

# CHAPTER 11

## PLANNED UNIT DEVELOPMENT

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### SECTION 1100. DESCRIPTION

A Planned Unit Development (PUD) is an alternative to conventional development and requires supplemental zoning approval based on a conceptual land use plan. The conceptual plan, called the Development Plan, through graphic and written presentation, that illustrates a unified development which may include various land uses that require different zoning designations as well as variations of the Bulk and Area requirements. The Development Plan also includes specific land use locations and use restrictions, and shall be submitted to the Planning Commission and City Council for consideration and approval. If approved, it receives the designation, Supplemental Zoning District PUD. This zoning designation is a prerequisite for consideration of a Planned Unit Development preliminary plat.

### SECTION 1101. PURPOSE

- A. Permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibly with adjoining and proximate properties;
- B. Permit greater flexibility within the development to best utilize the unique physical features of the particular site;
- C. Permit creative land use design;
- D. Provide and preserve meaningful open space; and
- E. Achieve a continuity of function and design within the development.

## **SECTION 1102. GENERAL PROVISIONS**

- A. General Process
  - 1. Request and approval of a zoning map amendment;
  - 2. Request and approval of a Supplemental Zoning District PUD designation based on a PUD Development Plan;
  - 3. A PUD Sketch Plat is recommended prior to submittal, review and approval of a PUD Subdivision plat; and
  - 4. Prior to issuance of a Building Permit, Detail Development Plans, including but not limited to Site Plans, Landscape Plans, Screening and Fencing Plans, Lighting Plans for Exterior Lighting, and Sign Plans shall be submitted and approved as required herein.
- B. Planned Unit Developments are permitted only on tracts which have the Supplemental Zoning District designation PUD.
- C. A PUD shall be reviewed as to the proposed location and character of the uses as well as the unified treatment of the development of the tract.
- D. The regulations of the general Zoning District or Districts remain applicable except as specifically modified pursuant to the provisions of this Chapter.
- E. The City Council and the Planning Commission, when considering approval or amendment of a PUD, and the Planning Commission when considering approval of a minor amendment (See Section 1107.J) may impose restrictions as conditions of approval in addition to those imposed by the underlying zoning and the PUD Chapter.
- F. No modification of use or Bulk and Area requirements of the applicable general Zoning District or Districts will be permitted unless a subdivision plat incorporating the provisions and requirements of this Chapter is approved by the Planning Commission and the City Council. The plat shall then be filed of record in the office of the County Clerk of the county in which the property is located.
- G. The Planning Commission may waive the platting requirements of the Subdivision Regulations if the property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record with the County Clerk making the City of Catoosa beneficiary to said covenants as provided in Subsection 1107.H, Planned Unit Development Subdivision Plat.

## **SECTION 1103. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT**

- A. The development may consist of one or more of the principal uses permitted by Right or Special Exception within the general Zoning District or Districts within which the PUD is located, provided:
1. That if any part of the PUD is located within a Residential District, the permitted uses may additionally include one or more of the dwelling types contained in Use Unit 5, Single-Family Dwelling, Use Unit 6, Duplex Dwelling, Use Unit 7, Townhouse Dwelling, or Use Unit 8, Multifamily and Similar Uses;
  2. That Use Unit 9 Residential Manufactured Home Dwelling, is a permitted use only within a PUD which is located in whole or in part in an RMHP District; and
  3. That the permitted uses, whether principal or accessory uses, may be reassigned within the development without regard to the general Zoning District boundaries; however, shall be in compliance with the approved development standards for the Bulk and Area requirements of the PUD.
- B. Accessory uses customarily incidental to the principal uses within the PUD are permitted as follows:
1. Accessory Commercial.
    - a. In addition to accessory uses customarily incidental to a permitted principal residential use, accessory commercial uses may be permitted within a multifamily development area, subject to the conditions listed in Subsection 402.B.3 Accessory Commercial.
    - b. Accessory commercial uses may be permitted within an office development area. However, this use is subject to the conditions listed in Subsections 502.B.2 and 502.B.3 which defines accessory use conditions in Office Districts.
  2. Signs
    - a. Signs accessory to residential uses or uses permitted by Special Exception in Residential Districts shall comply with the provisions of the Residential District and Chapter 9, Signs.
    - b. Signs accessory to principal office uses shall comply with the restrictions in the Office Zoning District. Signs accessory to principal office use if located in areas with Commercial or Industrial underlying zoning may be permitted based on the standards set out in the paragraph immediately below.
    - c. Business Signs, except Wall Signs, which are accessory to principal commercial or industrial uses, shall comply with the regulations for signs in a CS District as set forth in Subsection 907. Wall Signs shall not exceed an Aggregate Display Surface Area of two (2) square feet per each lineal foot of the building wall to which the sign or signs are affixed.
    - d. The approving authority may impose such additional restrictions as are necessary to maximize compatibility with other neighboring uses.
    - e. General Use Conditions for Business Signs in a PUD:

