
ARTICLE 7. PLANNED DEVELOPMENTS

- 20-701 PD, Planned Development Overlay District**
20-702 Cluster Housing Projects
20-703 Open Space Standards in Cluster and Planned Developments

20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT

(a) Purpose

The PD, Planned Development regulations are intended to:

- (1) ensure development that is consistent with the Comprehensive Plan;
- (2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;
- (3) allow design flexibility that results in greater public benefits than could be achieved using conventional Zoning District regulations;
- (4) preserve environmental and historic resources; and
- (5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

(b) Procedure

PDs shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(c) Developer's Statement of Intent

Each PD application shall include a comparison of the proposed development with the standards of the Base District and the otherwise applicable standards of this Development Code. Applications shall also include a Statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

(d) Effect of Other Development Code Standards

Except as expressly authorized by the regulations of this section and approved as part of a PD plan (in accordance with the procedures of Section 20-1304), all of the standards of this Development Code apply to development within a PD District.

(e) Minimum District Size

Minimum area for a PD district shall be five acres.

(f) Standards Eligible for Modification

As a condition of approval, the Planning Commission or City Commission may designate by ordinance or as a note on the face of the development plan, any specific use, Structure or Building Type which shall be restricted and excluded as part of the Planned Development Overlay District. The City Commission may modify the following standards during the PD approval process. Standards not listed are not eligible for modification.

(1) Allowed Uses

The Planning Commission shall recommend, and the City Commission shall approve, a list of uses allowed in a PD at the time of PD preliminary approval. Regardless of the fact that the approved uses may be determined by reference to a Base District, the list of approved uses shall be incorporated into and made a condition of the PD approval. The City Commission may approve only uses that are allowed in the Base District, provided that:

- (i) PDs in Single-Dwelling and Multi-Dwelling (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per Dwelling Unit.
- (ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units.

(2) Lot Size

The minimum Lot size standards of the Base District may be reduced by the City Commission, provided that Lot sizes shall be adequate to safely accommodate all proposed Buildings and site features.

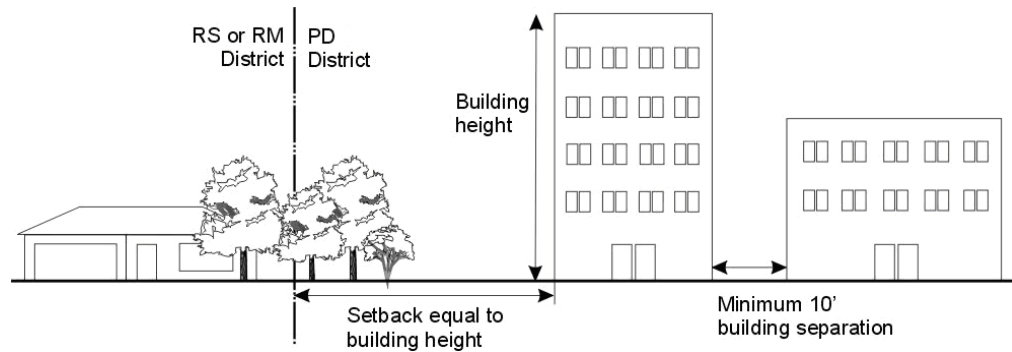
(3) Residential Density

The City Commission may increase the maximum Net Density beyond that of the Base District by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

(4) Setbacks

The minimum Setback standards of the Base District may be reduced by the City Commission, provided that:

- (i) Buildings located within the PD, and along any District boundary that is adjacent to RS and or RM Zoning Districts shall be Setback a distance at least equal to the Height of the proposed Building; and
- (ii) All exterior walls of detached Buildings shall be separated by a minimum distance of 10 feet.
- (iii) Balconies shall not be located along peripheral site Setbacks adjacent to RS zoned properties unless privacy Screening and Landscaping is included in the design.



(g) Height

The City Commission may increase maximum Height limits of the Base District if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. Height increases shall be permitted only for Buildings set back from the boundary of the PD by the Height of the proposed Building plus 25 feet, so that the primary impact of the increased Height is on property within the PD.

(h) Balconies

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a Planned Development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum Height) or a masonry wall (6' minimum Height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

(i) Parking and Loading

The City Commission may decrease the number of off-Street Parking and loading spaces required. Parking and loading areas shall comply with all otherwise applicable design standards.

(j) Buffer Areas

Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:

- (1) use category, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and
- (2) a landscaped buffer, including a Berm (minimum 4' in Height), a masonry wall (minimum of 6' in Height) or a fence (minimum 6' in Height).

