserved for agriculture.
 - (2) Site planning shall provide protection of the development from potentially adverse surrounding influences, such as active agricultural operations.
 - (3) The orientation and clustering of the residential development shall be toward internal streets and pedestrian systems and away from adjacent arterial or collector streets.
 - (4) The development plan shall include means to mitigate any potential impact of the development. Mitigation measures may include, but are not limited to, berms, larger setbacks, or additional screening.
 - (5) The development plan shall include measures to protect and enhance prime agricultural lands, open water bodies, wetlands, and sensitive habitats.
 - (6) Any use or combination of uses allowed in the underlying zoning district may be included. The uses permitted must be specifically defined and approved as a part of the development plan.
 - (7) Strong consideration shall be given to locating residential housing on the least productive agricultural land and in such a manner as to have little impact on any environmental or open space resource area, and shall be clustered in such a manner to make efficient use of land resources and infrastructure.
 - (8) Strong consideration shall be given to the compatibility of the development with any surrounding agricultural operations, and the preservation of significant upland vegetation habitats and wetland areas.
 - (9) There shall be not more than two (2) lots for every one thousand (1,000) feet of frontage along an arterial or primary collector road; provided, that parcels of record with less than one thousand (1,000) feet of frontage may have two (2) frontage lots.

- (10) No setback shall be located closer than one hundred (100) feet to an arterial or primary collector road, unless the development creates fewer than five (5) lots.
- (11) A visual buffer located within the boundary of the residential portions of the planned unit shall be established along all property boundaries with adjacent rural residential uses to assure that the planned unit is compatible to abutting low density development through appropriate screening and/or setbacks. The width of the visual buffer shall be at least equal to the underlying zone setbacks for rear, front, or side yards, whichever is appropriate. The visual buffer shall be consistent with the landscaping standards in Article 3, Chapter 4.

SEC 2.510 CHANGE OF OWNERSHIP: A PUD may be subdivided or re-subdivided, and may be sold or leased in whole or in part. The final development plan shall control the development of any part of a PUD that is subdivided, sold, or leased. No development may be undertaken in any part of a PUD that is subdivided, sold, or leased that will violate the final development plan for the entire PUD unless the final development plan is amended by the BOCC for part or all of the PUD. An amendment to the final development plan shall require seventy five percent (75%) of all property owners within the entire PUD to sign as co-applicants for such amendment.

SEC 2.511 COMPLIANCE: The BOCC may approve a change of zone for a PUD conditioned upon achieving development standards for all or each phase of a PUD. If at any time the PUD or any phase of the PUD has not been developed according to the Stage 2 or Stage 3 Site Plans, the BOCC shall give notice by certified mail to the owner and applicant who requested the rezoning and shall schedule a public hearing to take the following actions:

- (A) Legislative action to Re-Zone the property to its former zoning classification; or,
- (B) Administrative action to ensure compliance with, or amendment of, Stage 2 or Stage 3 Site Plans.