- 1) No Roof Signs are permitted.
  - 2) Projecting Signs, signs with Movement or Flashing Illumination, Revolving or Rotating Signs, signs with Animation or Changeable Copy Signs may be permitted as limited by Section 908.
  - 3) Signs, if visible from an R District other than street, highway or freeway right-of-way, or if visible from a Designated Residential Development Area, shall not be located within 50 feet of said District or Area. However, signs larger than 300 square feet visible from an R District other than street, highway or freeway right-of-way, or if visible from a Designated Residential Development Area, shall not be located within 200 feet of said District or Area.
  - 4) Any Ground Sign shall maintain a minimum separation of 100 feet from any other Ground Sign.
  - 5) No portion of the Ground Sign shall be within ten (10) feet of the freeway right-of-way.
  - 6) Only one side of a double-faced sign shall be included in the computation of Display Surface Area.
  - 7) Signs not prohibited nor included in the computation of Display Surface Area are set forth in Subsection 903, Exempted Signs.
- f. Exterior lighting shall be designed, constructed, configured and oriented in such a way as to have no negative impact, such as to pose a hazard or nuisance on adjacent streets and/or any adjacent areas.

## **SECTION 1104. BULK AND AREA REQUIREMENTS**

### **A. Intensity of Use**

Within the PUD, the intensity may be transferred without regard to the general Zoning District boundaries.

### **B. Residential Intensity**

1. The Residential Intensity shall not exceed a maximum number of dwelling units computed as follows:

Maximum Number of Permitted Dwelling Units =

Gross area of property located within a Residential District ÷ (divided by) Minimum land area per dwelling unit permitted in the applicable use District.

- a. For the purpose of intensity computations, gross area shall mean the lot area plus 1/2 of the right-of-way of any abutting street to which the lot has access.

- b. The minimum land area per dwelling unit, for the purpose of the above described computation, shall be the least restrictive minimum land area per dwelling unit permitted in the applicable district as set forth in Sections 404, Bulk and Area Requirements in the Residential District, and 403.C. Duplexes as Special Exception uses in Residential Districts and Section 403.D Townhouses as Special Exception uses in Residential Districts.
    - c. Each 600 square feet of a quasi-dwelling, such as a care home, shall constitute a dwelling unit.
  - 2. Two or More Residential Districts
    - a. If the PUD is within two (2) or more Residential Districts, the permitted density will be the sum of the permitted dwelling units computed separately for the gross area within each District.
    - b. For a PUD located totally within a Residential District or Districts, the gross area for the purposes of the above described computation shall be reduced by the area or areas designated for any principal use other than dwelling, quasi-dwellings, residential open space and recreation areas.
- C. Nonresidential Intensity
  - 1. The nonresidential intensity shall not exceed a maximum permitted floor area computed as follows:  
 Maximum Permitted Floor Area =  
 Gross area of property located within a nonresidential district X (multiplied) by the Floor Area Ratio (FAR) permitted either by Right or Special Exception within the Bulk and Area requirements of the applicable Zoning District.
    - a. For the purpose of intensity computations, Gross Area means the lot area plus one-half (1/2) of the right -of-way of any abutting street to which the lot has access.
    - b. Where an FAR is not specified, a maximum FAR of 0.75 shall apply.
  - 2. The intensity of use of a PUD located within two (2) or more Residential, Office, Commercial and Industrial Zoning Districts shall be separately calculated and allocated within the PUD by general classification.
- D. Lot Width, Frontage and Area.  
 Within a PUD, minimum requirements for lot width, frontage and area shall be listed in detail in the Development Plan.
- E. Livability Space.
  - 1. Within a PUD, Livability Space for a Designated Residential Development Area shall be provided in an amount not less than the amount of space required by the applicable Zoning District for conventional development of a comparable number of dwelling units. (See Section 404 Bulk and Area Requirement in Residential Districts)
  - 2. Required Livability Space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas.

