

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Fri., June 12, 2026, on or before 4:30 p.m.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meetings are encouraged to make the necessary accommodations. The city may waive the 48-hour rule if signing is not the necessary accommodation.

THE PLANNING AND ZONING COMMISSION MEETING WILL BE HELD IN THE CITY COUNCIL CHAMBER AT BETHANY CITY HALL - 6700 NW 36TH ST., BETHANY, OK 73008

AGENDA
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
June 18, 2026
6:30 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF June 4, 2026

EXPLANATION OF PROCEDURE TO AUDIENCE PLANNING AND ZONING COMMISSION BUSINESS

ITEM 1: PC 26-15

Discussion and possible action on PUD moratorium.

NEW BUSINESS

ADJOURNMENT UNTIL July 2, 2026

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
JUNE 4, 2026

MEMBERS PRESENT: Justin Peck, Chair
James Clemmer, Vice-Chair
Sam Thurman
Robert Helton
Steve Marx
Ron Crouch
Arvel Williams

MEMBERS ABSENT: Jennifer Edmonson

STAFF PRESENT: Ray Jones, City Attorney
Brett Crecelius, Comm. Dev. Director
Raquelynne Diaz, Comm. Dev. Associate
Linda Hlinicky, Adm. Assistant

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Fri., May 30, 2026 on or before 4:30 p.m.

Justin Peck, Chair called the meeting to order. James Clemmer gave the invocation. Motion was made by James Clemmer, seconded by Arvel Williams to approve the May 7, 2026 Planning and Zoning Commission minutes as emailed. The votes are as follows: AYE- Sam Thurman, Robert Helton, Steve Marx, James Clemmer, Arvel Williams. NAY- None. ABSTAIN- Justin Peck, Ron Crouch. The motion carried 5 - 0 - 2.

ITEM 1: PC 26-07
Hold a discussion in accordance with the City of Bethany's Comprehensive Plan, regarding the potential rezoning of the North Rockwell corridor to Industrial.
(THIS ITEM WILL BE HEARD BY CITY COUNCIL ON JUNE 16, 2026.)

ACTION: Brett Crecelius, Comm. Dev. Director presented the staff report to discuss the City of Bethany's comprehensive plan as it relates to the North Rockwell Corridor between NW 50 and NW 63rd. He summarized discussions from the previous hearings, and the cost-benefit analysis on 60.29 acres and a cost-benefit analysis 28.35 acres to evaluate the potential impacts of the proposed rezoning on the City of Bethany and the residents. He spoke about the possibility of creating an industrial district overlay which would go along the lines of PUD's. The option would be to create a district that would keep the underlying zoning but have development standards for if and when

industrial companies want to come in with certain lot standards and certain design standards. It would be specific to this area but keep the underlying zoning option.

Ray Jones, City Attorney elaborated on the industrial overlay possibility. He said we could create a planned industrial district overlay. Requirements can be imposed such as lot sizes, larger zones required, and tailor the area to service the airport. All the current existing zoning would stay the same. People could sell their properties to whomever. They could make their application for commercial or industrial and go through all the normal processes. But because we would have a PID, Planned Industrial Development overlay, a developer could come in and say this is an area you have designated for industrial development to support the airport, we want to acquire twelve of the twenty-three acres (for example) and put in an aircraft mechanic shop. Any future Planned Industrial Development applications would come before the Planning and Zoning Commission and City Council just like PUD request(s).

Brett Crecelius, Comm. Dev. Director explained the PID, Planned Industrial Development overlay would be structured similar to the PUD, Planned Unit Development, and we would restrict overlay to the area we are talking about (N. Rockwell between NW 50th and NW 63rd).

Justin Peck, Chair said he wants to make sure we insure high standards (noise, etc.) to minimize effects on the surrounding residential properties.

Ms. Decamp, resident of 7009 N 59th St. spoke to the Planning Commission and had some questions about the two analysis.

Motion was made by Robert Helton, seconded by Sam Thurman to extend time for Ms. Decamp. The votes are as follows: AYE- Sam Thurman, Robert Helton, Steve Marx, Ron Crouch, Justin Peck, James Clemmer, Arvel Williams. NAY- None. ABSTAIN- None. The motion carried unanimously 7 - 0.

Ms. Decamp, resident of 7009 NW 59th St. continued her discussion about the two analysis reports. She expressed concerns with crime levels.

Brett Crecelius, Comm. Dev. Director noted there was someone else that could not be here tonight, but Ms. Springer's letter is in the packet.

Commissioner Helton read a statement he had prepared (see attached statement).

Ms. Lanelle Woods said she does not own property in the area but her father, George Woods owns property. She asked when you say developers are interested in this area, who are these developers. Where are these developers coming from? Are they Oklahoma developers or California developers?

Brett Crecelius, Comm. Dev. Director stated most of the inquiries we receive are regional or state developers.

Motion was made by Robert Helton that we do not move forward with declaring this industrial district. As it harms the people already living in this area. Making this industrial area will harm the health, property, property values, and peace of life of the residents. Furthermore, we must remove this industrial area from the comprehensive plan and create a new zoning vision for Bethany north of NW 50th Street. No second. Motion died.

George Wood, resident of 7014 NW 50th St. stated it looks like the city is basing everything on industry with Wiley Post. They have expanded like crazy, and I do not think they would look to Bethany for anything industrial. They have from NW 63rd to N. Wilshire with a half mile fronting N. Rockwell that they could expand to industrial if they wanted to.

Justin Peck, Chair asked do we want to approve the 28 acres or the 60 acres.

James Clemmer, Vice-Chair opinion was the 28 acres and not the full 60 acres. The 60 acres is a bit overboard for now.

Commissioner Crouch asked what property size ranges are the people looking for.

Brett Crecelius, Comm. Dev. Director stated on the inquiries has received, typically is has been one to three acres depending on the business.

Ray Jones, City Attorney stated if there was to be a vote, we could adopt an overlay district, it could be simply that. And then if that ends up being approved by Council, then in forming the ordinance we can outline the boundaries, specifically in the ordinance.

Motion was made by James Clemmer, seconded by Ron Crouch to approve and develop an industrial overlay along N. Rockwell Ave. between NW 50th and NW 63rd with dimensions to be determined at a later date after further study. The votes are as follows: AYE- Justin Peck, James Clemmer, Sam Thurman, Steve Marx, Ron Crouch, Arvel Williams. NAY- Robert Helton. ABSTAIN- None. The motion carried 6 - 1 - 0.

NEW BUSINESS

No new business at this time.

Motion was made by Ron Crouch, seconded by James Clemmer to adjourn. The motion carried unanimously 7 - 0.

Robert Helton's opinion on PC 26-07. Item 1 of the City of Bethany Planning and Zoning Commission on June 4th, 2026.

Bethany is decades past the option of creating an industrial district. This city is only around five square miles. We have already been surrounded by neighbors. What we have has already been filled in with homes. What our neighbors have surrounded us with is even more homes. What we are doing is playing a game of who to sacrifice.

Industry pollutes, it is loud, it smells, its expulsions spill over around it either by accident or by design. We have already had a major incident contaminating our water wells. Why are we seeking new possibilities of horrible things to happen to us?

This won't benefit us financially. Why would tax producing businesses move in to serve some hundreds of industrial workers at lunch or going home? When they don't move in for the thousands of people living here and around us? This industrial district will reduce the population of the area. It doesn't make sense. If it is an increase in utilities revenue we should not with the water situation we are in. A situation that is permanent as the population grows all around us.

The airport this will supposedly serve has not sent a representative to any of the prior meetings. I don't even see any evidence that they were involved with creating this section of the comprehensive plan. They are moving forward with an industrial district on their own property. Why is serving the airport a reason for this district? Bethany doesn't even own the airport. The airport isn't even in Bethany to begin with.

The future plan for this neighborhood should be for the people that live there. Not for potential out of town investors or the ones supposedly already interested that haven't been named or bother coming forward to the public.

My name is Katrina Springer. I am an SNU grad and teach at Western Oaks Middle School in Bethany. I attend church in Bethany. And, I have owned the house where I live, in Bethany, for 27 years. I believe rezoning industrial or naming the area as an industrial district will both have the same effect of lower property values for the houses in the rezoning area as well as the houses nearby like mine. For myself and my neighbors, the investments in our homes is a major, life time investment. To have that value cut in half because of a decision made by the city honestly does not seem fair to me.

The question I keep asking myself over and over is how does industrial help the city of Bethany? They would not get sales tax. Property tax is all they would get and most of that goes to the schools. I do not agree with the Cost Benefit Analysis report. Under the Taxable Sales from Employees it shows that each employee would spend \$800/month in Bethany? I am curious where they would spend \$800/month? I personally think they would go north to Sam's or Walmart.

If Bethany does a blanket rezone to industrial, do we have any control on what comes in? I personally don't think we need anymore marijuana grows. Seems like we have more control zoning industrial a bit at a time as the property is purchased and individual requests are made. We seem to have a fair amount of vacant commercial property available in Bethany. Maybe our focus should be on encouraging good businesses to come fill those spots where the city can get sales tax revenue.

I know this zoning is part of the comprehensive plan but I believe plans can and sometimes should change. This plan was made 10 years ago. A lot has changed over the last 10 years. I would urge the Bethany Planning & Zoning Commission to not make any changes to this area. If a business comes in and wants to buy property and get it zoned industrial that is one thing. To cut Bethany citizen's property value in half just so we can say we have an industrial district or designated area seems wrong to me.

Thank you for your time.

Katrina Springer
7007 NW 59th St

City of Bethany
Planning & Zoning Staff Report

June 18, 2026

CASE NO: PC 26-15

Request: Discussion and possible action on PUD moratorium.

Background: On April 16, the Planning and Zoning Commission voted to recommend a PUD moratorium in order to protect community character, evaluate infrastructure capacity, and ensure a clear public benefit. Various issues with existing zoning categories have led to the increased use of the PUD overlay district to bypass residential district bulk and yard standards. Overuse and misuse of the PUD overlay district may compromise the health, safety, and welfare of the community. For these reasons, the Commission recommended a PUD moratorium, and the City Council approved Ordinance No. 2093 on May 19, 2026, establishing a 180-day moratorium. Ordinance No. 2093 temporarily prohibits the granting of zoning approvals, rezonings, plats, development or site plans, permits, licenses, and certain other zoning approvals, as well as the commencement or expansion of developments or projects involving the planned unit development zoning overlay district.

Analysis: Staff reviewed various Planned Unit Development (PUD) overlay district regulations from surrounding municipalities in Oklahoma, as well as examples from other states that incorporate unique incentive- and reward-based approaches not observed locally. Using these examples as a foundation, a draft PUD was developed to serve as a starting point for staff and commissioners. This draft is intended to facilitate input and discussion, allowing the PUD overlay district to evolve into a more comprehensive and representative framework for Bethany.

The following materials will be included in the meeting packet for commissioners to review and use in generating ideas for discussion: the current City of Bethany PUD overlay district regulations, the draft PUD that has been developed, and examples of PUD overlay districts from other Oklahoma municipalities. It is the intention to generate a viable replacement for the PUD during the 180 PUD moratorium.

Required Action: Hold a discussion and provide feedback on proposed PUD updates related to the current PUD moratorium, review of other municipalities' PUD regulations, and draft language prepared for consideration.

Attachments:

- PUD draft
- Current PUD
- Other Municipalities/states PUDs

Section 158.024 – Planned Unit Development Overlays

(A) Purpose and Intent

The purpose of the Planned Development Overlay District regulations is to encourage high-quality development that provides flexibility in design while maintaining compatibility with surrounding properties and the intent of the underlying zoning district. The PUD is not to be utilized only for the purpose of obtaining a variance to the bulk standards or other City Code requirements.

These regulations are intended to:

1. Promote innovative site design and efficient land use patterns.
2. Encourage redevelopment and infill development.
3. Support mixed-use development where appropriate.
4. Encourage housing diversity and workforce housing opportunities.
5. Promote sustainability and environmental stewardship.
6. Preserve and enhance natural resources and open spaces.
7. Improve transportation connectivity and pedestrian accessibility.
8. Encourage investment that expands the City's tax base.
9. Provide flexibility from conventional zoning standards when a project provides measurable public benefits.
10. Encourage the provision of amenities beyond the minimum requirements of conventional development.

The Planned Development Overlay District shall function as an overlay zoning district. The underlying zoning classification shall remain in effect except where specifically modified through an approved Development Plan.

(B) Types of Planned Development Overlay Districts

(1) Small Planned Unit Development (SPUD)

A SPUD may be established on properties consisting of less than three (3) acres.

The SPUD process is intended to provide a simplified review process for smaller redevelopment, infill, mixed-use, commercial, residential, and adaptive reuse projects that provide community benefits and innovative design.

(2) Planned Unit Development (PUD)

A PUD may be established on properties consisting of three (3) acres or greater.

The PUD process is intended for larger-scale developments requiring coordinated planning, infrastructure, multiple land uses, housing diversity, open space preservation, or significant public amenities. The proposed PUD, if containing residential uses, will have common open space developed as recreation and/or leisure-oriented improvements reference as referenced by the Community Benefits – Integrated Uses listed in this chapter.

(C) General Standards

All PUD and SPUD developments shall comply with the following:

1. The underlying zoning district shall remain in effect.
2. The development shall not fundamentally alter the intent of the underlying zoning district.
3. All uses shall be specifically identified within the approved Development Plan.
4. Any use not specifically approved shall be prohibited.

5. Modifications to setbacks, lot dimensions, building height, parking requirements, or other development standards shall be limited to those necessary to accomplish the stated objectives of the development.
6. The development shall demonstrate compatibility with surrounding land uses.
7. The development shall provide measurable public benefits through compliance with the Community Benefit Point System.

(D) Required Development Narrative

All applications shall include a Development Narrative containing:

1. Project description and vision.
2. Existing zoning and land use conditions.
3. Proposed land uses.
4. Requested modifications to zoning standards.
5. Description of community benefits.
6. Explanation of how the project supports adopted plans and policies.
7. Description of sustainability and open space features.
8. Description of economic development benefits.
9. Description of public infrastructure improvements.

(E) Development Standards

The Development Plan shall include a comparison table identifying deviations from the underlying zoning district.

Example:

Standard	Underlying Zoning	Proposed Zoning
Setback	25 Feet	20 Feet
Maximum Height	35 Feet	40 feet
Parking Ratio	1 space per 250 sq ft	1 space per 300 sq ft

(F) Open Space Requirements

SPUD Developments

Minimum five percent (5%) of the site shall be provided as usable open space.

PUD Developments

Minimum fifteen percent (15%) of the site shall be provided as usable open space.

Open space may include but is not limited to:

- Parks
- Plazas
- Trails
- Community gardens
- Natural preservation areas
- Stormwater amenities designed as public features

(G) Community Benefit Point System

The purpose of the Community Benefit Point System is to ensure that developments receiving flexibility from conventional zoning regulations provide measurable benefits to the community.