(k) Common Open Space

(1) Amount Required

The PD shall include at least ~~the amount of Common Open Space computed using one of the following formulas, whichever produces the largest number:~~

- (i) ~~(20%) of the total area included in the PD; or~~

~~(ii) 300 square feet for each proposed Dwelling Unit in the PD.~~
20% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 50% of the Common Open Space shall be developed as Recreational Open Space unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

~~(2) Recreational Open Space~~

~~At least one-half of the proposed Common Open Space shall be suitable for use as and proposed for development as Recreational Open Space.~~

~~(3) Natural Open Space~~

~~To the maximum extent practicable, the following types of lands shall be included in the Common Open Space as Natural Open Space. To the extent that it is not practicable to include all of such areas in the Common Open Space, the order of types of lands included in this list shall be considered a priority list, with the first item being the most important, the last being the least important.~~

- ~~(i) Floodway, based on a 100-year storm;~~
- ~~(ii) Floodplain outside the floodway, based on a 100-year storm;~~
- ~~(iii) Jurisdictional Wetlands;~~
- ~~(iv) Stream Corridors;~~
- ~~(v) Stand of Mature Trees or individually significant mature trees;~~
- ~~(vi) Prominent Geographic Features with Rocky Outcroppings; and~~
- ~~(vii) Archeological and Historic Sites~~

~~(4) General Provisions~~

~~See Section 20-703 for General Provisions applicable to Open Space in a PD or Cluster Development.~~

(I) Additional Requirements and Standards

(1) Unified Control

No application for a PD will be accepted or approved unless all of the property included in the application is under unified Ownership or a single entity's control.

(2) Street Access

PDs that will generate 100 or more average daily trips (based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual, 7th edition, or subsequent edition, or based on local estimates provided by the City) shall have Access to an Arterial Street using a Frontage or rear Access road or by taking direct Access to a Collector Street.

Individual residential Building Lot shall not take direct Access to an Arterial Street or a non-Residential Collector Street. Each individual residential Lot shall have Frontage on a public or Private Street that has been constructed to the Public Street standards of the City.

(3) Sidewalks

Sidewalks built to City specifications shall be built along both sides of all public and Private Streets. On Local Streets, sidewalks shall be at least 5 feet in width; on all other Streets sidewalks shall be at least 6 feet in width.

(4) Landscaping

The Landscaping and Screening standards of Article 10 apply to PDs. In addition, any part of the development area not used for Buildings, Structures, Parking, Streets, or Accessways shall be landscaped with a sufficient mixture of grass, vegetative Ground Cover, trees, and Shrubs, except those areas designated to be preserved with natural vegetation.

(5) Preservation of Natural Features

Mature stands of trees or individually significant mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. At a minimum ***the common open space provisions in this section and*** the standards of Article 10 apply.

(6) Zoning Map

Approved PDs shall be identified on the Official Zoning District Map.

(7) Additional Conditions

The Planning Commission may recommend, and the City Commission may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this Development Code. Such conditions may include limitations on the types of uses, Structures or Building Types to be allowed in the PD. When such conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

(m) Additional Standards for PD's with Residential and Nonresidential Uses

In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/Bicycle and automobile Access by way of improved sidewalks or paths and Streets that do not involve leaving the PD or using a major Thoroughfare. "Directly accessible" does not necessarily mean that nonresidential uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.

20-702 CLUSTER HOUSING PROJECTS

(a) Purpose

The cluster housing regulations of this section have several potential public benefits. They:

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- (1) provide flexible development options where the standard Lot and Block pattern is not practical because of physical constraints;
 - (2) promote the preservation of open space and natural areas;
 - (3) allow for grouping of development on a portion of the site while using the entire site area to calculate Density of the Base District.
 - (4) support reductions in development costs.

(b) General

- (1) A Cluster Housing Project is a subdivision containing five (5) or more detached Dwellings each on its own Lot with some or all of the Lots reduced below required minimum Lot Area and width requirements, but where the overall project complies with the maximum Density standard of the Base District. Cluster Housing Projects require that planning for Lots and the locations of houses on the Lots be done at the same time. Because the allowable Building Envelope of each house is predetermined, greater flexibility in development standards is possible while assuring that the single-Dwelling character of the Zoning District is maintained.
- (2) Under the cluster housing option, a subdivision can contain no more Lots than would otherwise be allowed for a conventional subdivision in the same Zoning District, but the individual Lots within the development can be smaller than required in a conventional subdivision. Smaller Lot sizes within a Cluster Housing Project are required to be offset by a corresponding increase in Common Open Space.

(c) Where Allowed; Procedure

Cluster Housing Projects are allowed by right in all residential Zoning Districts and in the CN1 District, as provided below.

- (1) In RS Districts and the CN1 District, Cluster Housing Projects shall not include more than 35 Dwelling Units. Larger projects in said Districts are subject to the Planned Development regulations of Section 20-701 and shall be reviewed and approved in accordance with the procedures of Section 20-1304.
- (2) Cluster Housing Projects allowed by-right will be evaluated for compliance with applicable regulations and reviewed and approved in accordance with the subdivision procedures of Article 8 review process.

