

Standards for Planned Unit Development and Planned Area Development

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Section 6-1 Standards for Planned Unit Development

A. In the event a proposal is made to develop a parcel of land for residential, commercial or industrial purposes and in addition to the subdivision of the land, to construct all building, install all walks, drives, and planting and to offer for sale or lease elements of a project complete in every respect, the plans for such project need not conform to the lot and yard requirements. Plans to be approved under this Section must show:

1. Tentative subdivision plat;
2. Precise location and typical elevations of all proposed buildings & structures;
3. Existing and proposed grades and contours;
4. All walls and fences, all walks, drives, roadways, parking areas, and pavement of any kind;
5. Complete planting and irrigation plans;
6. Abstract of Covenants, Conditions and Restrictions (CC&R's);
7. Abstract of documents pertaining to formation of owners association or similar group, if any;
8. Financial ability to complete or security;
9. Provisions to guarantee continual permanent maintenance of joint open areas; private street, walkways, service areas and parks of the project.

Section 6-2 Standards for Planned Area Development

A. A Planned Area Development (PAD) is intended to:

1. Provide for various types and combinations of land uses (such as commercial centers, single and multi-family housing, industrial complexes, and public spaces) through the adoption of preliminary and final development plans;
2. To establish planning and development control parameters while allowing sufficient flexibility to permit final detailed planning at the time of actual development, and to permit flexibility in land use, site design, placement of buildings, use of open spaces, and other development features;
3. To encourage and permit unified planning to achieve a compatible mixture and variety of land uses within the PAD and with the existing and anticipated development in the surrounding area;
4. To accomplish the purpose of zoning and other regulations to an equivalent or higher degree than where such regulations are designed to control development on individual lots; and
5. To promote economical and efficient land use, & improved level of amenities, appropriate and harmonious variety, creative design, and a better environment.

B. A PAD may be established where tracts suitable in location, area, and character for the uses and structures proposed will be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined with reference to the General Plan, and to the existing and prospective character of surrounding development.

1. Scope

- a. The development of a PAD may proceed by increments to be called "development units."
- b. The PAD is intended to replace traditional rigid zoning regulations with development standards suited to the individual development. The permitted uses allowed, the yard, height, area requirements, and other requirements within the district shall be those approved in the preliminary and final development plans. In cases where requirements are not specified in the development plans, the requirements of the equivalent zoning district shall apply. PAD regulations shall apply generally to the initiation and regulations of all PAD Districts. Where there are conflicts between special PAD regulations, these PAD regulations shall apply in the PAD unless the Commission or Town Council shall find in the particular case, at the time of re-zoning applications, that the provisions herein do not serve the public to a degree at least equivalent to such general zoning, or other regulations.

- c. Where actions, designs or solutions are not literally in accord with applicable PAD or general regulations, but the Commission makes a finding in the particular case that the public is served to an equivalent or greater degree, the Commission may recommend specific modifications of the regulations.
2. Planned Area Development Defined

For the purpose of this Ordinance, a Planned Area Development shall:

- a. Be a single development operation or a definitely programmed series of development operations.
 - b. Be for principal and accessory structures and uses substantially related to the character and purposes of the district.
 - c. Be developed according to a preliminary development plan that includes the locations of land uses, streets, utilities, and final development plans for all buildings, and other uses and improvements on the land as related to the buildings.
 - d. Include a program for provision, operation, and maintenance of any areas, facilities, and improvements designated for common use.
3. Uses Permitted

The Planned Area Development shall be used only for the following:

- a. Single family, two-family, multi-family, detached, semi-detached and attached dwellings.
- b. Mobil home parks and subdivisions in accordance with the provisions of this Ordinance and any additional requirements of the Commission or Town Council may deem necessary to fulfill the intent of the requirements herein.
- c. Home occupations when indicated as part of the development plan or with approval of a use permit.
- d. Community facilities and public areas such as schools, parks and playgrounds.