Minimum Required Points

SPUD Projects: 10 Points

PUD Projects: 20 Points

Categories & Community Benefit	Points
SUSTAINABILITY/RESILIENCE	
Solar-ready building design	2
High-efficiency building systems exceeding code requirements	2
High Efficiency HVAC system (>15.2 SEER rating) or energy efficient Heat Pump (>8.1 HSPF2)	2
Native or drought-resistant landscaping	2
Individual or public storm shelter(s)	3
Cool roof or reflective roof systems	1
TRANSPORTATION	
Sidewalks exceeding minimum 4 foot wide standard	2
Multi-use trail connection	4
Bicycle parking facilities	1
Electric vehicle charging stations	2
Internal pedestrian circulation network	3
Shared parking program	2
PUBLIC SERVICES	
Public plaza or gathering space	4
Public art installation	2
Streetscape improvements beyond code requirements	3
Enhanced stormwater green infrastructure installations, including practices commonly described as nature-based solutions, green stormwater infrastructure, and low-impact development	3
Underground utility installation	3
Public safety improvements incorporated into project (traffic calming, crosswalks, lighting, etc.)	2
HOUSING DIVERSITY	
Workforce housing units	5
Missing-middle housing product (townhomes, condos, cottages, etc.)	4
Mixed-income housing component	5
Live-work units	3
Mixed-Use residential and commercial uses on site	5
NATURAL RESOURCES AND GREEN SPACE	
Open space exceeding minimum requirements	2
Significant tree preservation	2
Rain gardens and planter gardens designed to capture and manage stormwater using soils and vegetation.	2
Public park dedication	5
Stream or drainageway restoration	4
Two trees planted for every dwelling unit	1
COMMUNITY BENEFITS- INTERGRATED USES	
Pool	3
Dog Park	4
Basketball Court	2
Pickleball Court	4
Children's playground	4
Gym	5

(H) Application Requirements

SPUD Applications

The following materials shall be submitted:

1. Application form.
2. Development Narrative.
3. Site Plan.
4. Building Elevations or Conceptual Renderings.
5. Landscape Plan.
6. Community Benefit Point Table.
7. Utility and access information as required by the Community Development Director.

PUD Applications

The following materials shall be submitted:

1. Application form.
2. Development Narrative.
3. Preliminary Development Plan.
4. Site Plan.
5. Open Space Plan.
6. Circulation Plan.
7. Utility Plan.
8. Landscape Plan.
9. Building Elevations or Conceptual Renderings.
10. Community Benefit Point Table.
11. Phasing Plan, if applicable.

All applicable information related to the proposed development shall be fully addressed in the application. Applications containing vague or unanswered responses shall be deemed incomplete and will not be reviewed

(I) Review Procedures

SPUD Review Process

1. Application Submission.
2. Staff Review.
3. Planning Commission Public Hearing and Recommendation.
4. City Council Public Hearing and Final Action.

PUD Review Process

1. Pre-Application Meeting.
2. Application Submission.
3. Preliminary Development Plan Review.
4. Planning Commission Public Hearing and Recommendation.
5. City Council Public Hearing and Approval.
6. Final Development Plan Approval.

(J) Approval Criteria

The Planning Commission and City Council shall consider whether the proposed development:

1. Is consistent with the Comprehensive Plan.
2. Is compatible with surrounding development.
3. Enhances community character.
4. Provides adequate public facilities and infrastructure.
5. Provides measurable public benefits.
6. Preserves or enhances natural resources.
7. Promotes housing diversity.
8. Supports economic development and expansion of the tax base.
9. Improves transportation connectivity and pedestrian accessibility.
10. Advances the goals and intent of this Section.

(K) Expiration

Approval of a SPUD or PUD shall expire two (2) years following approval unless substantial construction has commenced.

Extensions of up to one (1) year may be granted by the City Council upon demonstration of good cause.

(L) Amendments to Approved Planned Development Overlay Districts

(1) Purpose

The purpose of this section is to provide a clear and predictable process for modifying approved Planned Unit Development (PUD) and Small Planned Unit Development (SPUD) plans while distinguishing between minor modifications that do not substantially alter the approved development and major modifications that require additional public review.

(2) Minor Modifications

Minor Modifications are changes that do not substantially alter the character, intensity, land use composition, community benefit commitments, circulation system, or overall development concept of the approved PUD or SPUD.

Minor Modifications may be approved administratively by the Community Development Director.

Examples of Minor Modifications include:

- (a) Relocation of buildings, structures, parking areas, or internal drives that does not substantially alter the approved site design.
- (b) Modifications to landscaping, screening, fencing, lighting, or streetscape elements.
- (c) Changes to building architecture, exterior materials, colors, or design features.
- (d) Adjustment of lot lines, tracts, easements, or common areas that do not increase development intensity.
- (e) Changes to utility locations or infrastructure design.
- (f) Reconfiguration of parking layouts that does not reduce approved parking below required minimums.
- (g) Modifications to open space design that do not reduce the total approved open space area.
- (h) Adjustments to setbacks, lot dimensions, lot coverage, building placement, or parking ratios that remain within the flexibility limits approved as part of the Development Plan.

- (i) Changes necessary to comply with engineering requirements, utility provider requirements, state regulations, or federal regulations.
- (j) Any other modification determined by the Community Development Director to be substantially consistent with the approved Development Plan.

(3) Major Modifications

Major Modifications are changes that substantially alter the approved development concept, intensity, land use composition, public benefit commitments, or impacts of the development.

Major Modifications shall require review and approval by the Planning Commission and City Council following the same procedures required for the original approval.

Major Modifications include:

- (a) Addition of a land use not specifically authorized in the approved Development Plan.
- (b) Elimination or substantial modification of an approved community benefit or incentive feature.
- (c) Increase in residential density exceeding ten percent (10%) above the approved density.
- (d) Increase in nonresidential floor area exceeding ten percent (10%) above the approved floor area.
- (e) Increase in building height exceeding ten percent (10%) above the approved maximum height.
- (f) Reduction of required open space.
- (g) Modification of approved access points to public streets that substantially alters traffic circulation.
- (h) Expansion of the boundaries of the approved PUD or SPUD.
- (i) Elimination of approved housing types or mixed-use components.
- (j) Any modification that significantly increases traffic generation, utility demand, stormwater impacts, or other public service impacts.
- (k) Any modification determined by the Community Development Director, Planning Commission, or City Council to substantially alter the character or intent of the approved Development Plan.

(4) Community Benefit Commitments

Community benefits and incentive points approved as part of a PUD or SPUD shall be considered vested conditions of approval.

Approved community benefits shall not be removed, reduced, or materially altered unless approved through a Major Modification process.

Where a proposed amendment reduces or eliminates an approved community benefit, replacement benefits providing equivalent or greater point values may be approved by the City Council.

(5) Incentive-Based Flexibility

Development flexibility authorized through the Community Benefit Point System shall be directly tied to the approved point total achieved by the development.

No incentive shall be granted unless the corresponding community benefit points are provided and maintained.

The City Council may authorize one or more of the following development incentives based upon approved point totals:

Incentives available if additional points are calculated

SPUD: 20 Points

PUD: 35 Points

Eligible Incentives:

- (a) Building height increase of up to ten (10) feet.
- (b) Parking reduction of up to twenty percent (20%).
- (c) Lot coverage increase of up to (20%)
- (c) Density increase of up to twenty percent (20%).
- (d) Lot width reduction of up to twenty percent (20%).
- (e) Reduced setbacks or increased building densities, in exchange for additional tree preservation.

(6) Findings

Prior to approving any Major Modification, the Planning Commission and City Council shall find that the proposed amendment:

- (a) Remains consistent with the purpose and intent of the approved PUD or SPUD;
- (b) Continues to provide adequate public benefits proportional to the requested flexibility;
- (c) Remains compatible with surrounding land uses;
- (d) Does not create adverse impacts on public facilities or services; and
- (e) Continues to advance the goals of the Comprehensive Plan and this Chapter.

§ 158.024 OVERLAY DISTRICTS.

(A) Except as otherwise specifically provided in this chapter, all use of land, development or structures in special districts shall conform to the requirements set forth herein.

(B) Planned Unit Development Overlay District (PUD).

(1) The intent of the Planned Unit Development Overlay District (PUD) is to encourage developments with a superior built environment that permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations. It is hereby intended to permit, upon application and upon approval of site and use plans, the creation of Planned Unit Development Overlay Districts (PUD). Such a designation shall be determined by, and shall be designed to provide for a mix of uses, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and with a reasonable consideration being given, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city. In PUD District, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot by lot rather than a unified basis.

(2) Application of Planned Unit Development Overlay District provisions. A PUD Overlay District may be proposed for the Central Business District in the city if (1) more than one land use is proposed on a single land; (2) different land uses that would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership; or (3) an exception or variance from the size, setback, frontage, density, uses or other standards that are required in other zoning districts permitting the same uses are being proposed as part of a development plan. No PUD District shall be considered without submission of a development plan. A site proposed for a PUD District classification shall contain a contiguous area of five acres or more, unless a smaller area is specifically approved by the Governing Body due to special and unusual circumstances. Property shall be deemed to be contiguous if all parts are under unified control, to ensure that the development plan can be executed as approved, and all parts abut or are separated by only a road, easement, or right-of-way.

(3) Effect of Planned Unit Development District approval. Approval of a PUD District shall constitute an amendment to the zoning ordinance. Designation of a property as a Planned Unit Development District (PUD) in accordance with an approved development plan shall supersede all existing and prior zoning classifications. A planned district approved by the City Council by ordinance shall be designated on the zoning map by the letter's PUD.

(4) Standards. All PUD Districts shall at a minimum satisfy the following standards and requirements:

(a) Uses permitted. The Development Plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses as are to be permitted. The City Council may include or exclude uses from the Development Plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determinations of the uses to be permitted within the PUD District, the City Council may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PUD District, the appropriateness of permitted uses for the area in general and their overall impact on the community and the consistency of the permitted uses with other adopted plans and policies.

(b) Residential. A PUD District may allow for a more flexible placement, arrangement and orientation of residential structures, with accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. A PUD District also may provide for a mixture of housing types (single family, two family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development shall make maximum use of natural features, and, through proper site planning measures, it shall be compatible with the existing character and development pattern of the surrounding area. In a PUD District proposing more than 75 individual residential dwelling units, no more than 12% of such units should be two-family or multi-family units.

(c) Office. A PUD District may contain orderly, well-designed office and institutional uses compatible with the surrounding area.

(d) Commercial. A PUD District may provide for maximum attainable commercial usage of property while ensuring development consistent with the City Council's long-range plans.

(e) Conditional uses. Approval of a use requiring a "special use permit" shall be considered as an amendment to the PUD District. In considering a "special use permit," in addition to the Zoning Ordinance's applicable section on conditional uses, all rezoning considerations for a PUD District shall be applicable.

(f) Intensity of development. The Development Plan shall contain provisions to regulate the intensity of development within the PUD District. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.

(g) For non-residential development, the intensity of development may be regulated;

1. By specifying an appropriate Floor Area Ratio(s) (FAR);
2. By specifying maximum square footage or gross leasable area;
3. By specifying setbacks, height and bulk restrictions; or

4. By a combination of such restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential Development Plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial, and other residential activities. The City Council may impose such standards and restrictions as necessary to achieve the intent of this section. In making its determination regarding the intensity of development and appropriate performance standards, the City Council may consider character and scale of similar developments, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services, and consistency with other plans and policies.

5. For residential development, the Preliminary and Final Development Plans shall specify the residential density for the project as a whole or for subareas within the project as appropriate. In making its determination regarding whether the proposed residential density is appropriate, the City Council may consider (i) compatibility of residential densities with other uses within the district as well as outside the district, (ii) the impact of residential densities on public facilities and services, (iii) the consistency with the Comprehensive Plan and other adopted plans and polices, and (iv) the comparison of allowed density under the residential zoning districts.

6. Bulk, area and height requirement. The Development Plan shall specify bulk, area and height restrictions for the project as a whole and for subareas and/or components of the project as appropriate. The City Council may impose alternate or additional standards or restrictions to achieve the intent of this section. In making its determination regarding such standards or restrictions, the City Council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies. The Development Plan shall contain a summary of how the proposed bulk, area and height requirements differ from those set forth within the regulations of the underlying district(s).

7. Public facilities. The Development Plan shall specify conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate. The City Council may impose conditions, restrictions and standards as appropriate to achieve the intent of this Section. In making its determination regarding such conditions, restrictions and standards, the City Council may consider the adequacy of existing public facilities and services, the timely provision of adequate public facilities and services and the overall cost to the community.

8. Access to public thoroughfares. The Development Plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. The City Council may impose such access standards and restrictions as necessary to protect the integrity and function of the City's thoroughfare system and to otherwise achieve the intent of this section. In making its determination regarding such access standards and restrictions, the City Council may consider the classification and function of the thoroughfare system, existing and projected traffic volumes, the condition

and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns on other adopted plans and policies.

9. Off-street parking and loading requirements. Unless specifically modified by the Development Plan, the off-street parking and loading requirements contained within these regulations shall apply. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking demand will be less due to density and/or occupancy characteristics of the project and/or the availability of public transportation.

10. Signs. Unless specifically modified by the Development Plan, the sign regulations contained within these regulations shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

11. Perimeter treatment. The Development Plan shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The City Council may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

(5) Procedure. Applications for PUD District Designation shall be processed pursuant to a three-step review process as specified in this section. The three-step procedure shall include:

- (a) A suggested pre-application conference;
- (b) A preliminary development plan; and
- (c) A final development plan.

1. Preliminary development plan. An applicant may submit a Preliminary Development Plan, which shall contain, at a minimum, the following information:

2. A legal description of the site proposed for PUD designation, including a statement regarding present ownership and present zoning. The legal description must contain the original signature and seal of an Oklahoma registered surveyor.

3. A Master Conceptual Plan that indicates parcel, tract or lot locations and dimensions; density per gross and per net acres in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.

4. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions;

and any other information required by this section or pertinent to a determination of compliance with the section.

5. A Circulation Plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The Circulation Plan may be included as part of the Master Conceptual Plan.

6. An Improvement Plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including method and location of sewage discharge; methods and facilities for the management of storm water runoff; improvements to streets and roads; and any other physical improvements required to support the project.

7. A Statistical Summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of development to the site size and location.

8. An Environmental Impact Statement indicating possible problem areas within the site as well as solutions to these problems as intended by the developer.

9. To the extent that phases are applicable, phases of development must be shown on the preliminary development plan. If the development will occur in phases, the applicant shall submit a development plan that also displays the entire development at the completion of all phases. The phased development shall have the phases clearly outlined with expected dates for beginning of construction and date of completion of construction. No building permit shall be issued for any phase of development until a final development plan for that phase is approved by the City Council.

10. The following elements are optional at the request of the Planning Commission:

A. A Sign Plan which indicates the location, size and design and other pertinent provisions relating to signs within the project.

B. A Parking Plan which shows the number of parking spaces as well as their general location and design.

C. Any other plan element or technical study that the Planning Commission or the City Council deems necessary to adequately consider and review the Preliminary Development Plan.

11. The Preliminary Development Plan shall be reviewed as a zoning amendment and shall be processed as such.

12. Final Development Plan.

13. Due to diversity in size and character of proposals considered under this section, flexibility in the form, content and approval procedures of the Final Development Plan

should be retained. Toward this end, the City Council shall specify, as part of its approval of the Preliminary Plan, the form, content and approval authority of the Final Development Plan.

14. If the City Council considers a submission of a Final Development Plan necessary for all or part of the District, it shall so specify in its approval of the Preliminary Development Plan. The City Council may retain its authority to approve the Final Development Plan or may delegate its approval authority to the Planning Commission or to a specified official(s). In the event the approval authority is delegated, the City Council shall specify the limits of discretion to be exercised by the approving authority.

15. No building permit shall be issued for all or any portion of a PUD District until the Final Development Plan has been approved.

16. Every Final Development Plan shall provide all the information required of a Preliminary Development Plan and shall further include grading, landscaping, lighting and signage plans.

17. Failure to commence construction after approval a PUD District

18. If substantial construction has not commenced within three years after the date of City Council approval for a PUD development, the Community Development Director shall review the development plan to determine whether the development plan should be voided or remain in effect.

19. If the Community Development Director shall determine that the development plan or any phase thereof is no longer viable, he/she shall present the matter to the Planning Commission for recommendation to the City Council. Simultaneously therewith, the Community Development Director may request the Planning Commission to review the existing zoning classification. The Community Development Director may request that the property be rezoned to that district which immediately preceded the approval of the planned district.