(d) Lot Area and Lot Width Requirements

There are no minimum Lot Area or Lot Width requirements for Cluster Housing Projects. Lots shall be adequate to meet all applicable standards of this Development Code.

(e) Housing Types

Detached Dwelling Units on individual Lots are the only type of housing allowed in a Cluster Housing Project. The proposed Building Envelope for all houses shall be shown on the subdivision plat with enough detail so that compliance with required Density and Dimensional Standards can be determined.

(f) Setbacks

- (1) A Setback equal to the minimum Front Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is adjacent to any Street or right-of-way.
- (2) A Setback equal to the minimum Rear Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is not adjacent to any Street or right-of-way.
- (3) Within the project, the distance between houses shall be at least 10 feet (to be measured in accordance with the Setback measurement provisions of Section 20-602(e)).

(g) Building Coverage

The Building coverage standards of the Base District do not apply to each individual Lot, but the total Building coverage of all Lots (in aggregate) may not exceed the maximum Building coverage standard of the Base District.

(h) Outdoor Area

The required minimum outdoor area standard per Dwelling Units of 240 Sq. Ft. shall be on each Lot.

(i) Common Open Space

(1) Amount Required

The Cluster Housing Project shall include at least **10% of the total site area as Common Open Space**. ~~the amount of Common Open Space computed using whichever of the following formulas produces the largest number:~~

- ~~(i) The total area resulting from the sum of the following: the difference between the minimum Lot Area required for the Base District and the actual Lot Area proposed for each Lot in the Cluster Development; or~~
- ~~(ii) Ten percent (10%) of the total site area included in the Cluster Housing Project.~~

Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 30% of the Common Open Space shall be developed as Recreational Open Space, unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) ~~Recreational Open Space~~

~~At least one-third of the proposed Common Open Space shall be suitable for use as and proposed for development as Recreational Open Space.~~

(3) ~~Natural Open Space~~

~~To the maximum extent practicable, the following types of lands shall be included in the Common Open Space as Natural Open Space. To the extent that it is not practicable to include all of such areas in the Common Open Space, the order of types of lands included in this list shall be considered a priority list, with the first item being the most important, the last being the least important, and so on:~~

- ~~(i) floodway, based on a 100-year storm;~~
- ~~(ii) Floodplain Outside The Floodway, based on a 100-year storm;~~
- ~~(iii) jurisdictional Wetlands;~~
- ~~(iv) Stream Corridor;~~
- ~~(v) significant Stand of Mature Trees or individually significant mature trees;~~
- ~~(vi) Prominent Geographic Features with Rocky Outcroppings; and~~
- ~~(vii) archeological and historic sites.~~

(4) General Provisions

See Section 20-703 for General Provisions applicable to Open Space in a Planned Development or Cluster Housing Project.

20-703 OPEN SPACE STANDARDS IN CLUSTER AND PLANNED DEVELOPMENTS

(a) Preservation Required

The Open Space land shall be preserved and maintained solely for the purposes specified in this Section and in such a manner as may be acceptable to the City Commission. The method for accomplishing such preservation and maintenance of Open Space land shall be limited to one of the following:

- (1) establishment of a mandatory-membership homeowner's association to own and maintain the land in common for the Open Space purposes intended; or
- (2) transfer of the land to a conservation trust or an institution, person, organization or other conservation-oriented entity together with the requisite requirements for maintenance of the land for the Open Space purposes intended; or
- (3) dedication of the land to the City with executed deed restrictions that the City is party to, which ensure the land shall remain as dedicated open space, subject to City Commission acceptance of such dedication.

(b) Execution of Instruments

The City Commission shall require the ~~Owner~~ **Developer** or Owner of the Open Space land to execute, acknowledge and file at the Register of Deeds office such maps and documents as, in the opinion of the Director of Legal Services, will effectively create a trust, Easement or covenant running with the land, for the benefit of the ~~abutting Dwelling Unit Owner~~ **property owners in the development** and of the City, which:

- (1) will be binding on all future Owners of the Open Space land;
- (2) will not be affected by any subsequent changes in zoning;
- (3) may be enforced by ~~adjoining property Owner~~ **property owners in the development** or the City by appropriate action in court for damage or equitable relief;
- (4) will be perpetual;
- (5) will assure appropriate maintenance of the Open Space land to the satisfaction of the City Commission;
- (6) shall provide that if maintenance, preservation and/or use of the Open Space land no longer complies with the provisions of the trust, Easement or covenant, the City may take all necessary actions to effect compliance and assess the costs against the Owner in default;
- (7) shall provide that such trust, Easement or covenant may not be modified, altered, amended, or changed without written approval of the City Commission, and all beneficiary property Owners in the ~~PD PUD or Cluster Housing Project development~~ **PD PUD or Cluster Housing Project development** except in the case of City-owned land in which case deed restrictions shall be binding.