Chapter 17.52

PLANNED UNIT DEVELOPMENT (PUD)

Sections:

17.52.010	Purpose.
17.52.020	Findings for project approval.
17.52.030	Permitted uses.
17.52.040	Size of the PUD site.
17.52.050	Minimum standards.
17.52.060	Open space.
17.52.070	Dimensions and bulk standards and type of construction.
17.52.080	Density.
17.52.090	Procedure.
17.52.100	Approval for PUD's consisting from one to twenty residential units, and commercial and industrial PUD's consisting of from 20,000—43,560 square feet of building area.
17.52.110	Approval for PUD's consisting of more than twenty residential units, and commercial and industrial PUD's consisting of over 43,560 square feet of building area.
17.52.120	Fees and advertisement.
17.52.130	Alterations of the final development plan.

17.52.010 Purpose.

A. The purpose of the planned unit development district is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a professional, prepared comprehensive plan and program. The PUD is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable, open spaces, and vehicle and pedestrian circulation for the inhabitants.

B. Except as otherwise restricted, the planned unit development may be proposed as a substitute for any existing zone and may be initiated by the owner as defined in this title, or upon the motion of the council as prescribed in this title. The planned unit development may be used for residential, business, or industrial purposes or a combination of residential/business or business/industrial purposes. (Ord. 5-91 (part), 1991)

17.52.020 Findings for project approval.

The council and the commission shall approve a PUD, if the PUD is found to satisfy standards of this title, including the following:

A. Be compatible with the goals and policies of the city master plan and other applicable adopted plans and policies;

B. Be compatible with the area surrounding the project site and place no greater demand on existing city facilities and services than can be furnished by the city;

C. Promote the efficient use of land by means of more economical arrangement of buildings, circulation systems, land uses, densities, and utilities;

D. Provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;

E. Demonstrate flexibility and quality in design to permit diversification in the location, type, and uses of structures;

F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;

G. Minimize impact on adjacent zoning districts by limiting building heights, providing screening and/or other buffers;

H. Preserve and utilize where possible, existing landscape features and amenities and encourage the harmonious combination of such features with structures and other improvements;

I. Be designed and developed as a whole under the control of one owner, partnership, corporation, or agency;

J. Consist of such a mixture of uses, density, or characteristic or creative design;

K. Constitute a buffer zone between existing land uses and existing zones;

L. Consist of a land area of a minimum of one and one-half acres in size; a smaller land area may be permitted with written approval by the commission. (Ord. 5-91 (part), 1991)

17.52.030 Permitted uses.

Except as otherwise permitted or restricted, all uses permitted in the R-1, R-2, R-3, R-4, R-5, R-6, C-1, C-2, M-1, and M-2 districts are permitted in a PUD, provided that when residential uses are proposed for a specific PUD,

any commercial uses proposed for the PUD must be shown to be primarily for the service and convenience of the residents of the development and the immediate neighborhood and that such uses, if any, shall not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD. (Ord. 5-91 (part), 1991)

17.52.040 Size of the PUD site.

A PUD may be for a tract of residential land that will accommodate not more than thirty-six dwelling units per acre, if the council and the commission find, upon a showing by the landowner, that the PUD is in the public interest because one or more of the following conditions exist:

A. An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood which can be preserved and still leave the landowner equivalent use of the land by the use of a PUD;

B. The property or its neighborhood has an historical character of importance to the community that will be protected by the use of a PUD;

C. When not more than twenty-five percent of the PUD (planned unit development) lot perimeter is abutting properties zoned R-1 (residential estate) or R-2 (one unit residential), the maximum allowed density is thirty residential units to the acre. When more than twenty-five percent of the lot perimeter is abutting properties R-1 (residential estate) or R-2 (one unit residential), the maximum density shall not exceed twenty-four residential units to the acre. (Ord. 14-98 § 14, 1998; Ord. 5-91 (part), 1991)

17.52.050 Minimum standards.

A. Minimum lot area, width, and yard requirements of other districts do not apply in the PUD.

B. All subdivision design and construction requirements shall meet the requirements of Title 16 of the Casper Municipal Code. Alternative design and construction requirements may be authorized by the city council during the PUD site plan approval or amendment process. Alternative design and construction requirements must be submitted to the city engineenng office pnor to council review and must meet general acceptable good engineering practices. (Ord. 13-03 § 7, 2003; Ord. 5-91 (part), 1991)

17.52.060 Open space.

A minimum of the following total land areas shall be retained as usable open space:

A. Residential uses, twenty percent of the total land area;

B. Commercial, fifteen percent of the total land area;

C. Industrial, ten percent of the total land area. (Ord. 5-91 (part), 1991)

17.52.070 Dimensions and bulk standards and type of construction.

The type of proposed construction shall be described in the PUD application, providing that:

A. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this title on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that which would have been obtained from the spacing standards.

B. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of similar development in other existing districts.