20. The Planning Commission shall hold a public hearing on the issue of voiding the development plan or any phase thereof and on the issue of rezoning the property, if so requested by the Director of Community Development. The recommendation of the Planning Commission shall be referred to the City Council.

21. After a public hearing, the City Council shall have the final determination as to whether the development plan or any phase thereof shall be voided or remain in effect, as well as to whether the property should be rezoned.

22. If the Community Development Director shall determine that the development plan or any phase thereof is viable or necessary to carry out the requirements of this chapter, the Community Development Director shall declare that the development plan or any phase thereof shall remain in effect; provided, however, that the Community Development Director shall report monthly to the Planning Commission detailing the plans to remain in effect.

23. Nothing stated within this section shall be deemed to prohibit an application for an amendment to or a subsequent application for a planned district.

24. Subdivision Plats and Site Plans Required. At the option of the applicant, the preliminary development plan may also serve as the preliminary plat. If the option is exercised, the plan shall include information required of preliminary plats. However, PUD Districts are to be reviewed on their individual merits upon specific application of a developer. Any conflicts with the other provisions of this Zoning and Subdivision Ordinances of the city may be waived by the City Council to carry out the intent of a plan.

(Ord. 1974, passed 8-6-19)

From Policy to Reality



Primary Author:



| Brian Ross

Project Coordinator:



INTRODUCTION

Planned Unit Developments (PUDs) are a type of development where the local government allows greater flexibility than otherwise allowed under the zoning or subdivision code in return for a coordinated development that provides public benefits not otherwise part of the development process. Frequently, the elements required in PUDs that bring additional public benefit include:

- More open space or natural resource protection than likely under as-of-right zoning;
- A greater mix of housing types and sometimes a mix of residential and commercial land uses designed in a complementary manner that emphasizes synergy;
- More affordable housing or greater housing density but with design standards that ensure greater density maintains community character.

Sustainability and PUDs

The elements described above are relatively commonplace in Minnesota PUD ordinances, and these elements frequently improve the sustainability of buildings, infrastructure, community character, and natural systems. As communities recognize that local government has opportunities and responsibilities for other sustainable development practices, these too can be incorporated into PUD ordinances, including:

- Meeting climate protection or carbon footprint goals
- Building additional capacity into public infrastructure such as stormwater management systems, electric and gas distribution systems, and wastewater systems
- Improving energy efficiency or utilization of local renewable resources
- Creating neighborhoods that are more pedestrian- and transit-oriented
- Encouraging restoration and maintenance of natural systems
- Protecting or enhancing opportunities for local food production

Creating the foundation

The following PUD ordinance provides basic language showing how these sustainability goals can be incorporated into most PUD processes. The key, however, to requiring PUD applicants to address carbon footprints or transit-oriented design is that the policy foundation, in the Comprehensive Plan or other formally adopted policy plan, must be set first. Regulatory requirements must implement adopted policy. Many comprehensive plans do not explicitly address issues such as energy security, transit availability, or climate protection. Other formally

Certifying Sustainability

Some of the sustainability requirements noted in this model may require training or knowledge that local staff do not have. Communities can, in some instances, rely on existing sustainability standards, some with third party certification processes, rather than retaining staff. Programs that require third-party certification provide a level of assurance to the community that the sustainability requirements are met. Sustainability standards, such as energy efficiency standards that go beyond the minimum standards of the State Energy Code, can similarly be used as a baseline standard. The community can require the PUD applicant to provide third party certification of compliance if the standard does not have a built-in compliance certification process.

Examples of certification programs that might apply to PUD sustainability include LEED certification, particularly the LEED- Neighborhood Design or the proposed LEED-Site Design standards and the Green Communities certification. Both of these processes address multiple components of sustainability, including density thresholds, access to transit, and energy efficiency. Other third-party certification programs or sustainability standards address more narrowly focused sustainability issues, such as building energy efficiency, use of low-impact materials, protection of natural resources, and sustainable food production.

adopted policy, such as resolutions supporting the U.S. Mayors' Climate Protection Agreement, can substitute for comprehensive plan language, provided the resolution does not conflict with the comprehensive plan.

Limitations of PUDs

PUDs provide flexibility to developers and opportunities to the community for improving the sustainability of buildings, infrastructure, and natural systems. PUDs can, however, actually diminish sustainability if not written and administered carefully. Responsibility for adhering to the Comprehensive Plan is the community's responsibility (staff, Commission, and elected officials), not the developer's responsibility. The flexibility provided in a PUD should result in development that more closely meets Comprehensive Plan goals than would occur without the negotiated zoning standards; the PUD must not become a way to simply circumvent zoning and subdivision standards. Communities need to have experienced staff who can spend the necessary time negotiating details with the developer to ensure Comprehensive Plan and sustainability goals are met. PUD approval processes are more difficult for staff and Commission members to manage due to these negotiated standards and balancing of flexibility with Comprehensive Plan goals.

- Carefully select which elements of the land use code are open for flexible treatment and the degree of flexibility allowed. The ordinance should not put every zoning standard on the table for negotiation.
- Identify the elements that would benefit the community and set standards for how the development needs to demonstrate that the standards will be met.
- Explicitly tie Comprehensive Plan and sustainability goals to the elements of flexibility and the public benefits expected in the PUD.
- Recognize in fee structures, approval timelines, and in a minimum size requirement that the PUD process requires more staff and Commission involvement than other proposals.
- Require a development agreement that defines the negotiated elements of the development in order to allow staff to ensure that public benefits are realized.

Alternatives to PUDs

Sometimes a community is better off not using PUDs to achieve sustainability goals, but to instead create specific development regulations tailored to a specific sustainability result. For instance, creating a conservation subdivision ordinance is often the best way to achieving natural resource protection goals. Similarly, a Traditional Neighborhood Design ordinance may be more effective than trying to adapt PUD language to meet community character or urban design goals. Examples of these alternatives are found elsewhere in this model.

- I. **Scope** - This article applies to planned unit development (PUD) conditional use permits.

- II. **Applicability** - The PUD regulations are applicable in all zoning districts where PUDs are a conditional use. The PUD regulations can be used for developments meeting the following criteria:
 - A. **Minimum Size** - A tract of land of no less than 10 acres, except as provided elsewhere in this ordinance, that is developed as a unit under single or unified ownership or control
 - B. **Minimum Number and Configuration of Buildings, Uses** - A development that includes two or more principal buildings or uses but which may consist of one building containing a combination of principal and supportive uses.
 - C. **Consistency with Zoning District** - Uses not otherwise allowed in the zoning district are prohibited within a PUD except as provided in this Article and listed in the development agreement.

Minimum Size Considerations

The minimum size and minimum number of buildings noted here are appropriate for urban locations with a high density development typical for metropolitan areas. Lower density areas, such as counties or communities without centralized water and wastewater systems might set the minimums at 25 acres or 10 buildings. Another alternative for rural communities is to consider not using a PUD ordinance but instead relying on a conservation subdivision ordinance to meet sustainability goals.

- III. **Purpose** - The purposes of this article are:
 - A. **Comprehensive Plan Goals** - To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of Model Community’s citizens by encouraging creative and efficient development of land and infrastructure and preservation of natural features and amenities that would not be permitted under the more restrictive application of zoning requirements. The PUD regulations specifically implement the following goals from the Comprehensive Plan:
 1. **Goal** - Provide a variety of housing types and encourage a mixture of housing development to allow people to live in Model Community at any stage in their life.
 2. **Goal** - Work with the private sector to meet Model Community’s greenhouse gas emission reduction goals.
 3. **Goal** - Enhance the local labor supply through provision of higher density housing in close proximity to major Places to Work.
 4. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
 5. **Goal** - Protect areas of significant natural resources and provide future passive and active recreational opportunities.

Comprehensive Plan Goals

Setting the policy foundation for regulatory actions in the community’s Comprehensive Plan, then clearly linking the policies to the regulation as shown in this example, helps staff, commissioners, and developers understand the intent of the regulation. Regulatory conditions that are not supported by comprehensive plan policies are likely to draw challenges.

- 6. **Goal** – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
- 7. **Goal** - Promote a walkable, sustainable development pattern that supports alternative forms of transportation (walking, biking and mass transit) while still accommodating the automobile.
- B. **Mix of Uses** - To allow for a complementary mixture of uses in an integrated and well planned area within a single zoning district.
- C. **Integrate Natural Resources** - To ensure contiguous and well-planned open space and preservation of the site’s natural resources and Model Community’s natural heritage.
- D. **Public Utilities** - To facilitate economic and sustainable investment in streets and public utilities.
- E. **Community Assets** - To facilitate sustainable building design and site layout, affordable housing, recreational uses and institutional uses.

IV. Flexibility on Zoning Standards - PUDs may allow subdivision and development design elements not otherwise permitted in some zoning districts if specific conditions are met, provided the design meets the general standards for development in this Article.

- A. **Elements for Flexibility** - The subdivision and development design elements that are granted flexibility include:
 - 1. non-standard lot sizes,
 - 2. higher density of housing units or floor-to-area ratios for commercial uses
 - 3. reduced rights-of-way and street widths,
 - 4. broader range of housing types,
 - 5. land use mix, excluding uses that are not permitted in the zoning district,
 - 6. zero lot lines and other modifications to minimum or maximum building setbacks.
- B. **Conditions for Flexibility** - The conditions required for flexibility on zoning regulation advance Model Community’s Comprehensive Plan goals and may include, but are not limited to, the following:
 - 1. **Natural Systems** - Conditions to permanently protect and manage natural systems and resources.

Elements for Flexibility

The community should identify what zoning or subdivision provisions are negotiable in the PUD process. PUDs are particularly useful for combining land uses that would not be allowed in the base zoning district. However, the appropriate range of commercial uses that are compatible with residential development is much narrower than all commercial uses. A coffee shop is not the same as a nightclub. Combining land uses also requires careful design to minimize nuisances while maximizing connectivity.

2. **Housing Types and Affordability** - Conditions to ensure an appropriate mix of housing types and affordability.
3. **Pedestrian and Non-motorized Travel** - Conditions to enhance the options for non-motorized travel within Model Community.
4. **Appropriate Mix of Uses** - Conditions to ensure a sustainable and synergistic mix of land uses.
5. **Utility Services and Infrastructure** - Conditions to protect or enhance the quality of service from water, sewer, stormwater, electric, gas, and telecommunications systems.
6. **Green Infrastructure** - Conditions to enhance park and trail access, landscaping and appearance, and optimal stormwater management.
7. **Building Design** - Conditions on building design to protect community, natural, and economic resources.

V. Effect on Existing Zoning - The granting of a PUD permit does not alter in any manner the existing zoning district classification except that building permits shall not be issued unless in conformity pursuant to an approved PUD permit and development agreement. Whenever a question arises concerning the interpretation of this article, it shall be the duty of the planning and zoning commission to ascertain all facts concerning the question and forward all data and a recommendation to the city council for a determination.

VI. Permitted Uses - Planned unit developments include the following permitted uses:

- A. Dwelling units in detached, clustered, semi-detached, or attached multi-storied structures or combinations thereof.
- B. Commercial and industrial uses.
- C. Supporting community facilities.
- D. Open space, parks, trails, and natural systems.
- E. Community-supported agricultural and community gardens.

Defining Flexibility and Community Benefits

The City of Minneapolis is (Spring of 2009) considered a PUD ordinance that creates a list of development flexibility options and a menu of community benefit requirements from which a PUD applicant can select. Each community benefit is assigned points, and the applicant must achieve a sufficient number of points in order to be considered for flexibility on zoning conditions. The menu of benefits includes a variety of sustainability options such as:

- *Green building certification (LEED Silver)*
- *On-site renewable energy (solar, wind)*
- *Geothermal based HVAC systems*
- *Super energy efficiency*
- *Bicycle and transit amenities*
- *Use of car sharing programs for residents/businesses*

Permitted Use Considerations

The base zoning district defines the permitted and conditional uses for any given development, but since PUDs may be conditional in a wide variety of districts the permitted uses here is quite broad. If a PUD proposes to include land uses not permitted in the base zoning district, and not specifically allowed as part of the flexibility provisions, the PUD may require a re-zoning as well as a PUD conditional use permit.

VII. Conditions for Approval - Planned unit developments are a conditional use or are not permitted, as noted in the land use tables for each zoning district. Model Community may approve the planned unit development only if it finds that the development satisfies all of the following standards:

- A. **Consistent with Comprehensive Plan** - The planned unit development advances Model Community's Comprehensive Plan goals, including both city-wide and the specific area goals.
- B. **Protects and Unifies Natural Systems** - The planned unit development creates an effective and unified treatment of the development and preservation possibilities on the project site. The development plan must provide for the preservation or creation of unique amenities such as natural streams, stream banks and shore buffers, wooded cover, rough terrain, man-made landforms or landscaping and similar areas.
- C. **Integrated with Surrounding Uses** - The planned unit development is planned and developed to harmonize with existing or proposed development in the areas surrounding the project site.
- D. **Ensures Sustainable Design of Buildings** - The applicant ensures that buildings will be designed and constructed according to the sustainable design standards adopted by Model Community.
- E. **Single Ownership** - The tract under consideration is under single ownership or control.
- F. **Minimum Size and Exceptions** - The tract is at least ten acres in size. Smaller tracts may be allowed if the applicant can show that the proposed PUD meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the community and that all of the following conditions exist:
 - 1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
 - 2. The proposal would benefit the area surrounding the project to greater degree than development allowed within the underlying zoning district(s), including improved pedestrian or transit access to jobs, goods, and services.
 - 3. The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district.

Sustainable Design Standards

Reference is made to Model Community's sustainable design standards. The design standards are in this case a separate document identifying the preferred sustainable building design elements, such as high energy efficiency, renewable energy generation, minimization of construction waste, green roof standards, accessibility standards, or other elements of sustainable building design. Alternatively, the standards could reference an existing set of standards such as LEED, Energy Star, Minnesota Green Communities, or Minnesota GreenStar. The design standards document should identify how certification must be accomplished and any provisions for failing to meet certification, such as forfeiture of a bond or denial of an occupancy permit.

Infrastructure Considerations

Communities with urban services should limit PUDs to areas served by urban services. Conservation subdivision standards are a more appropriate tool for meeting natural resource protection goals in areas without urban services.

4. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.

G. **Urban Service Area** - The proposed tract is within Model Community’s urban service area.

VIII. Density - In any planned unit development the maximum number of dwelling units allowed shall not exceed the density identified for that site in the Comprehensive Plan, except as noted below.

- A. **Exceptions for Comprehensive Plan Goals** - Density increases consistent with the comprehensive plan may be allowed if the proposed development can be demonstrated to better meet Comprehensive Plan affordable housing, natural resource protection, sustainable building design, or transit-oriented development goals.
- B. **Optional Waiver of Lot Size, Setback Requirements** - Zoning and subdivision standards relating to lot size and setback may be modified when a PUD is submitted for approval. Increased residential densities and open space areas may be subject to additional design conditions that are necessary, in the judgement of Model Community, to meet Comprehensive Plan goals.
- C. **Minimum Lot Size for Single Family Homes** - Up to 40 percent of single-family detached home lots in a single development may use reduced lot areas. Lot areas must have a minimum of 3,500 contiguous square feet of buildable area. Buildable area must be unencumbered by setbacks, public easements and other physical constraints (such as topography or similar features).

IX. Coordination with Subdivision Regulations

- A. **Simultaneous Subdivision Review** - Subdivision review must be carried out simultaneously with the review of a planned unit development.
- B. **Preliminary and Final Plats** - The plans required under this article must be submitted in a form that will satisfy Model Community’s subdivision requirements for the preliminary and final plats.
- C. **Flexibility of Subdivision Standards** - Flexibility of design standards and criteria of Model Community’s subdivision ordinance may be allowed as part of a planned unit development.