3. Common Livability Space shall be designed and located so as to be conveniently accessible to the dwelling units it is intended to serve.
4. Provisions for the ownership and maintenance of common Livability Space shall be included within the PUD Subdivision Plat in compliance with the provisions of Subsection 1107.H, Planned Unit Development Subdivision Plat.

F. Building Height, Setbacks and Yards

1. Within a PUD the building height limitations, building setback requirements and minimum yards shall be prescribed and incorporated within the Development Plan and Subdivision Plat in compliance with the provisions of Subsection 1107.H, Planned Unit Development Subdivision Plat.
2. Every structure shall be set back from the centerline of an abutting public street as designated on the Major Street and Highway Plan a horizontal distance of not less than one-half (1/2) of the right-of-way designated on the Major Street and Highway Plan. (See Appendix C, Major Street and Highway Plan)

G. Open Space

Within a PUD minimum landscaped open space shall be required for each type of non-residential development area as follows:

- |                   |                 |
|-------------------|-----------------|
| 1. Office Use     | 10% of lot area |
| 2. Commercial use | 10% of lot area |
| 3. Industrial Use | 5% of lot area  |

**SECTION 1105. PERIMETER REQUIREMENTS**

Within a PUD, perimeter requirements for screening, landscaping, and setbacks, shall be required as necessary to assure compatibility with adjoining and surrounding properties. These requirements shall be incorporated into the subdivision plat in compliance with the provisions of Subsection 1107.H, Planned Unit Development Subdivision Plat.

**SECTION 1106. OFF-STREET PARKING AND LOADING**

- A. Within a PUD, off-street parking and loading spaces shall be provided as specified in the applicable Use Units and in conformance with the requirements of Chapter 13, Off-Street Parking and Loading.
- B. Required spaces shall be provided on the lot containing the uses for which it is intended to serve or in common areas as designated below:
  1. A common parking area shall be designed and located so as to be accessible to the uses it is intended to serve.
  2. Provisions for the ownership and maintenance of common parking areas shall be incorporated in the Development Plan and Subdivision plat, in compliance with the provisions of Subsection 1107.H, Planned Unit Development Subdivision Plat.

## **SECTION 1107. ADMINISTRATION OF PLANNED UNIT DEVELOPMENT**

### **A. General Requirements**

1. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for the Supplemental District Designation PUD.
2. The application shall be accompanied by a Development Plan as described herein and processed in the manner established in the subsections below.
3. An application for the Supplemental District Designation PUD may be processed at the same time as an application for an amendment to the general Zoning District.
4. The PUD application may be made contingent upon approval of the zoning application.

### **B. Application**

1. An application for a PUD shall be filed with the Planning Commission.
2. An application fee shall be submitted in accordance with the Fee Schedule adopted by the City Council.
3. Fifteen (15) copies of the Development Plan shall accompany the application.

### **C. The applicant shall be responsible for giving proper and timely public notice as required herein. (See Section 1107.F and Section 1703)**

### **D. PUD Development Plan**

The Development Plan shall include maps and text which contain:

1. Proposed development areas and requested land uses;
2. Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;
3. Proposed maximum building heights and minimum building setbacks;
4. Proposed public and private vehicular and pedestrian circulation systems;
5. Proposed landscaping areas and screening;
6. Proposed intensity of residential uses expressed in number of dwelling units per development area and per acre, and the proposed intensity of nonresidential uses expressed in FAR, and allocated to the proposed development areas of the PUD;
7. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
8. Existing topographic character of the land including identification of any water courses, floodplain areas (including the FEMA Panel Number) and treed areas. In instances of probable development constraints due to slope and/or soil conditions, the Planning Commission staff may require the submittal of slope and/or soil analysis;
9. An explanation of the character of the PUD; and