C. The maximum building height shall not exceed four stories or forty feet for residential uses, or eight stories or seventy-five feet for commercial uses, except that a greater height may be approved if surrounding open space within the PUD, building setbacks, and other design features are used to avoid any adverse impact due to the greater height. (Ord. 5-91 (part), 1991)

17.52.080 Density.

If a PUD is used as an overlay, there shall be no more buildings or building sites per acre than permitted in the district for which the PUD is an overlay. If the PUD is used as a separate zoning district, the number of units will be determined as provided in Section 17.52.040 of this title. (Ord. 5-91 (part), 1991)

17.52.090 Procedure.

Before a tract of land may be considered for planned unit development, the developer(s) shall:

A. Meet with the planning director or a member of his staff to discuss the proposal prior to submission of any application;

B. Submit, prior to the development of an existing or proposed PUD within the city limits, the following to the planning director:

1. A site plan application per requirements of Appendix A of this title;

2. A written statement which shall contain, as a minimum, the following information:

a. An explanation of the objectives to be achieved by the planned unit development,

b. A list of the abutting owners of record and their addresses from available records,

c. A statement of architectural theme and building type, distinguishing the uses of single-family dwellings, multifamily dwellings, townhouses, condominiums, and commercial and industrial structures,

d. A program describing the uses and activities to be permitted within each area, including the following:

i. The types, sizes, and mixture of dwelling units

ii. The acreage or square footage of each use, including nonresidential parking, roadways, easements, rights-of-way, and recreational areas

iii. The number of off-street parking spaces

iv. Any other applicable restrictions such as building setbacks, height limits, access, grades, or widths of roads

v. The overall density for the entire planned unit development, as well as the maximum density for each land use, excluding rights-of-way and easements

vi. The proportion of land to be left in a natural condition as major open space or preserved areas, stated in terms of acreage or square footage, if any, as well as the ratio of open space in areas to be developed, stated on a square foot per unit basis

vii. A written statement by a registered, professional engineer(s), which shall describe the following:

(A) The proposed method and arrangement for connecting to the municipal water system, and the projected usage and needs

(B) The proposed method and arrangement for connecting to the municipal sewer system, and the projected usage and needs

(C) The soil, geological, and ground water conditions of the site; the manner in which storm drainage will be handled

viii. If the PUD is to be developed in stages, a description of each stage and an estimated date of completion for each stage. Any change or alteration in the design of the PUD or completion, will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the city,

C. For a PUD established at the time of annexation, the owner shall provide a land use plan supported by the estimated water consumption;

D. Subdivision Regulations. If the planned unit development is to be subdivided, the subdivision regulations of the city shall apply. If said regulations are precluded in any manner, through the use of townhouse or condominiums, appropriate platting shall be required and approved by the commission;

E. All information hereinabove required shall be submitted to the planning director. All submissions shall include:

1. All applicable data required by the subdivision regulations of the city,

2. All information required by Appendix A of this title, site plan application. (Ord. 5-91 (part), 1991)

17.52.100 Approval for PUD's consisting from one to twenty residential units, and commercial and industrial PUD's consisting of from 20,000—43,560 square feet of building area.

A. The commission shall have authority to approve a site and development plan for an existing PUD consisting of not more than twenty residential units, or commercial and industrial PUD's consisting of five thousand square feet or more in building area. The procedure for approval shall be as set forth in Section 17.52.110.

B. Within fifteen working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice has been given. At such meeting, all interested parties may present testimony and evidence for and against, which is pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall approve, approve with contingencies, table, or deny the proposal and shall state the basis for its decision in writing. The commission shall also have the option of forwarding the proposal, with its comments, to the council, should it be deemed necessary.

C. Upon approval or approval with contingencies of the proposal by the commission and council, the developer shall execute a site plan agreement with the city.

D. Tabling. The commission may table the proposal until its next regular meeting, at which time the proposal shall be considered and decided.

E. Within ten working days after the commission's decision on the PUD, the council may recall and review the commission's decision and amend the same.

F. If the proposal is denied because of major deficiencies or discrepancies or because it is contrary to the purpose of this title, it may be appealed, in writing, to the council within ten calendar days of denial by the commission. If the decision is not appealed, it shall become final. (Ord. 15-93 (part), 1993; Ord. 5-91 (part), 1991)

17.52.110 Approval for PUD's consisting of more than twenty residential units, and commercial and industrial PUD's consisting of over 43,560 square feet of building area.

A. Within fifteen working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice shall be given. At such meeting, all interested parties may present testimony and evidence pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall recommend approval, approval with contingencies, table, or deny the proposal and shall state the rationale of their decision in writing, and shall forward their decision to the council.

B. Within fifteen working days after the submission of the required information has been made, a written notice of the date, time and place of the public hearing shall be mailed first class U.S. mail, or delivered to the applicant and all owners of private real estate within a three-hundred-foot radius of the perimeter of the property in question as shown on the review required information. The notice shall be mailed and delivered at least fifteen calendar days prior to the hearing. Notice shall be published at least fifteen calendar days prior to the hearing, as required by law.

C. The council shall then approve, table, or deny the application.

D. If the application is approved, the owner(s) may proceed with the development and shall obtain the required building permits from the office of the city engineer.

E. If the application is tabled, it shall be considered at the next regular council meeting and a determination made, unless the council, at its option and upon request of the owner(s), determines to table the proposal until a future date.

F. A denial of the proposal shall be considered final. (Ord. 10-95 § 1 (part); 1995; Ord. 15-93 (part), 1993; Ord. 5-91 (part), 1991)

17.52.120 Fees and advertisement.

Upon submission of a zone change application and/or PUD application, the applicant shall pay a fee established by the council, for the cost of advertising, the public hearing, and the review of the application.

B. If both the zone change and the PUD application are submitted concurrently, the applicant shall pay a fee established by council. (Ord. 5-91 (part), 1991)

17.52.130 Alterations of the final development plan.

A. The final development plan, as passed by the council, shall not be altered during the construction of the planned unit development, except as set forth in this section.

1. Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or character of structures, or other similar alterations may be authorized by the planning director, if required by circumstances not reasonably foreseeable at the time the final development plan was approved.

2. All other alterations in the use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, including infrastructure design standards, or any other alterations that, in the discretion of the community development director and the city engineer, substantially change the planned unit development must be approved by the commission and passed by the council at public meetings for which public notice is given. The same type and quality of data shall be required as was necessary for the original final approval and passage. (Ord. 13-03 § 6, 2003; Ord. 5-91 (part), 1991)