Density Considerations

Each community will have distinct community character goals in regard to how much flexibility to provide a PUD in terms of lot size and lot dimensions. This ordinance restricts increases in project density (over base zoning allowances) except for specific circumstances. Such a strategy in a high-growth community acts as an incentive for developers to go beyond base requirements for providing open space, natural resource protection, or sustainable building design. In contrast, the limitation on increased density in subsection C to 40% of residential lots is a recognition that density can affect community character in a manner inconsistent with the Comprehensive Plan, and that base zoning was designed to set the character of the project site.

The dimensions noted in this ordinance (3,500 sq ft of buildable area, subsection C) are consistent with Metropolitan Council density targets proposed by the Climate Change Advisory Group (6 units/acre). Where base zoning already calls for 6 or more units per acre, the building area would need to be reduced. An alternative for metropolitan area communities is to set minimum and maximum lot size standards geared to encourage the development that meets the minimum LEED-ND standard of seven (7) units per acre or the LEED NPd credit for compact development (10 units/acre). In both cases, single-family density could be offset by attached or multi-family homes, or by allowing accessory dwelling units, which would meet the housing diversity goals of this PUD ordinance.

X. Pre-application Meeting - Prior to the submission of any plan to the planning and zoning commission, the applicant shall meet with the zoning administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a conditional use permit, preliminary plat, and a general development plan. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the city staff to facilitate the review of the general development plan and preliminary plat.

XI. General Development Plan - The following information and documents shall be filed as part of the general development plan.

A. Application - An applicant shall make an application for a planned unit development permit following the procedural steps as set forth in the conditional use regulations.

B. Additional Requirements for PUD - In addition to the criteria and standards set forth under the conditional use chapter, the following additional findings shall be made before the approval of the development plan:

- 1. Comprehensive Plan** - The proposed PUD is in conformance with the comprehensive plan.
- 2. Neighboring Impacts** - The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- 3. Phasing** - Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
- 4. Sustainable Design** - The PUD will result in the construction of sustainable buildings and make use of renewable energy sources.
- 5. Public Facility Capacity** - The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed, to serve the area.
- 6. Unified Development** - The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

Sustainable Design - Renewable Energy

Urban PUDs, in most cases, are limited to solar energy as the on-site renewable energy source. PUDs with a larger land area, or that include industrial uses or large parking areas, may be able to incorporate wind energy. However, wind energy technology has some safety and potential nuisance issues in regard to tower fall zones, noise, and visual impacts. These tend to limit the applicability of wind energy to locations that have sufficient open space, parking areas, or areas with industrial or institutional land uses to provide appropriate setbacks.

Geothermal-based HVAC systems are sometimes also considered as renewable energy and have a wide applicability, provided that soil conditions are appropriate and system design is managed to ensure that the heat sink capability of the site is not exceeded.

- C. **Required Exhibits and Narratives** - The following exhibits and written narratives shall be submitted to the zoning administrator by the proposed developer as a part of the application for a conditional use permit:
1. **Character** - An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
 2. **Ownership** - A list of the present ownership of all the land included within the planned development and a list of property owners within 500 feet of the outer boundaries of the property as obtained through County records.
 3. **Schedule** - A general indication of the expected schedule of development including progressive phasing and time schedule.
 4. **Mapped Information** - A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street right-of-ways, utilities, and buildings for the property and for the area 500 feet beyond.
 5. **Natural Features** - Natural features, maps or maps of the property and area 500 feet beyond showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, soil, and subsoil conditions.
 6. **Proposed Land Uses** - A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
 7. **Government Services** - Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water systems, streets and other public utilities.
 8. **Soils** - An engineering report presenting results of percolation tests and soil analysis of the site.
 9. **Sustainable Design** - Full description as to how sustainable building design requirements will be met, including third-party certification, consistent with Model Community’s sustainable design standards.
 10. **Additional Information** - Any additional information requested by the city staff, the planning and zoning commission and city council that may be required for clarification of the proposed project.
 11. **Copies** - Twenty-six copies of all required information shall be submitted.

Sustainable Design - Building Codes

Minnesota has a “max/min” state energy code, which means that communities are not allowed to be either more or less stringent than the standards. Including provisions in the PUD for higher levels of energy efficiency than required by the State code must be done in a way that does not mandate exceeding the State energy code. For most PUD ordinances, this is satisfied by the PUD ordinance being a voluntary option selected by the developer. Using a third party standard such as LEED or GreenStar provides additional clarity, as these standards do not substitute for the energy code but allow the developer to select from a menu of options for meeting the certification process, and the standard is certified by a third party rather than the local building code official.

Soils

One component of sustainable design is maximizing the infiltration of rain water on the site. Soils information is critical to knowing where the ideal infiltration areas are. Rather than designing the site and then looking for locations for stormwater ponds, the PUD should use the soils information to identify opportunities for the use of low-impact development techniques.

- D. **Subdivision Process** - The applicant shall submit a preliminary plat for all or that portion of the project to be platted including all the necessary documentation required under Model Community's subdivision ordinance. For purposes of administrative simplification, the public hearings required for the conditional use permit, preliminary plat, and rezoning of property (if necessary) may be combined into one hearing or may be held concurrently.

XII. Final Development Plan and Development Agreement

Development Agreements

The PUD final plan identifies the expectations of the community in regard to the proposed development. The development agreement creates a contract in which the developer's responsibilities are clearly assigned and linked to the parcel of land which has been platted and approved for development. The agreement protects the interests of the community, particularly when the community is committing to investments in infrastructure or has rezoned the land in order to allow the PUD to proceed.

- A. **Final Plan to Include All Required Modifications** - The final development plan with recommended modifications, if any, and if necessary, the modified preliminary plat, shall be filed with the zoning administrator containing the information required in the general development plan plus any changes recommended by the planning and zoning commission and the city council as a result of the public hearing.
- B. **Final Plat** - The applicant shall also submit a final plat for all or that portion to be platted. The final general development plan shall be submitted with the first final plat which shall conform to the approved general development plan and approved preliminary plat. Such plats may be submitted in smaller increments as may be economical to finance or construct at one time. This plan shall include any recommended changes by the planning and zoning commission or city council to the original general development plan and original preliminary plat.
- C. **Development Agreement Required** - A development agreement, signed by the applicant and noting all conditions of the final development plan, shall be submitted with the final plat. The development agreement shall include an expiration date consistent with the phasing of the project.
- D. **Review of Final Documents** - The Council shall review the final development plan and final plat. If the final development plan is approved by the Council, the zoning administrator shall issue a conditional use permit to the applicant.

- XIII. **Enforcement of Development Schedule** - The construction, restoration, and other provisions of all of the common open spaces, public and recreational facilities, renewable energy or low-impact development infrastructure, or other required amenities identified in the final development plan and development agreement must proceed at the same phase of the construction of dwelling units and commercial buildings. From time to time the zoning administrator may review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If the zoning

administrator finds that the rate of construction of dwelling units is greater than the rate at which open space, public and recreational facilities, renewable energy and LID infrastructure, or other amenities have been constructed and provided, the administrator shall forward this information to the Council, which may modify or revoke the planned unit development permit.

XIV. Conveyance and Maintenance of Common Open Space

- A. **Open Space Platted and Conveyed** - All land shown on the final development plan as common open space must be conveyed to a homeowners' association or similar organization provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be permanently restricted to the uses specified on the final development plan, either by:
1. Assigning covenants, to be approved by the Model Community attorney, restricting the common open space to its designated purpose and providing for long-term maintenance in a manner that assures its intended purpose.
 2. Placing conservation easements on the open space that restrict the open space to its designated purpose and provide for long-term maintenance that assures its intended purpose. The easements shall be held and managed consistent with Minnesota Statute.
- B. **Hometowns' Association Required** - A homeowners' association or similar organization must be created if the PUD includes common open space. The applicant shall submit all required homeowners' association documents to the Model Community attorney and planning staff at the time of the first final plat of development, including the following:
1. Ownership and membership requirements.
 2. Articles of incorporation and bylaws.
 3. Time at which the developer turns the association over to the homeowners.
 4. Approximate monthly or yearly association fees for homeowners.
 5. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.
 6. Management plans for items owned in common.

Open Space Protection

The ordinance language allows either covenants or conservation easements to permanently protect open space. The preferred method is conservation easements, so that the interests of the homeowner's association is clearly separated from the open space protection, and instead vested in a conservation organization whose mission is consistent with long-term protection of the open space.

In either case, the common open space should be platted as an outlot and conveyed to the homeowner's association. An alternative is to convey the land to the local government, but in that case the purpose of the open space should be consistent with the local government's parks/open space goals.

Uses of Open Space

The uses listed here include habitat and recreation. Other uses that may apply in some communities include stormwater amenities, wetland banking areas, drain fields for community wastewater system, agriculture or local food production, or renewable energy production (wind energy).

XV. Standards for Common or Open Space - No open area may be approved as common open space under the provisions of this article unless it meets the following standards:

- A. **Suitable for Development** - The location, shape, size, and character of the common open space must be suitable for the planned development.
- B. **Uses of Open Space** - Common open space must be used as a natural amenity or for recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
- C. **Required Improvements** - Common open space must be suitably improved for its intended use but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are 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.
- D. **Other Outlots** - Outlots to be dedicated for park, ponding or other purposes shall be deeded to Model Community before the final plat is released for recording.

XVI. Review and Amendments

- A. **Commencement of Development** - From time to time the zoning administrator may review PUDs within the Model Community and may make a report to the Council on the status of non-compliance for a particular PUD. If the zoning administrator finds that the development has not commenced within one year after the original approval of the conditional use for the PUD, the zoning administrator may recommend that the Council extend the time or revoke the conditional use permit as set forth in Model Community's conditional use process. Prior to cancellation or revocation of this permit, the Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.
- B. **Additional Phases** - For additional phases of the PUD, if within five years the project has not progressed, the zoning administrator may recommend that the Council determine what action will be taken with the remainder of the project. Prior to determining the outcome of the PUD, the Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

- C. **Minor Changes** - Minor changes in the location, placement, and heights of the buildings or structures may be authorized by the zoning administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.
- D. **Major Changes Require New Development Agreement** - Major changes, such as rearrangement of lots, blocks and building tracts require a public hearing and renegotiated development agreement. All changes shall be consistent with the purpose and intent of the original approved final development plan and the Comprehensive Plan. All amendments to the development agreement shall require the same procedures as for the application for a conditional use permit as set forth in Model Community's ordinances.

uses in a campus-style setting. This district is intended to be located where access to public transportation infrastructure is in close proximity.

17.3.6: Planned Development District

17.3.6.1: Purpose and Intent

The Planned Development (PD) district is intended to permit the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed and are suitable to be developed as a unified and integrated project in accordance with detailed development plans.

The PD zone district is intended to provide a means of accomplishing the following objectives:

- A. Provide for large-scale, unified, and unique development concepts not otherwise permitted within standard zone districts identified in this Article of the Zoning Ordinance.
- B. Promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement, while meeting the policies and goals of the Comprehensive Plan.
- C. Promote development that is individually designed for a specific site in order to more appropriately address the physical context and/or specific features associated with the property.
- D. Encourage innovations in residential, commercial, and industrial development and redevelopment so that the needs of the population may be met by greater variety in the type, design, and layout of buildings, and by the conservation and more efficient use of open space ancillary to buildings.
- E. Encourage a more efficient use of land and of public or private services, and to reflect changes in the technology of land development.
- F. Reduce the burden of traffic associated with a development on streets and highways located in the vicinity of the development.
- G. Provide a procedure which can better relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the natural characteristics of a site.

In return for flexibility in site design and development, PD districts are expected to include exceptional design that preserves critical environmental resources; provide above-average open space and recreational amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

17.3.6.2: Applicability

The PD district shall be applied only to sites of 5 acres or larger, provided that the site may be composed of multiple adjacent properties to be governed by a single Official Development Plan, and may thereafter be subdivided in compliance with the approved Official Development Plan. The Director may reduce the required minimum size of a PD district, if it is determined that the proposed district will still meet the intent of the PD zone identified in Section [17.3.6.1](#).

17.3.6.3: Official Development Plan

All PD zone districts shall be governed by an Official Development Plan (ODP). The ODP shall contain written stipulations and, when appropriate, graphic representation generally addressing land use, density, signage, fencing, lighting, access and circulation, architectural and landscape design requirements, and public and private improvements.

17.3.6.4: Allowed uses

A PD district shall include multiple land uses, and define the following:

- A. *Base Zone District:* All PD districts shall allow the uses identified for at least one zone district described in this Zoning Ordinance. The base zone district or districts shall be chosen based upon compatibility with surrounding land uses and most closely relate to the uses proposed as part of the PD. The base zone district or districts shall be specifically identified as part of the PD.
- B. *Additional Uses:* A PD district may include uses not allowed in the base zone district. However, the use or uses added to the based district shall be listed in Table 17.4.1, or determined to be permitted, subject to Section 17.4.3 of this Zoning Ordinance. Addition of uses to the base zone district shall be based on compatibility with the surrounding land uses.

17.3.6.5: Other Standards and Modifications

The standards of the applicable base zone district or districts included in the PD, as identified in this Zoning Ordinance, shall apply to the PD district unless specifically modified as part of the PD. Any modification to the standards shall be identified as part of an ODP.

- A. Redevelopment within a PD district may apply either the standards of the base zone district or the standards of the ODP.
- B. Where an ODP contains specific provisions regarding the ODP modification process, the provisions outlined in the ODP shall be used to modify the ODP.



Performance Point Process Guide:
 915.07.D.4, Affordable Housing
 Department of City Planning
 April 8, 2021, updated June 2022, updated October 2022

I. Overview and Purpose of this Document

The City of Pittsburgh’s Department City Planning (DCP) establishes and sustains an orderly and consistent approach to land use in the City of Pittsburgh that incorporates sustainability, city design, resilience, equity and opportunity in its work. Its efforts are moved forward by a team of dedicated employees in several divisions: Public Art & Civic Design, Strategic Planning, Sustainability & Resilience, and Zoning and Development Review.

This document is one of a series guiding the use of DCP’s Chapter 915.07’s Performance Points System. The City of Pittsburgh recognizes that communities that embrace innovation and livability while remaining affordable to all citizens will be more sustainable both in their demands on the environment and their ability to continue to grow and succeed over time.

This particular document will guide the use of 915.07.D.4, Affordable Housing.

II. Zoning Code (listed for reference)

Section 915.07.D.4 Affordable Housing

Available only to projects where at least 50% of the gross floor area is used for residential units.

Points for options 4.c and 4.d below will only be awarded to development projects providing at least 20 housing units.

Goal		Points
4.a	At least 5 – 14.9% of units for rent are affordable housing for persons at or below 80% AMI.	1
4.b	At least 5 – 14.9% of units for sale are affordable housing for persons at or below 80% AMI; or	2
	At least 5 – 14.9% of units for rent are affordable housing for persons at or below 60% AMI; or	
	At least 15 – 19.9% of units for rent are affordable housing for persons at or below 80% AMI.	
4.c	At least 15 – 19.9% of units for sale are affordable housing for persons at or below 80% AMI; or	3

	At least 15 – 19.9% of units for rent are affordable housing for persons at or below 60% AMI.	
	At least 20% of units for rent are affordable housing for persons at or below 80% AMI.	
4.d	20% or more of units for sale are affordable housing for persons at or below 80% AMI; or 20% or more units for rent are affordable housing for persons at or below 60% AMI.	4

915.07.E.1.b Enforcement, Affordable Housing

1. If a project is awarded a height or riparian buffer bonus pursuant to this subsection, the Developer shall provide the Department of City Planning with satisfactory evidence of having completed the following steps in the process toward achieving the requirements of the bonus:
 - a. Affordable Housing
 - (1) All projects shall comply with On-Site Inclusionary Standards 907.04.A.6 (e) through (j).
 - (2) Application and predesign phase: Provide a matrix that documents the unit count and includes AMI of occupants. Identify in writing all subsidies and / or financing programs the project will utilize in the provision of affordable housing. Provide letters of commitment for any subsidies and / or financing secured.
 - (3) Design completion and prior to construction: Provide floor plans that identify housing unit types and location of amenities, entrances, and lobbies with American Disabilities Act (ADA) accessibility. Provide letters of commitment for any subsidies and / or financing secured. Where letters of commitment are forthcoming, this requirement can be met by submitting the project for review by the Housing Department of the Urban Redevelopment Authority which will provide a memo to the Department of City Planning identifying how the project satisfies the p4 Affordability component.