10. The expected schedule of development.

E. Detail Plans

1. The City Council, as a condition of approval of a Development Plan, may require the following Detail Plans to be submitted to the City Council and/or the Planning Commission for approval:

a. Detail Site Plans

Detail Site Plans, if required, shall be submitted for specific development areas within the PUD. If required, Detail Site Plan approval shall be secured prior to the issuance of a Building Permit, which shall comply with all approved development standards and include at a minimum:

- 1) Uses of land;
- 2) Location, size, height and setbacks for all buildings;
- 3) Location and number of off-street parking spaces; and
- 4) Private and public vehicular and pedestrian circulation.

b. Detail Sign Plans

- 1) Shall include location, size, height and setbacks for all signs.
- 2) If a Detail Sign Plan is required, approval shall be secured prior to the issuance of a Sign Permit.

c. Detail Landscape and/or Fence Plans

- 1) Include location, type and size of plant materials, and location and design of required screening fences or walls, and shall comply with all approved development standards.
- 2) If a Detail Landscape and/or Fence Plan is required, approval shall be secured and installation shall occur in accordance with approved plans prior to the issuance of a Certificate of Occupancy.

d. Exterior Building Detail Plans

- 1) These plans may include elevations and perspective drawings of the buildings to be constructed. This requirement does not apply to platted single-family lots.
- 2) If an Exterior Building Detail Plan is required, approval shall be secured as a part of the approval of a Detail Site Plan and prior to the issuance of a Building Permit.

e. Detail Exterior Lighting Plans

- 1) These Plans include the location, type and brightness of exterior lighting and shall show that the brightness, location and direction of the illumination will not pose a hazard or nuisance to adjacent areas or motorists traveling on adjacent streets.



- 2) If a Detail Exterior Lighting Plan is required, approval shall be secured as a part of the approval of a Detail Site Plan and prior to issuance of a Building Permit.
2. When the Planning Commission is authorized by the City Council to review and approve Detail Plans, the Commission may with the approval of the City Council delegate said review to members of its Staff.
  3. Appeals to the Planning Commission from a decision of the Staff, with regard to a Detail Plan, may be filed by any person or persons aggrieved. Notice of appeal shall be filed with the Secretary of the Planning Commission within 10 days from the date of the Staff decision appealed.
- F. Public Hearing and Planning Commission Action
1. The Planning Commission, upon the filing of an application for the supplemental district designation PUD, shall set the matter for public hearing.
  2. The applicant shall be responsible for giving public notice prior to the Public Hearing. Notice shall be given as stated in Section 1703, Required Public Notice.
  3. Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:
    - a. Whether the PUD is consistent with the Comprehensive Plan;
    - b. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
    - c. Whether the PUD is a unified treatment of the development possibilities of the project site; and
    - d. Whether the PUD is consistent with the stated purposes and standards of this Chapter.
  4. The Planning Commission shall forward its recommendation and the application to the City Council for further hearing.
- G. City Council Action
1. Upon receipt of the application and Planning Commission recommendation, the City Council shall hold a hearing, review the development plan and approve, disapprove, modify, or return the application to the Planning Commission for further consideration.
  2. Upon approval, the Zoning Map shall be amended to reflect the supplemental designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the Development Plan.
- H. Planned Unit Development Subdivision Plat
- A PUD subdivision plat shall be filed with the Planning Commission and processed in accordance with the Subdivision Regulations. In addition to the requirements of the Subdivision Regulations the plat shall include:
1. Details as to the location of uses and street arrangement;

2. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public will not be accepted without the approval of the City Council;
3. Covenants
  - a. Covenants shall be required which will reasonably insure the continued compliance with the approved Development Plan.
  - b. To protect the public interest, the City of Catoosa shall be made beneficiary of said covenants pertaining to such matters as contained within the approved Detail Plans.
  - c. Such covenants shall provide that the City of Catoosa may enforce compliance therewith and additionally, provide that amendment of such covenants shall require the approval of the Planning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning Commission.
- I. Issuance of Building Permits

After the filing of an approved PUD subdivision plat and notice to the Building Inspector, no Building Permits shall be issued on lands within the PUD except in accordance with the approved plat and restrictive covenants.