- e. Neighborhood retail uses and other non-residential uses limited to those enumerated in the C and CB Districts may be specifically and selectively authorized as to type and size only when integrated by design as an essential element of the development, and only in areas proposed for said uses as approved in the preliminary development plan.
 - f. Industrial uses in accordance with the provisions of the Industrial District.
 - g. Accessory uses and structures; such uses and structures may be located in the front one-half (1/2) of a lot, provided they are not nearer the front lot line than the main building or buildings.
 - h. Public Utility Installations.
 - i. Signs when submitted as part of the development plan or within the following general sign provisions.
4. Lot and Yard Requirements
- a. The yard requirements for a PAD shall be those approved in the preliminary development plan. In cases where yard requirements are not specified in the development plan, the yard requirements of the equivalent zoning district shall apply.
 - b. The average overall density of residential areas in the PAD shall not exceed that indicated by the Density Chart for PADS. Open spaces and recreational areas within the PAD may be included in land totals to calculate the average overall density.

The Density for PADS shall be set forth below:

TABLE 3 - DENSITY CHART

<u>District</u>	<u>Units per Acre</u>
PAD - 1	0.75
PAD - 2	1.00
PAD - 3	1.35
PAD - 4	1.75
PAD - 5	2.20
PAD - 6	2.75
PAD - 7	3.50
PAD - 8	4.75
PAD - 9	6.00
PAD-10	8.00
PAD-11	10.00
PAD-12	12.00

- c. Buildings located on sloping lots are permitted an extra story on the downhill side, provided the height does not exceed the maximum height in feet allowed.
- d. Non-residential buildings and structures exceeding fifteen (15) feet in height shall be set back from the side and rear boundaries, if adjoining residentially zoned property, a distance equal to the required yard setback plus one (1) additional foot for each foot of height above (15) feet, except where specific setbacks are approved in the preliminary development plan.
- e. Zero lot line setbacks may be allowed under the following circumstances;
 - 1. The lot adjacent to the zero (0) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).
 - 2. The setback on the adjacent lot must be either zero (0) feet or greater than ten (10) feet.
 - 3. The opposite side yard of no less than ten (10) feet must be kept perpetually free of permanent obstructions (such as a storage shed or fence without a gate).
 - 4. Similar zero (0) lot line exceptions can be made for the rear yard, but not for both the side and rear yards of the same lot.
 - 5. In considering a proposed PAD, the Commission and/or Town Council may approve modifications of these requirements. Justification for such modification shall be supplied by the applicant in written form as part of the hearing application procedure.

5. Other Requirements

The Commission and/or Town Council shall insure that the public welfare and safety is preserved, and that provision is made for harmonious and appropriate development of the land by requiring as needed:

- a. Declaration of public use space for parks, schools, recreation areas, etc.
- b. Coordination of street layout with existing or planned streets.

- c. Preservation of natural features, such as trees, hilltops, water courses, and archaeological sites.
- d. Architectural plans of building design in addition to a final development plan for the PAD.
- e. Proof of adequate sanitary sewage and water system.
- f. Adequate fire protection.
- g. Schedule of plan implementation.
- h. Additional issues of public interest.

6. Amendments

The following procedure shall be followed for any amendment to a PAD including amendments to the development phasing schedule.

a. Major Amendments

- 1. A PAD applicant or his successors in interest may file a request for a major amendment with the Community Development Department.
- 2. The change will be deemed major if it involves any one of the following:
 - I. An increase in the approved totals of dwelling units or gross leaseable area for the PAD.
 - II. A significant change in land use boundaries from those approved for the PAD as determined by the Community Development Director.
 - III. Any change which could have significant impact on areas adjoining the PAD as determined by the Community Development Director.
 - IV. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD as determined by the Community Development Director.
- 3. The Community Development Department will bring the major amendment before the Planning Commission and Town Council and will submit background material and recommendations.

b. Minor Amendments

1. A PAD applicant or his successors in interest may file a request for a minor amendment with the Community Development Department.
2. The request will be routed for comment to any affected Town departments or other agencies for comment.
3. Upon receipt of comments, the Community Development Director will determine whether the requested change is minor or major.
4. If the requested change is determined to be minor, an amended plan shall be submitted for public record.

c. Interpretations

In the event that it becomes necessary to interpret stipulations within the PAD, the Board of Adjustment shall hold a hearing and make such interpretations.