III. Definitions

The following definitions apply in this document. Defined terms remain defined terms whether capitalized or not. Words in the single number include the plural number, and words in the plural number include the singular. Words not defined shall be given their common and ordinary meaning.

Affordable Housing

Shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant’s income.

Area Median Income

Shall mean the average median income of the metropolitan area (MSA) or Non-Metropolitan areas (counties) as established annually by the U.S. Department of Housing and Urban Development (HUD).

Preliminary Performance Point Meeting

The Preliminary Performance Point meeting takes place after the project's initial Pre-Application meeting, and prior to the submission of a completed development application. This meeting will guide Applicant's actions to earn points from 915.07.D.1 or 915.07.D.2.

Performance Point Summary Set

The Package of information submitted with the Zoning Development Review Application (ZDR) material that outlines compliance measures included in the proposal to satisfy the criteria for a particular Performance Point(s). There shall be a Summary Set created for each Point category (Zero Energy or Zero Carbon Buildings; Affordable Housing; etc.). The Set shall have a Cover Sheet with a brief description of the proposed scope of work; the reason Performance and total number of Points are needed; a list of all Performance Points sought; a summary of the Point(s) discussed in that Set; the strategy(ies) used to achieve the Point(s) and how compliance will be achieved. Subsequent pages to the Set shall be to scale, and shall include details, diagrams, reports, exhibits, and any other information needed to demonstrate compliance.

IV. Procedure for 915.07.D.4, Affordable Housing

1. At Pre-Application meeting, Applicant indicates that they intend to pursue performance points from Section 915.07.D.4 and works with DCP staff to schedule a Preliminary Performance Point meeting. The applicant shall also indicate whether they are subject to the requirements of 907.04, the Inclusionary Housing Overlay District. In attendance at this meeting shall be staff from the Department of City Planning's Zoning and Strategic Planning Divisions, and technical support staff as needed.
2. Preliminary Performance Points Meeting. The Applicant, DCP staff, other staff, and technical support, review the proposal, need for Points, and which Points are considered. If multiple Points categories are considered, a Preliminary Meeting for each category may be necessary. They shall discuss opportunities to equitably incorporate affordably priced housing in the proposed development. Refer to Code Section 904.07.A.6(g) through (j), Inclusionary Housing Overlay District, for standards to guide equitable incorporation. Discussion shall include potential methods and compliance with selected Point criteria and expected submittal materials. Process for reviewing and approving Points are reviewed, as well as any post-ROZA documentation or actions needed.

Applicants shall discuss strategies to achieve the standards for **Affordable Housing**. Applicants and staff discuss building and site components for compliance. Applicants should be prepared to discuss possibility and techniques to achieving the highest Points value possible.

3. For directions about how to submit documentation for these points, refer to 915.07.E. Enforcement. For predesign phase, identify what income level affordably-priced units will be marketed to (ex, 50% AMI). Applicants strongly recommended to follow the process set forth by the City's "Affirmative Marketing Plan." Documents can also be provided by staff during the Performance Points Pre-application meeting.

With the ZDR materials, applicants shall submit the Performance Point Summary Set that will include the cover sheet and the completed *Affirmative Fair Housing Marketing Guide* and *Affirmative Fair Housing Marketing Plan*.

If Planning Commission is required for the project approval, staff shall include a description of this and any other Performance Points in the Staff Report and shall include the Cover Sheet from the Performance Points Summary Set as an addendum.

After all comments are address and completed, the Point(s) shall be considered achieved and shall be listed on the ROZA.

After Final Inspection for the Building Permit, the Point(s) shall be listed on the Certificate of Occupancy.

V. Compliance and Enforcement: On-going Enforcement

Enforcement details for Affordable Housing, Section 915.07.E.1.d.2:

If the project does not provide satisfactory evidence of achieving the performance standards of each used bonus within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.



Performance Point Process Guide:
915.07.D.5, Rainwater
Department of City Planning
February 9, 2023

I. Overview and Purpose of this Document

The City of Pittsburgh’s Department City Planning (DCP) establishes and sustains and orderly and consistent approach to land use in the City of Pittsburgh that incorporates sustainability, city design, resilience, equity and opportunity in its work. Its efforts are moved forward by a team of dedicated employees in several divisions: Public Art & Civic Design, Strategic Planning, Sustainability & Resilience, and Zoning and Development Review.

This document is one of a series guiding the use of DCP’s Chapter 915.07’s Performance Points System. The City of Pittsburgh recognizes that communities that embrace innovation and livability while remaining affordable to all citizens will be more sustainable both in their demands on the environment and their ability to continue to grow and succeed over time.

This particular document will guide the use of 915.07.D.5, Rainwater.

II. Zoning Code (listed for reference)

Section 915.07.D.5 Rainwater

All vegetated Green Infrastructure must use at least 50% Native Plants. The Zoning Administrator can update payment-in-lieu options as needed to remain consistent with Green Infrastructure construction costs.

Goal		Points
5.a	At least 50% of the first two (2) inches of runoff from impervious surfaces is captured and managed using Preferred Stormwater Management Technology installations; or	1
	At least 15% of the first two (2) inches of runoff from impervious surfaces is captured and reused on-site.	
5.b	At least 75% of the first two (2) inches of runoff from impervious surfaces is captured and managed using Preferred Stormwater Management Technology installations; or	2
	At least 30% of the first two (2) inches of runoff from impervious surfaces is captured and reused on-site.	

5.c	100% or more of the first two (2) inches of runoff from impervious surfaces is captured and managed using Preferred Stormwater Management Technology installations; or	3
	45% of the first two (2) inches of runoff from impervious surfaces is captured and reused on-site.	

* In the RIV Districts: Required native species must be chosen from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts.

915.07.E.1.c Compliance and Enforcement for Rainwater

1. If a project is awarded a height or riparian buffer bonus pursuant to this subsection, the Developer shall provide the Department of City Planning with satisfactory evidence of having completed the following steps in the process toward achieving the requirements of the bonus:

c. Rainwater

- (1) Application and predesign phase: Provide a conceptual stormwater management plan in accordance with Title Thirteen: Stormwater Management and clearly identifying how the project will satisfy the bonus.
- (2) Design completion and prior to construction: Provide a Stormwater Management Site Plan in accordance with Title Thirteen: Stormwater Management and clearly identifying how the project will satisfy the bonus.
- (3) Construction completion and building occupancy: Provide documentation of completion of all Record Drawings, Completion Certificate, and Final Inspection requirements in accordance with Title Thirteen: Stormwater Management.
- (4) Following first-year operations completion: Provide a performance-based report following one (1) year of operation that shows stormwater management installations are performing as specified in the project's Stormwater Management Site Plan and in accordance with Title Thirteen: Stormwater Management requirements.

III. Definitions

The following definitions apply in this document. Defined terms remain defined terms whether capitalized or not. Words in the single number include the plural number, and words in the plural number include the singular. Words not defined shall be given their common and ordinary meaning.

Green Infrastructure

Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

Impervious Surface (Impervious Area)

A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any streets or sidewalks. Decks, parking areas, and driveway areas are counted as impervious areas if they directly prevent infiltration. Gravel is considered impervious unless compaction or infiltration tests are provided in accordance with requirements of the City of Pittsburgh Stormwater Design Manual.

Preferred Stormwater Management Technology

Stormwater management practices that can provide additional co-benefits, increased reliability, or better performance than other technologies. Preferred Stormwater Management Technologies must be in accordance with the City of Pittsburgh Stormwater Design Manual.

Preliminary Performance Point Meeting

The Preliminary Performance Point meeting takes place after the project's initial Pre-Application meeting, and prior to the submission of a completed development application. This meeting will guide Applicant's actions to earn points from 915.07.D.5.

Performance Point Summary Set

The Package of information submitted with the Zoning Development Review Application (ZDR) material that outlines compliance measures included in the proposal to satisfy the criteria for a particular Performance Point(s). There shall be a Summary Set created for each Point category (Zero Energy or Zero Carbon Buildings; Affordable Housing; etc.). The Set shall have a Cover Sheet with a brief description of the proposed scope of work; the reason Performance and total number of Points are needed; a list of all Performance Points sought; a summary of the Point(s) discussed in that Set; the strategy(ies) used to achieve the Point(s) and how compliance will be achieved. Subsequent pages to the Set shall be to scale, and shall include details, diagrams, reports, exhibits, and any other information needed to demonstrate compliance.

IV. Approvals and Implementing Procedure

The following directions provide details and milestones for submittals and documentation, compliance, and fulfillment for Rainwater.

Pre-Application Phase.

- a. Zoning Pre-Application Meeting. The Applicant indicates during the pre-application meeting with staff that they intend to pursue Performance Points and the reason (height and/or building placement). The applicant indicated which Points are considered and works with DCP staff to schedule a Preliminary Performance Point Meeting. In attendance at this meeting shall be staff from the Department of City Planning's Zoning, Sustainability and Resilience, and Strategic Planning Divisions, and technical support staff as needed.

1. Application and predesign phase:

With the ZDR application material, the Applicant will submit the Performance Points Summary Set for each Point category along with the ZDR case materials. Applicants shall include a Performance Points Summary Set. The Summary Set for Rainwater Points shall include in the Cover Sheet intent to comply with the selected goal and brief synopsis of how the project intends to meet this requirement.

The Applicant, DCP staff, other staff, and technical support, review the proposal, need for Points, and which Points are considered. If multiple Points categories are considered, a Preliminary Meeting for each category may be necessary. They shall discuss opportunities for the proposal to meet the selected Point criteria. Discussion shall include potential methods and compliance with selected Point criteria and expected submittal materials. Process for reviewing and approving Points are reviewed, as well as any post-ROZA documentation or actions needed.

With the Stormwater Permit application, applicants shall provide the listed components for Conceptual Stormwater Management Plan Review to obtain feedback from stormwater plan review staff concerning the proposed strategy. The components for Conceptual Stormwater Management Plan Review are available [online](#) and in Section 5.2 of the [Stormwater Design Manual](#). Conceptual Stormwater Management Plan Review Worksheets are available in Appendix G of the [Stormwater Design Manual Appendices](#).

Applicant will revise the Cover Sheet and documents in the ZDR and the Stormwater Permit applications to address staff comments.

If Planning Commission is required for the project approval, staff shall include a description of this and any other Performance Points in the Staff Report and shall include the Cover Sheet from the Performance Points Summary Set as an addendum.

After all comments are address and completed, the Point(s) shall be considered achieved and shall be listed on the ROZA.

2. *Design completion and prior to construction:*

With the Building Permit application material, the Applicant will confirm the continued compliance with the ZDR and Performance Points, including Rainwater. Applicants shall provide the listed components for Stormwater Site Plan Review, which are listed [online](#) and in Section 5.3 of the [Stormwater Design Manual](#). All requirements for rainwater points are provided in the Stormwater Design Manual.

Substantial changes to the compliance with the Performance Point will be reported to the Zoning Division.

3. *Construction completion and building occupancy:*

Provide documentation of completion of all Record Drawings, Completion Certificate, and Final Inspection requirements in accordance with Title Thirteen: Stormwater Management.

Applicants shall obtain all required inspections of the Stormwater Permit Inspection Process, which is explained on Section 6.6 of the [Stormwater Design Manual](#). Additionally, the Applicant shall provide the construction certification package outlined on Section 6.7.b of the [Stormwater Design Manual](#).

The Point(s) shall be listed on all Certificates of Occupancy.

V. Reporting Procedure

The following directions provide details and milestones for reporting requirements for Rainwater.

Provide a performance-based report following one (1) year of operation that shows stormwater management installations are performing as specified in the project's Stormwater Management Site Plan and in accordance with Title Thirteen: Stormwater Management requirements. An update to this report shall submitted biennially (every two years) following the initial report. See Section 7.4 of the [Stormwater Design Manual](#) for further reporting and compliance details.

VI. Compliance and Enforcement

Enforcement details for Rainwater.

915.07.E c. Rainwater

(1) Application and predesign phase: Provide a conceptual stormwater management plan in accordance with Title Thirteen: Stormwater Management and clearly identifying how the project will satisfy the bonus.

(2) Design completion and prior to construction: Provide a Stormwater Management Site Plan in accordance with Title Thirteen: Stormwater Management and clearly identifying how the project will satisfy the bonus.

(3) Construction completion and building occupancy: Provide documentation of completion of all Record Drawings, Completion Certificate, and Final Inspection requirements in accordance with Title Thirteen: Stormwater Management.

(4) Following first-year operations completion: Provide a performance-based report following one (1) year of operation that shows stormwater management installations are performing as specified in the project's Stormwater Management Site Plan and in accordance with Title Thirteen: Stormwater Management requirements.



Performance Point Process Guide:
915.07.D.11, Transit-Oriented Development
Department of City Planning
January 15, 2021

I. Overview and Purpose of this Document

The City of Pittsburgh's Department City Planning (DCP) establishes and sustains an orderly and consistent approach to land use in the City of Pittsburgh that incorporates sustainability, city design, resilience, equity and opportunity in its work. Its efforts are moved forward by a team of dedicated employees in several divisions: Public Art & Civic Design, Strategic Planning, Sustainability & Resilience, and Zoning & Development Review.

This document is one of a series guiding the use of DCP's Chapter 915.07's Performance Points System. The City of Pittsburgh recognizes that communities that embrace innovation and livability while remaining affordable to all citizens will be more sustainable both in their demands on the environment and their ability to continue to grow and succeed over time.

This particular document will guide the use of 915.07.D.11, Transit-Oriented Development. It should be used in conjunction with the Zoning Division's Walkshed Maps and the Port Authority's [Transit Oriented Development Guidelines](#). Applicants are also encouraged to review the Port Authority's [Light Rail Transit \(LRT\) Station Design Guidelines](#).

II. Zoning Code (listed for reference)

II.A Section 915.07.D.11 Transit-Oriented Development

Goal		Points
11.a	Site is within ½ mile networked walkshed of rapid service routes.	1
11.b	On-site transit station for rapid service routes, designed as an integral part of the development project and to meet Port Authority standards for transit stations.	3

II. Definitions

The following definitions apply in this document. Defined terms remain defined terms whether capitalized or not. Words in the single number include the plural number, and words in the plural number include the singular. Words not defined shall be given their common and ordinary meaning.

Networked Walkshed

Networked walkshed shall mean the land area within a defined walking range, traversable on established streets or pathways. The networked walkshed must be mapped on sidewalks and streets that pedestrians would travel on to the transit station.

Rapid Services

Rapid services shall mean all modes of transit which use an exclusive right-of-way or have at least seventy-five (75) percent of route miles along a fixed guideway. Fixed guideway facilities include the Martin Luther King, Jr. East Busway, the West Busway, light rail, and the exclusive bus lanes in the Downtown, Uptown, and Oakland neighborhoods where BRT will operate.