## J. Amendments

1. Major Amendments which would represent a significant departure from the approved Development Plan require compliance with the notice and procedural requirements of the original PUD.
2. Minor Amendments to the PUD may be authorized by the Planning Commission. The Commission may direct the processing of an amended subdivision plat incorporating requested changes. In order for the Commission to consider the requested minor changes a finding shall be made that said changes if approved will maintain substantial compliance with the approved Development Plan and the purposes and standards of this Chapter.
3. The following may be considered for approval by the Planning Commission as Minor Amendments:
  - a. Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
  - b. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
  - c. Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%.
  - d. Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
  - e. Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
  - f. Changes in points of access, provided the traffic design and capacity are not substantially altered.
  - g. Addition of customary accessory buildings and uses within the delineated common open space of a residential PUD, including but not limited to swimming pools, cabanas, security buildings, club houses and tennis courts.
  - h. Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within the PUD, including but not limited to swimming pools, cabanas, garages, and tennis courts, provided an agreement has been recorded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.

- i. Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.
  - j. Lot splits which modify a recorded plat and which have been reviewed and approved by the Technical Advisory Committee (TAC) and the Planning Commission.
  - k. Home occupations which meet the requirements of Subsection 402.B.7 Home Occupations.
  - l. Modifications of approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.
  - m. Modification of approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.
  - n. Changes reducing the number of permitted dwelling units.
  - o. Changes in an approved use to another use may be permitted, provided:
    - 1) The underlying zoning on the particular site within the PUD would otherwise permit such use by Right and such use is not specifically excluded; and
    - 2) The proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.
4. Ten (10) days notice of public hearing shall be given for minor amendments by mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property.
5. In instances where the City Council has specifically imposed a PUD condition more restrictive than originally recommended by the Planning Commission, any minor amendment of that specific condition shall be approved by the City Council.
6. Major Amendments
- a. The amendment shall be deemed a major amendment to the Development Plan if the Planning Commission determines that the proposed amendment if approved will:
    - 1) Result in a significant departure from the approved Development Plan or otherwise significantly changes the character of the PUD; or
    - 2) That the cumulative effect of a number of minor amendments substantially alters the approved Development Plan.
  - b. Major amendments shall comply with the notice and procedural requirements of Sections 1702 and 1703 Amendments.

K. Appeal from a Minor Amendment Determination

1. An appeal of any Minor Amendment decision by the Planning Commission may be filed by any person or persons aggrieved, any taxpayer or any officer, department, board or bureau of the City, to the City Council. Notice of Appeal shall be filed with the City Clerk and with the Secretary of the Planning Commission within ten (10) days from the date of such action. The Notice of Appeal shall specify the grounds of the appeal.
2. No bond or deposit for costs is required for such appeal.
3. Upon filing of the Notice of Appeal, the Planning Commission shall immediately transmit to the City Council, copies of all the papers constituting the record in the case, together with the decision of the Commission. The City Council shall notify the applicant and all interested parties, as recorded in the minutes of Planning Commission of the appeal hearing date.

L. Abandonment of a Planned Unit Development shall require approval of the City Council.

1. Upon the recommendation from the Planning Commission on an application for amendment to the Zoning Map to repeal the Supplemental Zoning PUD, the City Council may repeal said designation.
2. Upon final action authorizing the abandonment of the PUD, no Building Permit shall be issued except in accordance with the restrictions and limitations of the general Zoning District or Districts.
3. Upon abandonment of the PUD the City Council may amend the underlying zoning upon receiving a recommendation from the Planning Commission; however, said zoning classification shall be the same or not more intensive than that zoning in place prior to approval of the rezoning/PUD application.
4. Abandonment of a PUD shall comply with the notice and procedural requirements of Sections 1702 and 1703 Amendments.

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