7. Application & Development Plan

a. Application

An application to establish a PAD shall be submitted and processed in the same manner as that for re-zoning amendments. Every application shall be accompanied by a fee as required, except when filed by the Commission.

An application to establish a PAD shall be filed by either:

1. The owner or owners having title to all of the property in the area proposed for the PAD.
2. The Clarkdale Planning Commission

b. Development Plans Required

1. Preliminary Development Plan

An application for a PAD shall be accompanied by a preliminary development plan including the following information:

- I. A legal description of the parcel;
- II. An area map showing existing zoning & land uses surrounding the site;

- III. The location and type of land uses, and their area in acres; The proposed residential density of each residential area, and a calculation of the average overall density;
- IV. The proposed intensity (in floor area ratio or square footage) for non-residential uses;
- V. The proposed site development standards for each area of use;
- VI. The proposed circulation system;
- VII. The proposed methods for water, sewer and drainage; and
- VIII. The proposed phasing plan, indicating development units if appropriate.

2. Final Development Plan

Prior to development, a final development plan must be approved by the Town Council. The final development plan (s) shall adhere to the development standards approved under the preliminary development plan, and shall conform to the requirements and format of a preliminary subdivision plat, as delineated in the Subdivision Regulations for the Town of Clarkdale.

If a PAD is to be developed in phases or “development units,” a final development plan shall be required for each unit, and separate hearings shall be held to review each final development plan. An approved final development plan shall be binding upon applicants and their successors or assignees. No building permit shall be issued for any building, structures, or use not in accord with the final development plan, except that temporary construction facilities shall be permitted.

8. Enforceability

- a. The PAD Program shall continue to be implemented and maintained for the total acreage of the PAD, even though ownership may subsequently be transferred in whole or in part:
 - 1. It is the responsibility of the owner to notify all prospective purchasers of all or part of the property within the district of the existence of the PAD and the PAD Program contained therein.

2. Conformance with the PAD shall be enforced by recordations of the appropriate deed restrictions for each parcel of property within the district, prior to the issuance of building permits, for each development unit.
 3. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district
- b. Following approval of a final development plan, development shall commence, within two (2) years of the date upon which the final development was approved. Applications for approval of final plans shall be made in accordance with the development phasing schedule contained in the PAD Program.
 - c. Failure to commence development within the two (2) year time period shall cause the final development plan to become null and void, without further action by the Town Council.
 - d. As such time that the Planning Commission shall determine that the applicant is not proceeding to develop in accordance with the PAD Program, it shall notify the applicant in writing of such deficiency and shall, simultaneously, notice a hearing to determine the cause of the delay.
 - I. The hearing shall be held within thirty (30) days of the date of the written notice and shall follow Commission procedure for hearings.
 - II. The Commission may determine good cause for such deficiencies and may, in conjunction therewith, entertain an application to amend the development phasing schedule.
 - III. The Commission may determine that there is not good cause for such deficiency, and in such event may impose additional restrictions on the applicant to ensure future compliance with the PAD Program including, but not limited to, the filing of such periodic reports as the Commission shall require to enforce this provision.
 - e. At such time that the Commission shall determine that the current owner of any portion of the Planned Area Development District is not in compliance with a provision of the PAD Program or the public dedication or improvement schedules, no further approval of final development plans or subdivision plats shall occur for that portion. Such determination of noncompliance shall be at a public hearing. The applicant and current owner(s) shall receive written notice of hearing.