III. Procedure for 915.07.D.11, Transit-Oriented Development

1. At Pre-Application meeting, Applicant indicates that they intend to pursue performance points from Section 915.07.D.11.
2. If the Applicant intends to pursue performance points 915.07.D.11.a, they must demonstrate that their site falls within the walkshed utilizing the Walkshed Maps, which area available on the Department of City Planning’s Performance Points webpage. The Applicant shall show the location of the site on the pertinent map and provide to Zoning and Development Review Staff and should proceed to Step 6.
3. If the Applicant intends to pursue performance point 915.07.D.11.b they shall work with DCP staff to schedule a Preliminary Performance Point meeting. In attendance at this meeting shall be staff from the Department of City Planning’s Zoning and Strategic Planning Divisions, and planning staff from the Port Authority of Allegheny County. Prior to the Preliminary Performance Points meeting the Applicant shall review RIV Walkshed Maps and the Port Authority’s *Transit Oriented Development Guidelines*.
4. At the Preliminary Performance Points meeting, DCP, PAAC, and Applicant shall discuss best practices the Applicant should include in design of the site and station area(s).
5. Applicant shall submit a plan demonstrating that the transit station is designed as an integral part of the development project, and in accordance with PAAC station guidelines. Applicant shall also submit a phasing plan for completion of the development and the station and it shall be part of the presentation to Planning Commission. These documents shall be reviewed by the Zoning Administrator, in consultation with representatives from the Port Authority of Allegheny County.
6. After complete development application has been submitted and reviewed by pertinent City and Port Authority staff, Zoning Division staff shall update the Project Performance Summary Sheet.

7. Applicant shall proceed to Planning Commission, or continue with review by Zoning Division.

IV. Procedure for Future Changes to Station Area(s)

If, after an Applicant has secured Transit-Oriented Performance Points utilizing 915.07.D.11.b and the building is constructed and occupied, there is a request to change the station area(s), the Applicant shall make a written request describing the proposed changes and the reason for those proposed changes. The applicant then shall meet with the Zoning Administrator and representative(s) from the Port Authority of Allegheny County. Minor alterations may be approved at these parties' discretion. The Zoning Administrator shall determine whether the Applicant must present proposed changes to the Planning Commission.

Section 11 – Planned Unit Development “PUD”

11.1 Purpose and General Description

- A. Encourage developments with desirable living environments brought about through unified development and to provide for the application of design ingenuity in such developments and achieving the goals of the Comprehensive Plan. The PUD is not intended to serve as a separate zoning district and can be applied to any zoning district. A PUD cannot allow a use that is not already allowed through the respective zoning district in which the PUD is being applied. The PUD is designed to provide for small- and large-scale developments incorporating a single type or variety of residential, commercial, and industrial which are developed as a unit and may consist of individual lots or a common site.
- B. The intent of the planned unit development is to:
 - 1. Permit flexibility within the development with respect to area and bulk standards to best utilize the physical features of a particular tract of land that would not be allowed under certain circumstances;
 - 2. Encourage a more efficient use of land, public services, and natural resources than is generally achieved through conventional development;
 - 3. Encourage the provision of amenities beyond the minimum requirements of conventional development;
 - 4. Comprehensive and innovative planning and design of diversified developments which are consistent with the City’s Comprehensive Plan and remain compatible with surrounding developments.

11.2 Review Standards

- A. The Planning Commission and City Council shall base their decision on a planned development based on the following factors:
 - 1. Consistency with the Comprehensive Plan.
 - 2. Compatibility with existing and expected development of surrounding areas.
 - 3. Adequacy of public facilities and utilities, including compatibility of traffic flows with surrounding area.
 - 4. Shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.

5. The approval will have a beneficial effect on the area that could not be achieved under conventional development.
6. Such other factors as may be necessary to secure and protect the public health, safety, comfort, convenience and general welfare.

11.3 Standard Provisions

- A. A PUD may be permitted in any district or any location in the city.
- B. The standards/requirements of the zoning district(s) in which the property is located shall remain applicable except as modified within the approved development plan.
- C. Exceptions to development standards (i.e., minimum lot sizes, setbacks, lot coverage, building heights, off-street parking, etc.) of the underlying zoning district may be approved provided the applicant specifically identifies each such exception and demonstrates how each such exception would provide a benefit to the city, or incorporates creative site design such that it achieves the purposes of this Ordinance and represents an improvement in quality over what could have been accomplished through strict application of the applicable district dimensional standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
- D. The platting or re-platting of property shall be done in accordance with the City of Guthrie Subdivision Ordinance.
- E. The land uses in a PUD shall be those permitted in the underlying zoning district(s) in which the property is located. The permitted uses in the PUD shall be determined at the time the development plan is approved, and development within the district shall be limited to those uses specifically approved in development plan. Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved PUD and shall follow the same process as any other zoning ordinance amendment, unless they qualify as a minor change under Section 11.7.B.
- F. PUDs shall calculate density based upon the gross area of the tract, which may include floodplains, rights of way, or easements to provide an overall gross density for the project. A residential PUD, or a residential element of a PUD, may exceed the residential gross densities established for each respective zoning district if written justification of why the higher density would be appropriate and how the density would be mitigated through additional amenities, setbacks, or other treatment. However, residential gross densities shall not be increased more than twenty-five (25%) percent.

11.4 Application and Development Plan

- A. The applicant shall submit an application for a Planned Unit Development that includes a development plan.
- B. The development plan shall include the following:
 - 1. Proposed title of the project and the name of the engineers, architect, developer, landscape architect or company responsible for the plan.
 - 2. Boundaries of the property involved in all existing easements, section lines and property lines, existing and/or proposed streets, existing and/or proposed buildings, water courses, and other existing physical features in and adjoining the project.
 - 3. Location and sizes of existing and proposed sanitary and storm sewers, water mains, culverts and other underground structures in and adjacent to the project.
 - 4. General area location of different uses, dwellings by types, recreational, commercial uses, street layout, open space, and other nonresidential uses proposed within the boundary of the PUD.
 - 5. A description of the character of the development and proposed densities. The densities shall be expressed in number of dwelling units per acre. The description should also include an explanation of the intended ownership of common areas and the entity or entities responsible for the maintenance of common areas.
 - 6. The expected schedule of development and phases of the proposed development.
 - 7. Building elevations of all proposed buildings, building heights, setbacks, number of off-street parking spaces and landscaping.
 - 8. A statement that development on the site will meet applicable standards of the underlying zoning district and this Code, or a statement specifying the standards of the underlying district and this Ordinance to which modifications are proposed and the justification for such modifications.
 - 9. Professional studies (traffic, economic analysis, environmental, etc.) may be required for larger or complex planned developments.

11.5 Procedure and Review of the PUD

- A. Staff will review the application and development plan and make a recommendation to the Planning Commission.
- B. A public hearing for the application will be heard by the Planning Commission. The hearing will be legally advertised per Article VIII, Section 4 of the Guthrie Zoning Code. The Planning

Commission will make a recommendation to be forwarded to the City Council for consideration.

- C. The City Council may approve, approve with modifications, deny or return the item to the Planning Commission for more study or reconsideration of specific aspects of the development plan.
- D. If the City Council approves the development plan, it shall be in the form of an ordinance which shall specify conditions and schedules necessary to ensure the planned unit development is accomplished.

11.6 Expiration and Extensions

- A. An approved PUD will expire within two (2) years of City Council approval unless a valid building permit has been issued.
- B. The City Council may grant one extension not to exceed one year. The applicant is responsible to submit a request for an extension and the request for an extension must be submitted at least 30 days prior to the PUD expiring.

11.7 Amendments and Additions

- A. Major amendments are any changes that do not qualify for a minor amendment approval as outlined in Section 11.7.B. A major amendment shall be accomplished subject to the same procedures as those which apply to a new application.
- B. Minor amendments to an approved PUD may be authorized by the Planning Director upon a review of a proposed amended site development plan, incorporating such changes, so long as substantial compliance is maintained with the original approved site development plan and the purposes and standards of the PUD provisions hereof. The Planning Director may approve a minor amendment with the following guidelines:
 - 1. Does not increase the proposed floor area for non-residential use by more than five percent (5%).
 - 2. Does not increase total number of dwelling units by more than five percent (5%) within a given phase.
 - 3. Does not increase total building coverage by more than five percent (5%).
 - 4. Does not increase building height.
 - 5. Provides for a decrease of up to ten percent (10%) in land coverage, height, or number of dwelling units.

ARTICLE XV. PLANNED UNIT DEVELOPMENTS¹

DIVISION 1. GENERALLY

Sec. 23-294. Special zoning district category.

The planned unit development, herein referred to as PUD, is a special zoning overlay category that provides an alternate approach to conventional land use controls. As a type of development and as a regulatory process, the planned unit development is subject to special review procedures, and once approved it becomes a supplemental zoning classification for the property it represents. It is not intended to serve as a separate zoning classification and cannot be used to introduce a use into an area that is zoned in a manner that the proposed use is not permitted as a matter of right. The PUD designation may be applied to any one or more conventional districts, except the A, P, and U districts, which shall delineate segments of the PUD for the purpose of establishing the permitted uses and density. All Stillwater City Code land use requirements shall apply unless modified by approval of a PUD plan. The PUD is not to be utilized only for the purpose of obtaining a variance to the bulk standards or other City Code requirements.

(Ord. No. 3023, § 1(art. 11, div. 1), 3-3-2008; Ord. No. 3180, § 9, 5-21-2012)

Sec. 23-295. Purpose of planned unit developments.

The regulations for the planned unit development zoning district are designed to:

- (1) Encourage diversified living environments, and accommodate a mixture of land uses that otherwise would not be allowed together on the same site;
- (2) Permit flexibility within the development with respect to area and bulk standards to best utilize the physical features of a particular tract of land that would not be allowed under other circumstances;
- (3) Provide and preserve meaningful open space, particularly where it is necessary or desirable for such common areas to be shared by more than one owner;
- (4) Encourage a more efficient use of land, public services, and natural resources than is generally achieved through conventional development;
- (5) Provide a smooth transition from surrounding densities, intensities, and uses with those proposed in the PUD;
- (6) Encourage the provision of amenities beyond the minimum requirements of conventional development;
- (7) Encourage accessible and affordable housing.

(Ord. No. 3023, § 1(23.295), 3-3-2008; Ord. No. 3180, § 10, 5-21-2012)

¹State law reference(s)—Planned unit development, 11 O.S. § 43-110.

Sec. 23-296. Goals.

Each PUD proposal shall incorporate the stated goals to the extent possible. Whenever any proposal, or portion thereof, is in conflict with the stated goals, the PUD may be denied or tabled until such conflicting item(s) is/are addressed.

- (a) *Urban infill.* Development is encouraged on sites which can be conveniently served by existing public services and community facilities and which make accommodations for at least one bus stop. Unless mitigated by the development plan, a PUD shall not: 1) over burden any local, collector or arterial street in the immediate area nor create the need for major off-site public improvements; 2) require the upsizing of existing sewer lines to serve the proposed development; 3) require the upsizing of existing water mains to serve the development.
- (b) *Alternative open space.* Higher intensity developments may benefit from the provision of one or more of the following alternative forms of open space:
 - (1) The proposed PUD, if containing residential uses, will have common open space developed as recreation and/or leisure oriented improvements such as a swimming pool, tennis courts, children's playground, etc.
 - (2) Common open space provided as a buffer at least 100 feet wide between existing development and the PUD.
 - (3) The PUD provides recreation areas for use by the surrounding neighborhood and the PUD.
- (c) Developments may provide for a mixture of uses or individual uses and designs not otherwise allowed.

(Ord. No. 3023, § 1(23.296), 3-3-2008; Ord. No. 3180, § 11, 5-21-2012)

Sec. 23-297. Table of the process.

The following table illustrates the process:

Application Type	Required for all PUDs	Staff	Planning Commission	City Council
Map amendment	Yes	Review	Review and recommendation	Review and final action
Preliminary PUD plan	Yes	Review	Review and recommendation	Review and final action
Final PUD plan	Yes	Review and final action	No action	No action
PUD Subdivisions:				
Commercial minor subdivision	No	Review and final action	No action	No action
PUD preliminary plat	No	Review	Review and final action	No action

PUD final plat	No	Review	Review and recommendation	Review and final action
----------------	----	--------	---------------------------	-------------------------

(Ord. No. 3023, § 1(23.297), 3-3-2008)

Secs. 23-298—23-304. Reserved.

DIVISION 2. DEVELOPMENT GUIDELINES

Sec. 23-305. Authority.

The planned unit development (PUD) provides the opportunity for varying densities, greater design flexibility, mixed land uses, and improved marketability. The applicant may be required to provide amenities above and beyond those required in a conventional development. Review and approval of a PUD is a process to achieve the intent and purpose of these regulations and the comprehensive plan. In all cases, PUDs are to be reviewed as to the type and location of a proposed use and whether the overall design of the development is compatible with its surroundings. Standards and criteria established herein shall be used in any such determination.

(Ord. No. 3023, § 1(23.305), 3-3-2008)

Sec. 23-306. Standards.

- (a) *Permitted uses.* A planned unit development (PUD) may be considered for any single use or combination of uses allowed in the underlying zoning district.
- (b) *Area and bulk standards.* The design of the PUD may necessitate modification of conventional zoning requirements such as lot size, yards, lot coverage, parking, landscaping/screening, and building height on individual lots. The minimum lot size for any proposed PUD development shall be one acre unless the proposed PUD is located within an area designated as a special purpose overlay district.
- (c) *Screening.* The PUD application shall show graphically the transitional treatment between residential and commercial zoning districts and uses that will be employed to separate the PUD from abutting properties, including commitments to fencing, vegetation, earth berms, landscape screening, or similar buffering techniques.
- (d) *Access and circulation.* The traffic circulation system within the PUD shall provide for the safe, convenient, and efficient movement of goods and people with a minimum of conflict between various modes of movement. Sidewalks or pedestrian trails shall be provided for pedestrian movement within the development and shall connect with existing pedestrian systems or allow for future extensions to activity centers such as schools and shopping areas outside the development. Shared parking facilities shall be encouraged with common access driveways within the development and abutting arterial streets. Consideration shall be given to designs with reduced conventional local street widths engineered with limited length and with two or fewer access points.
- (e) *Open space.* Open space shall be provided for the common use of the residents or users of the PUD. Such open space and other common use facilities shall be located so as to be convenient and visually attractive to all of the intended users, as well as to protect flood hazard areas and natural wild life habitats. Open space areas shall be left in their natural state or landscaped and maintained in accordance with the approved plans for environmental amenity, recreational, or park use.

-
- (f) *Signs.* Signs shall be regulated for all uses as follows:
- (1) All signs shall be accessory to the identified uses within the PUD.
 - (2) Monument signs, wall signs, and marquee signs are permitted by right.
 - (3) Pole signs are permitted as based on the underlying zoning district requirements of article VII, division 2, of this chapter, signs.
 - (4) Signs shall identify only the uses within the PUD.
 - (5) Monument signs shall not exceed four feet in height if placed between the right-of-way line and the front setback and shall not exceed ten feet in height when meeting the front setback.
- (g) *Common facilities.* Privately owned common areas may be established where certain facilities are shared by several adjacent property owners within the PUD, or are available to the general public for use in connection with visiting individual properties in the PUD. Such common facilities may include private streets, off-street parking and access drives, service areas, recreational facilities, plazas and other open space, provided, however, at least 15 percent of the area of any common open space shall be used for landscaping and/or pedestrian amenities. Common areas are to be shown on the plat/plan.
- (h) *Improvements.* The areas requiring improvements are as follows:
- (1) *Public.* All structures and subdivision improvements within a PUD shall be constructed to city standards. The standards and requirements for paving of public streets shall be observed for all publicly dedicated streets within or adjacent to a PUD. A hard-surfaced pedestrian system, constructed to city standards and meeting ADA compliance, which may, but not necessarily, be conventional curblines or property-line sidewalks shall be provided connecting all building areas, parking areas, and common facilities on the site, and that of the city as existing or planned. If it is not to be located in the public right-of-way, such pedestrian system shall be designated on the final PUD plan and the PUD plat as a pedestrian easement.
 - (2) *Private.* Private local streets may be permitted in a PUD but shall be constructed and inspected to city standards with the following exceptions:
 - a. Private streets may be reduced in width to 22 feet back of curb to back of curb with no on-street parking or another design as approved by development services; and
 - b. Private streets may provide an alternate design to curb and gutter. Private streets shall be contained within the PUD and within private roadway easements unless utilities are installed in combination with the development of streets. All utilities shall be placed in publicly dedicated easements.

All easements for private local street use shall be identified and labeled as an outlet. Sidewalks or pedestrian trails not located in the public right-of-way shall be designated on the final PUD plan and the PUD final plat as a pedestrian easement.
 - (3) *Maintenance of private streets.* It is the developer's responsibility to provide for continued maintenance of all improvements and open space not dedicated to and accepted by the city.
- (i) *Bicycle paths.* The PUD shall designate hard-surfaced routes for bicycles within the PUD and shall connect to the existing city bike route system where applicable.
- (j) *Transition setback.* Where a PUD in any zoning district, except the High Rise district, abuts an existing residential development or residential zoning district, the density transition area shall be established for a depth of 100 feet along the common property line of the subject PUD property and the abutting zoning district.

Abutting Zoning District	Maximum Transitional Density
RSL	8 dwelling units per acre
RSS	10 dwelling units per acre
RT	13 dwelling units per acre
RTM	25 dwelling units per acre
RMI	40 dwelling units per acre
RMU	75 dwelling units per acre

(k) *PUD residential density limits.* The following table indicates the densities for each underlying zoning district.

Zoning District	Population Density	Gross Density	Net Density
RSL	25	8	12
RSS	38	12	18
RT	53	17	25
RTM	95	30	45
RMI	127	40	60
RMU	238	75	112
Commercial or office (only where residential is permitted)	53	17	25

(l) *Mitigation factors.* The PUD proposal shall demonstrate the ability to mitigate impacts caused by the requested development. Such mitigation factors include, but are not limited to, the following: screening, setbacks, walls and fences, safety, traffic, access, existing infrastructure, lighting, noise, trails, park or playground areas, open space or common areas, low impact development practices, off-site improvements, and other amenities proposed by the developer.

(Ord. No. 3023, § 1(23.306), 3-3-2008; Ord. No. 3180, § 12, 5-21-2012)

Sec. 23-307. Application; preliminary PUD plan.

- (a) *Application.* Requests for planned unit developments shall be initiated by submitting the following documentation to the development services department:
- (1) Completed application and checklist on the appropriate form furnished by development services department;
 - (2) A typewritten and electronic/digital copy of the legal description of the subject property;
 - (3) A nonrefundable filing fee;
 - (4) Certified property owner mailing labels and a mailing list (in excel spreadsheet) of owners within 300 feet of the perimeter of the property and prepared by the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all property owners within 300 feet of the subject property. The ownership list shall have been prepared no more than 30 days prior to submission.
 - (5) Proof of ownership of the subject lot or tract of land in the form of a copy of the recorded deed of ownership. In the absence of legal ownership, the applicant shall provide notarized consent from the legal property owner that grants the applicant the right to submit the PUD application to the city.

-
- (b) *Preliminary PUD plan.* This plan is a graphic representation of the proposed development. The following items shall be included in the plan, which may be shown on one or more sheets depending on the size and complexity of the proposal, provided that subsections (b)(1), (2) and (3) of this section are shown on each sheet. The plan shall be approved prior to the issuance of any building permits, the division of any land, or the construction of any improvements within the PUD. Of the plan, six blueines, a digital submittal, in established format for use in GIS system during hearings for identification and information, and an 8.5-inch by 11-inch paper copy shall be submitted showing the following:
- (1) Name of the planned unit development;
 - (2) Name and address of property owner of record and developer, if different;
 - (3) Graphic scale drawn at a scale no smaller than 1:100, north point, date and legend;
 - (4) A typewritten and electronic/digital copy of the legal description of the subject property, which shall also indicate the size of the property in acres;
 - (5) Length of boundaries of the tract measured to the nearest foot;
 - (6) Location and identification of abutting subdivisions, and relationship with airport approach zone, flood hazard area or city limits, if applicable;
 - (7) Existing physiographical characteristics including contour lines at two-foot intervals and identification of natural watercourses, floodplains and wooded areas;
 - (8) Location and size of existing and proposed easements, utilities and public rights-of-way;
 - (9) Classification of every public street in accordance with the intended use and proposed design;
 - (10) Location of all public/private streets;
 - (11) Proposed grading, where different from existing contours;
 - (12) Location, orientation, area, and height of existing and proposed buildings and other structures to include typical elevation drawings;
 - (13) Location and dimensions of proposed lot lines;
 - (14) A preliminary drainage study;
 - (15) Approximate density of residential uses, if any, expressed by number of dwelling units allocated to each identifiable segment of the PUD;
 - (16) General location, identification, and amount of all land uses shall be established in the PUD and identification of land use types, including common areas and facilities that are to be owned and maintained by an association of individual property owners in the PUD;
 - (17) Table indicating the comparison between the requirements of the underlying zoning district and the proposed PUD;
 - (18) Location, arrangement, and dimensions of off-street parking and loading spaces, and access drives;
 - (19) Location, dimensions, and materials of fences and pedestrian walkways;
 - (20) Landscape plan as required for common areas and as required based on the underlying zoning;
 - (21) Location, area, height, and orientation of any signs not attached to buildings;
 - (22) Typical elevation drawings and construction materials, not applicable for single- or two-family residential applications;
 - (23) Identification of phase area boundaries, if development is to occur in phases;

-
- (24) Certification by any owner, planning commission and city council; and
 - (25) A separate written request, as applicable, for any of the foregoing items to be waived or amended, with necessary explanation to justify such request.
- (c) *Statement of intent.* The statement of intent is a written narrative report that shall accompany the preliminary PUD plan and shall contain the following elements:
- (1) Proposed name of the planned unit development;
 - (2) Name, address, and telephone number of the property owners of record, and developer, if different;
 - (3) Statement of the general concept of the proposed PUD, the special considerations which require the PUD zoning classification rather than a conventional district designation, and why, in the applicant's opinion, the proposed district would be in the public interest and is consistent with the stated objectives of the city with regard to the Planned Unit Development District classification;
 - (4) A statement of the substance of existing or proposed covenants, future ownership within the development; property owner's association contract, or other restrictions imposed upon the use of the land, buildings, and structures; and any other provisions which set forth mechanisms for ownership and maintenance of property within the PUD;
 - (5) The anticipated development time schedule for completion of proposed phases or stages of construction;
 - (6) A statement regarding the compatibility of the proposed development with the surrounding neighborhood to include such things as use of buffer or transition zones, projected range of value of structures, type of materials to be used, square footage of structures, hours of operation, etc.; and
 - (7) Typical building elevations for determination of compatibility.
- (d) *Review and notice requirement.* The review and notice requirement is as provided in section 23-58(c).
- (e) *Neighborhood meeting.* The applicant shall schedule a neighborhood meeting and shall provide notice to all property owners within 300 feet of the perimeter of the proposed planned unit development and to city staff. The neighborhood meeting shall be held not less than seven days prior to the planning commission meeting where the PUD will be considered. Notification shall be in the form of a letter mailed at least ten days prior to the planning commission meeting at which the request will be considered, and shall include the place of general assemblage, date, time, and advocates of the proposed development. In addition, the neighborhood meeting shall be held no less than five business days after the application has been filed with the City of Stillwater. A summary of comments and concerns expressed at such meeting shall be presented to the planning commission for consideration.
- (f) *Review.* Review of the preliminary PUD application shall include:
- (1) Whether the proposed PUD is consistent with the comprehensive plan;
 - (2) Whether the proposed PUD is compatible with the existing and expected development of surrounding areas; and
 - (3) Whether the proposed PUD is consistent with the stated purposes and standards of this article.
- (g) *Hearing procedure.* Upon satisfaction that the required notice has been given, the city council shall hold a public hearing to review the proposed specific use permit application, receive comments from interested parties, and receive the recommendation of the planning commission. Each public hearing shall be preceded by a report from city staff concerning the general nature of the application and specific information as necessary to explain relevant conditions, requirements, findings or historical background.

-
- (h) *Council action.* The city council shall approve or deny the request for a preliminary PUD map amendment. The ordinance rezoning the subject tract to Planned Unit Development District shall specifically incorporate into the ordinance by reference the statement of intent which will become a part of the official records of the city. Upon the effective date of such ordinance, the designation PUD, preceded by the symbol of a corresponding conventional district, shall be recorded for each identifiable segment of the subject tract on the official zoning map.
- (i) *Submittal of Mylars.* Upon approval of the preliminary PUD by the city council, two Mylars that reflect any revisions based upon said approval shall be submitted to the city. Each Mylar shall contain a signed certification by the owner and the unsigned certification by the planning commission and by the city council.
- (Ord. No. 3023, § 1(23.307), 3-3-2008; Ord. No. 3180, § 13, 5-21-2012; Ord. No. 3221, § 19, 2-21-2013)

Sec. 23-308. Final PUD plan.

The approved preliminary PUD may serve as the commercial minor subdivision or as the PUD preliminary plat. Any improvement plans, final drainage study, and/or drainage plan associated with a final PUD must be accepted by the development services director or designee, prior to consideration of the final PUD plan or of a plat by the city council. The following shall be required for review and consideration of approval of the final PUD plan:

- (1) Six blue-line drawings of the approved preliminary PUD plan reflecting compliance with all conditions of approval;
- (2) Procedural checklist and application;
- (3) Final signage plan indicating locations, elevations, dimensions, materials, colors and lighting of all proposed signage;
- (4) Final grading, drainage and improvement plans. Final grading and drainage plans shall utilize the same contour interval as the preliminary PUD plan and shall include statements about the specific methods of erosion control during and after construction. Drainage plans shall include all final calculations and design drawings of all drainage structures;
- (5) Final landscape plan.

Upon approval and acceptance, two Mylars of the final PUD plan shall be provided to the development services director or designee.

(Ord. No. 3023, § 1(23.308), 3-3-2008; Ord. No. 3051, § 44, 12-15-2008)

Sec. 23-309. Final PUD documents.

Upon completion of the final PUD, a digital rendering of the PUD shall be submitted to the development services director or designee. An approved final PUD plan shall be submitted on reproducible material, such as Mylar or vellum, once all site work and the final inspection are completed.

(Ord. No. 3023, § 1(23.309), 3-3-2008; Ord. No. 3051, § 45, 12-15-2008)

Sec. 23-310. Amendments and modifications.

- (a) Amendments to an approved preliminary PUD shall require public notice and a public hearing in the same manner as required for a new PUD application.
- (b) Amendments to final PUD.

-
- (1) Minor amendments to an approved final PUD plan which do not affect the character or impact of the development may be administratively approved by the development services director or designee. Any changes shall be consistent with the approved preliminary PUD.
 - (2) If a minor amendment is not approved, such denial may be appealed to the board of adjustment.

(Ord. No. 3023, § 1(23.310), 3-3-2008; Ord. No. 3051, § 46, 12-15-2008)

Sec. 23-311. Planned unit development optional sketch review.

A concept sketch plan may be submitted to the planning commission for comment prior to the filing of any application for a planned unit development (PUD). The sketch plan shall outline the general concept, layout, uses and density of the proposed project and describe how the project presently is, or can be made, compatible with the surrounding area. The applicant shall submit the following to commence the sketch plan review process:

- (1) A site plan;
- (2) A comparison chart describing underlying zoning restrictions and any proposed deviation therefrom;
and
- (3) A statement of intent.

The applicant shall, prior to the scheduled review, notify in writing via U.S. mail, all neighboring property owners within a 300-foot radius of the boundaries of the property subject to the sketch plan review that the planning commission shall take up such review and the date, time, and location of such proceeding.

(Ord. No. 3119, § 1, 12-20-2010)

Secs. 23-312—23-314. Reserved.

24.02.030. Special Districts

A. Planned Unit Development

Description and Purpose
The Planned Unit Development (PUD) District supports combining and mixing of uses allowed in various districts with appropriate regulations providing flexibility in the use and design of land and buildings where modification of specific provisions of this UDC is consistent with the planning on which it is based and will not be harmful to the community. A PUD District may be used to permit new and innovative concepts in land utilization. Procedures are established to prevent misuse of the increased flexibility of this district while allowing development that is not otherwise permitted.
Special Requirements
See 24.02.050.F. Planned Unit Development (PUD) for more information regarding the procedures and requirements related to PUDs.

1. Required Elements

- a. A PUD shall provide a statement of purpose articulating, in general, its intended development types, relationship to the natural environment, relationship to existing development, and unique characteristics warranting its establishment as a new district.
- b. A PUD shall provide standard minimum and/or maximum values for, or indicate the non-applicability of, the following dimensions:
 - (i) Lot Area
 - (ii) Lot Width
 - (iii) Impervious Surface Coverage
 - (iv) Front Setback
 - (v) Rear Setback
 - (vi) Side Setback
 - (vii) Corner Side Setback
 - (viii) Building Height
 - (ix) Building Footprint
- c. A PUD shall provide a list of permitted land uses, including permanent principal uses and accessory uses, derived from those uses defined and established in Article III of this UDC. This shall be accompanied by an acknowledgement of the sustained applicability of all use specific standards regulating the district’s permitted uses, unless a specific exemption is sought by the applicant.
- d. A PUD shall provide by reference applicable development standards addressing all components of development established in Article IV of this UDC, indicating specific deviations or exemptions from these standards.

B. Overlay Districts

1. Generally

- a. Overlay districts are created to facilitate specific development outcomes through special standards and provisions that apply to a geographic area due to unique characteristics.
- b. Overlay districts shall not replace base zoning, and properties within an overlay district may be rezoned, with new zoning accordingly modified by the overlay district.

- c. The regulations of a base zoning district shall remain applicable to all development within the district unless explicitly altered or nullified by the overlay district's regulations, in which case the regulations of the overlay district shall control.
2. Procedures
 - a. Establishment or modification of boundaries of an overlay district shall follow the procedures for Rezoning established in 24.02.050.C
 - b. Establishment of new overlay districts shall demonstrate capacity to implement adopted plans or policies.
3. Corridor Overlay Districts
 - a. Purpose
 - (i) Corridor Overlay Districts are established to accommodate the unique site demands and opportunities along Edmond's major thoroughfares, intending to:
 - (a) Optimize health, safety, and welfare outcomes;
 - (b) Capitalize on site conditions and development contexts favorable to Edmond's development goals and adopted plans and policy recommendations; and
 - (c) Preserve and enhance historic design and construction along certain thoroughfares.
 - b. Interpretations
 - (i) All uses Permitted by right, as Limited Uses, and those requiring Specific Use Permits within a base zoning district shall be permitted in the same manner in the Corridor Overlays, subject to all use-based standards.
 - (ii) Corridor Overlays may also grant additional use permissions, meaning that a use which is prohibited in a given base zoning district may be Permitted by right, as a Limited Use, or with a Specific Use Permit within that District where the Corridor Overlay is established. Corridor Overlays do not generally restrict or reduce use permissions relative to those present in the base zoning district.
 - (iii) Each Corridor Overlay District articulates its standards in a table, including the following provisions:
 - (a) "Unmodified," meaning that the equivalent standard of the base zoning of a property remains in effect.
 - (b) A specific, relative dimension (for example, "+15% of Base Zoning"), meaning that the value of the base district is increased or decreased to a maximum or minimum according to the Overlay's established value.

2.25. PUD, Planned Unit Development

2.25.1. *General Provisions.* The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within 7.3 PUD Application and Review (Page 174), and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2. *Intent and Purpose.* The intent and purpose of the planned unit development provisions are as follows:

- (A) *Innovative land development.* Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.
- (B) *Flexibility within developments.* Permit flexibility within the development to maximize the unique physical features of the particular site.
- (C) *Efficient use of land.* Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems, and encourage diversified living environments and land uses.
- (D) *Function, design, and diversity.* Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.
- (E) *Modifications to development requirements.* Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

2.25.3. *Planned Unit Development Authorized.* A PUD may be authorized by an amendment to the official Zoning District Map after public hearings by the Planning Commission and City Council, provided it complies with the following requirements:

- (A) *Location and uses.* A PUD shall be considered a special zoning district; and it may be authorized for any use or combination of uses permitted in this Zoning Ordinance.
- (B) *Planned unit development master plan required.*
 - (1) The basis for review and approval of a PUD application shall be the PUD master plan, which shall be adopted as a part of the ordinance of rezoning in conformance with the requirements described in these regulations.
 - (2) The PUD master plan shall consist of two (2) following elements:
 - a. The design statement; and
 - b. The master development plan map.
 - (3) The PUD master plan establishes residential densities, as well as amount, type, and general location of all land uses.
 - (4) The PUD master plan shall serve as the basis for review and approval of all subdivision plats and building permits within the PUD.
- (C) *Effect of planned unit development approval.*

-
- (1) Approval of a zoning change to a PUD adopts the master plan prepared by the applicant and reviewed as a part of the application.
 - a. The master plan establishes new and specific requirements for the amount and type of land use, residential densities, development regulations and location of specific elements of the development, such as open space and screening.
 - (2) The PUD classification replaces any previous zoning district classification of a parcel.
 - (3) All PUDs shall establish a conventional or base zoning district to identify all applicable uses and development regulations not specified within the PUD master plan.
 - a. The conventional or base zoning district's use and development regulations standards shall be interpreted to be the most recently adopted version of the Zoning Ordinance.
 - b. Uses and development regulations may either be adopted into or deleted from a base zoning district and said uses and development regulations shall be applicable to PUD.

2.25.4. *Criteria for Planned Unit Development (PUD) Review and Approval.* Because the PUD provides the opportunity for higher densities, greater design flexibility, mixed land uses, and improved marketability, the applicant should be prepared to provide amenities and services that might not be required or possible in a conventional development.

Review and approval of a PUD is, therefore, a process of negotiation between the city government and the applicant to achieve the intents and purposes of these regulations and the comprehensive plan.

The following factors should be specifically included as review criteria for the evaluation of a PUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals:

(A) *Design standards.*

- (1) The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the comprehensive plan and the land uses and zoning districts adjacent to it.
- (2) Design of the PUD may provide for modification of conventional Zoning Ordinance requirements for such elements as setback areas, densities, setbacks, and height on individual lots in accordance with the PUD master plan.
- (3) Density, land use, and intensity of use requirements shall be based on the PUD master plan and shall be in conformance with the comprehensive plan.
- (4) Building code requirements shall not be reduced in the design of a PUD.
- (5) The maximum number of dwelling units within a PUD shall be based on calculation of gross density.
 - a. Gross density shall be established in the PUD master plan and shall be calculated by dividing the total land area to be developed for residential uses (exclusive of arterial streets) by the number of dwelling units.
- (6) Location and type of housing shall be established in a general pattern and shown on the master development plan map.

- (B) *Minimum design and construction standards for street and alleys.* Streets and alleys for PUDs shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross sections; provided that modifications may be requested and approved as part of the master plan if the following criteria are met:

-
- (1) *Public streets and alleys.* Proposed public street and alley modifications shall satisfy the following criteria:
 - a. Street right-of-way and paving shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.
 - b. Paving cross sections shall be designed to be adequate to provide acceptable drainage in conformity with the drainage plan for the PUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to have a maintenance level commensurate with that of facilities constructed to regular standards.
 - (2) *Private streets and alleys.* Proposed private street and alley modifications shall satisfy the criteria for public facility modifications listed above and the following:
 - a. Private streets shall not be connected to an adjacent parcel which is not a part of the PUD in a manner that will circulate traffic into and through the private street system.
 - b. The owner/applicant shall clearly demonstrate the existence and capabilities of a property owners association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.
- (C) *General design and development guidelines.*
- (1) *Intensities.* Proposed developments shall conform to the general level of intensity outlined within the comprehensive plan and should be developed in a manner and at a scale that will be compatible with adjacent developed neighborhoods.
 - (2) *Amenities.* Amenities should be considered as an important justification for development and city approval of a PUD.
 - a. Where gross or net densities are to be increased to promote economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where it is necessary to provide for amenities and public safety.
 - (3) *Minimum land area and frontage.* The minimum area and frontage for a PUD request involving office, commercial or industrial land uses should generally be at least the minimum required by the conventional zoning associated with the proposal.
 - (4) *Streets.*
 - a. Street design should be innovative and should restrict through traffic from residential areas as much as possible.
 - b. Encouragement should be given to the design of short local streets serving limited areas, such as the residential cul-de-sac.
 - c. Local street right-of-way widths may be reduced to thirty (30) feet. However, a ten (10) foot easement shall be provided where utilities or sidewalks are proposed. These easements may be omitted when a letter can be provided from each utility company stating that they have no present or future need for a utility easement in the area which abuts the street.
 - d. Development of a private street system should be considered appropriate under certain conditions where there is no through traffic. However a private street system should not serve as a reason for reduction of minimum design and paving standards.

-
- e. On-street parking bays or other similar areas where vehicles must be backed into the traffic flow should not be approved on arterial or collector streets or any local street; provided, however that certain cul-de-sac or small loop street designs may be considered as appropriate.
- (5) *Parking.* If the front building line in residential areas is less than twenty (20) feet, the Planning Commission and City Council may require additional guest parking at the suggested rate of one additional space per 7.5 units.
 - (6) *Relationship to abutting uses.*
 - a. The master development plan map should show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earthen berms, or similar techniques.
 - b. It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.
 - (7) *Mixed land use developments.* Where a PUD proposes a mix of uses which would generally be incompatible with a conventional development, the PUD master plan should specifically establish appropriate guidelines to assure a harmonious development.
 - (8) *Common access.* In commercial or industrial developments, the PUD master plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets. Approval of the bonus provisions in 5.3.2. Off-Street Parking Standards (Page 93) of this Ordinance for shared parking facilities should only be authorized in PUD where this access commitment is provided in the PUD master plan.

(Ord. No. 3131, § 2, 10-26-10)

2.26. SPUD, Simplified Planned Unit Development

2.26.1. *General Provisions.* The simplified planned unit development, herein referred to as SPUD, is a special zoning district that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed as one unit according to a master development plan map.

The SPUD is subject to special review procedures within 7.4 SPUD Application and Review (Page 179) and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.26.2. *Intent and Purpose.* The intent and purpose of the simplified planned unit development provisions are to ensure:

- (A) *Innovative development.* Encourage innovative development and protect the health, safety and welfare of the community;
- (B) *Efficient use of land.* Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems;
- (C) *Appropriate limitations and compatibility.* Maintain appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

2.26.3. *Simplified Planned Unit Development Authorized.* A SPUD may be authorized by an amendment to the official Zoning District Map after public hearings by the Planning Commission and City Council, provided it complies with the following requirements:

- (A) *Location and uses.* A SPUD shall be considered a special zoning district, and it may be authorized for only one conventional zoning district as permitted in this Ordinance.
- (B) *Simplified planned unit development master plan required.*
 - (1) The basis for review and approval of a SPUD application shall be the SPUD master plan, which shall be adopted as a part of the ordinance of rezoning in conformance with the requirements described in the regulations.
 - (2) The SPUD master plan shall consist of two (2) elements:
 - a. The design statement on an application form provided by staff; and
 - b. The master development plan map.
 - (3) The SPUD master plan establishes residential densities, if appropriate, as well as the amount, type and general location of all land uses.
 - (4) The SPUD master plan shall serve as the basis for review and approval of all subdivision plats and building permits within the SPUD.
- (C) *Effect of simplified planned unit development approval.*
 - (1) Approval of a zoning change to a SPUD adopts the master plan prepared by the applicant and reviewed as a part of the application.
 - a. The master plan establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.
 - (2) The SPUD classification replaces any previous zoning district classification of a parcel.
 - (3) Where there is no provision in the SPUD master plan for use or special development regulations, the requirements of the conventional zoning district in which a proposed use or a structure is permitted shall be applied to the development.
 - a. One conventional zoning district shall regulate all uses and development regulations not identified as being modified.
 - b. The conventional zoning district's use and development regulations standards shall be interpreted to be the most recently adopted version of the Zoning Ordinance.
 - c. Uses and development regulations may either be adopted into or deleted from a conventional zoning district and said uses and development regulations shall be applicable within the SPUD.

2.26.4. *Criteria for Simplified Planned Unit Development (SPUD) Review and Approval.* The applicant should be prepared to provide amenities and services that may not be required or possible in a conventional development.

Review and approval of a SPUD is therefore a process of negotiation between the city government and the applicant to achieve the intents and purposes of these regulations and the comprehensive plan.

The following factors should be specifically included as review criteria for the evaluation of a SPUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals:

(A) *Design standards.*

- (1) The proposed SPUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the comprehensive plan and the land uses and zoning districts adjacent to it.
- (2) Design of the SPUD shall be governed by the regulations of only one conventional zoning district; the use regulations of the conventional zoning district can only be modified to decrease, not increase, the number of allowed uses (permitted, special use permits); and the development regulations of the conventional zoning district are modified only to make them more restrictive, not less restrictive.
- (3) Density, land use, and intensity shall be based on the SPUD master plan and shall be in conformance with the comprehensive plan.
- (4) Building code requirements shall not be reduced in the design of a SPUD.
- (5) The maximum number of dwelling units within a SPUD shall be based on calculation of gross density.
 - a. Gross density shall be established in the SPUD master plan and shall be calculated by dividing the total land area to be developed for residential uses (exclusive of arterial streets) by the number of dwelling units.
- (6) Location and type of housing shall be established in a general pattern and shown on the master development plan map.

(B) *Minimum design and construction standards for streets and alleys.* Streets and alleys for SPUDs shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross sections.

- (1) *Public streets and alleys.* Proposed public street and alleys shall satisfy the following criteria:
 - a. Street right-of-way and paving shall provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.
 - b. Paving cross sections shall be designed to provide drainage in conformity with the drainage plan for the SPUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to have a maintenance level commensurate with that of facilities constructed to regular standards.
- (2) *Private streets and alleys.* Proposed private streets and alleys shall satisfy the criteria for public facility listed above and the following:
 - a. Private streets shall not be connected to an adjacent parcel which is not a part of the SPUD in a manner that will circulate traffic into and through the private street system.
 - b. The owner/applicant shall clearly demonstrate the existence and capabilities of a property owners' association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.

(C) *General design and development guidelines.*

- (1) *Intensities.* Proposed developments shall conform to the general level of intensity within the comprehensive plan and should be developed in a manner and at a scale that will be compatible with adjacent developed neighborhoods.

-
- (2) *Amenities.* Amenities should be considered as an important justification for development and city approval of a SPUD.
 - a. The applicant should be prepared to provide amenities and services that may not be required or possible in a conventional development such as additional landscaping, usable open space, fencing, curb cuts, limits of no access, sidewalks and pedestrian ways where it is necessary to provide for public safety, signage, etc., to provide development compatible with adjacent developments and neighborhoods.
 - (3) *Land area and frontage.*
 - a. The minimum area and frontage for a SPUD request shall be at least the minimum required by the conventional zoning associated with the proposal.
 - b. The maximum area for the tract, parcel or land shall be no more than two (2) acres in size.
 - (4) *Streets.*
 - a. Street design should be innovative and should restrict through traffic from residential areas as much as possible.
 - b. Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac.
 - c. Local street right-of-way widths shall not be reduced. Utility easements shall be provided as required by ordinance unless the applicant can provide a letter from each utility company stating that they have no present or future need for a utility easement in the area which abuts the street.
 - d. Development of a private street system should be considered appropriate under certain conditions where there is no through traffic.
 - e. On-street parking bays or other similar areas where vehicles must be backed into the traffic flow shall not be approved.
 - (5) *Off-street parking, loading and access.* All uses shall contain adequate space on private property to provide for parking, loading and maneuvering of vehicles in accordance with the regulations established in 5.3 Parking and Loading (Page 91) of which Table 5.3-2: Specific Parking Requirements (Page 98) is included.
 - (6) *Relationship to abutting uses.*
 - a. The master development plan map should show graphically the treatment that will be employed to separate the SPUD from abutting properties, including commitments to landscaping, screening, earthen berms, or similar techniques.
 - b. It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.
 - (7) *Common access.* In office, commercial or industrial developments, the SPUD master plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets. Approval of the bonus provisions in 5.3.2. Off-Street Parking Standards (Page 93) of the Zoning Ordinance for shared parking facilities should only be authorized in a SPUD where this access commitment is provided in the SPUD master plan.

(Ord. No. 3131, § 2, 10-26-10)

PUD - Planned unit development. The intent of the planned unit development is to promote innovative design in development through flexibility in uses and bulk regulations. This district is intended to provide efficient use of land, quality open space, balanced variety of housing choices, and thoughtful approaches to natural site features. The PUD is not intended to be utilized only for the purpose of obtaining a variance to the bulk standards or other UDC requirements. The planned unit development is meant for larger scale development, on sites five acres or larger.

SPUD - Simplified planned unit development. The intent of the simplified planned unit development is to promote innovative design in development through flexibility in uses and bulk regulations. This district is intended to provide efficient use of land, quality open space, balanced variety of housing choices, and thoughtful approaches to natural site features. The SPUD is not intended to be utilized only for the purpose of obtaining a variance to the bulk standards or other UDC requirements. The simplified planned unit development is meant for smaller scale, often infill, development, on sites less than five acres.

1.Planned unit development and simplified planned unit development requirements.

a. *Design statement:* Shall be a written narrative containing, at a minimum, the following:

i. *Project description:* Including the title of the PUD; list of owners and/or developers with contact information, including email addresses; general location of the PUD and relationship to surroundings; project description/concept; and conformance to comprehensive plan.

ii. *Development standards:* Including the base zoning district; allowed uses; design regulations; tract specifics; utilities information and street and access regulations (including driveway separation, number of access points, street design).

iii. *Special conditions:* Including regulations for façade, landscaping, lighting, parking, sidewalk, signage, trash collection, open space, screening, and any other specific conditions.

iv. *Development sequencing:* Including a description of project scheduling/phasing and platting requirements.

b. *Exhibits:* representations of the planned development containing, at a minimum, the following:

i. Legal description, including tracts, if applicable.

ii. Topography map: prepared with a white background, at a scale of one inch = 100 feet.

iii. Site plan: prepared with a white background, at a scale of one inch = 100 feet and showing limits of the base zoning district(s), general location of proposed land uses, acreage, building lines, location/vicinity map, residential densities, location of streets within the PUD and adjacent streets with right-of-way, location and approximate size of open space, greenbelts, and recreational areas, and location of driveways, where applicable.

iv. Proposed building elevations: prepared with a white background at an appropriate architectural scale that depicts delineation of finish materials and shows the height, length, width and appearance of all proposed structures.

c. *Traffic study*: A traffic impact analysis (TIA) shall be submitted with the filing of the PUD or SPUD application for the following:

i. The average daily trip (ADT) generated exceeds 1,000 ADT.

ii. Residential developments that net 100 or more new dwelling units.

iii. The PM peak hour trip generation would exceed 250 per PM peak hour.

iv. Or at the discretion of the director (or appointee), or city council.

v. Report requirements are as follows:

a. The report shall be prepared by a licensed professional traffic operations engineer (PTOE) in the State of Oklahoma.

b. Trip generation estimates must be obtained from the latest version of the ITE Trip Generation Manual.

vi. Conditions of approval: The city council may condition the approval of a proposed PUD or SPUD to sustain the level of service standards of streets impacted. The city council may deem that phased development, requiring street, intersection, access, signalization, or other transportation improvements deemed necessary be required.