

Chapter 7

**PLANNED UNIT DEVELOPMENT (PUD) OPTION**

- Sec. 7-1: PUD Purpose
- Sec. 7-2: PUD Review - General Administration
- Sec. 7-3: PUD Pre-application Meeting
- Sec. 7-4: Preliminary PUD Review
- Sec. 7-5: Final PUD Review
- Sec. 7-6: Residential PUD Density
- Sec. 7-7: Parkland Dedication
- Sec. 7-8: Reasoned Statement in Writing
- Sec. 7-9: PUD Required Findings
- Sec. 7-10: Conditions of Approval and Failure to Comply
- Sec. 7-11: Continuing Review, Vesting of Approval, and Time Extension
- Sec. 7-12: No Precedent or Transfer
- Sec. 7-13: Amendment Procedures
- Sec. 7-14: Applicability of Other Regulations

**Sec. 7-1. Planned Unit Development (PUD) Purpose.**

In selected instances, departures from the requirements and allowed uses of the zoning districts of this Zoning Code may be made based upon established criteria through the Planned Unit Development (PUD) option. The purpose of the PUD option is to permit and encourage innovative, economical and attractive development which allocates appropriate areas for improvements, open space, and recreation; which includes land uses which harmonize with natural features and constraints; which promotes efficient, innovative, economical, attractive, environmentally sensitive and mixed use development; and which efficiently phases and locates public and private services and facilities.

The PUD option should be used for innovative subdivision of land, or for innovative development, redevelopment or reuse of one or more parcels of developed or

undeveloped land under single ownership or control. It shall not be used as a mechanism to alter or to sidestep use and density provisions of the underlying Zoning District without acceptable justification, and shall not be used as a mechanism to address development issues which are more appropriately addressed by securing a Variance, Conditional Use Permit, Special Use Permit, and/or the rezoning of the land. (Ord. 2008-09, 05/19/2008)

**Sec. 7-2. PUD Review - General Administration.**

- A. Eligibility. Planned Unit Developments are only permitted within the AF, FR, SR, R-1, R-2, R-3, R-4, RO, NB, MB, and GB Zoning Districts. Since the purpose of the Neighborhood Business (NB) Zoning District is to provide commercial services which serve adjacent residential neighborhoods, and PUD proposed within the NB Zone shall incorporate at least one (1) commercial use located along the primary street frontage.
- B. Stages of PUD Review: Review of a proposed Planned Unit Development or of major modifications to an approved PUD shall consist of three (3) steps: an initial Pre-application Meeting, a Preliminary PUD Review, and Final PUD Review. With the concurrence of the Zoning Administrator, an applicant may combine the PUD Review Hearing with the hearings required for associated subdivision applications or zoning district changes.
- C. Neighborhood Meeting: Following the Pre-Application Meeting, every application submittal for a PUD shall be preceded by a neighborhood meeting, conducted in accordance with this Code, to provide the opportunity for neighboring land owners and residents to meet with the applicant to review and provide comments on the proposed PUD.
- D. Application and Fees: An application for PUD on a form provided by the

City, including five (5) copies of the required supplemental PUD application contents listed in this Chapter, shall be made to the City Zoning Administrator for any PUD application made pursuant to this Chapter.

- E. Public Hearings: Public hearing provided for herein shall comply with the notice and hearing procedures contained in Idaho Code Section 67-6509, and Chapter 10 of this Zoning Code.
- F. PUD Application Types: A PUD application which does not include nor require a concurrent subdivision plat application shall be processed and considered a Type 1 PUD application and shall be subject to the Type 1 Quasi-judicial hearing procedures of this Code and the Planning and Zoning Commission shall have the final approval authority upon the PUD application. A PUD application which does include a concurrent subdivision plat application shall be processed and considered a Type 2 PUD application and shall be subject to the Type 2 Quasi-judicial hearing procedures of this Code and the City Council shall have the final approval authority upon the PUD application.

(Ord. 2008-09, 05/19/2008; 2018-11, 08/20/2018)

**Sec. 7-3. PUD Pre-application Meeting.**

- A. Purpose: The pre-application meeting is intended to provide the opportunity to identify and discuss: (1) the appropriateness of the proposed concept for the subject land and how such may or may not fit with the intents and purposes of this Chapter, (2) strategies to improve the compatibility of the proposed PUD with the neighborhood, (3) variances from development standards, (4) mitigation of development impacts, (5) necessary or desired bonus provision elements; and/or (6) a tentative or potential application processing schedule prior to

substantial planning and design investments.

- B. Required Pre-application Meeting Materials: For the pre-application meeting, the applicant shall supply concept plans which show existing zoning of the parcel and adjacent parcels; approximate acreage of the parcel; proposed land uses including number and floor area of proposed housing units and commercial structures; and a concept statement describing how the proposed PUD departs from the underlying zoning requirements of the property, and stating how special features of the property or the proposed PUD make the development both desirable and compatible with other uses in the area.
- C. Conclusion of Pre-application Meeting: Upon the conclusion of the Pre-application Meeting, the Zoning Administrator shall prepare a list of comments and suggestions for any recommended amendments and/or modifications to the PUD concept and shall provide such list to the applicant for their use in further development of the application.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-4. Preliminary PUD Review.**

- A. Preliminary Review of PUD: An application for PUD, on a form provided by the City, including five (5) copies of the required supplemental PUD application contents listed in this Chapter, shall be submitted to the City for any PUD application made pursuant to this chapter. Additionally, no PUD application shall be accepted without payment of the related fee, established from time to time by Resolution of the Council. Copies of the PUD application shall be forwarded for review, comment and recommendation to the City Engineer, Fire Chief, Building Official, Parks Director and other City staff, as deemed appropriate by the Zoning Administrator. If a PUD proposal requires or includes an

application for subdivision, lot division, or lot line adjustment, the PUD application shall not be considered prior to or separately from such application for subdivision, lot division, or lot line adjustment. Where a PUD application involves a proposal which is subject to the requirements of the Subdivision Code and where there may exist inconsistencies between application submittal requirements of this PUD Code and the Subdivision Code, the more restrictive provision of the two (2) codes shall apply.

- B. Preliminary Review Application Materials: Required PUD application contents shall include plan drawings and related notations and detail drawings including the following:
1. PUD site plan;
  2. Existing grade plan showing the existing grade of the site in two foot (2') maximum contour intervals of the PUD site and extending a minimum of twenty feet (20') outside the PUD site;
  3. Proposed finished grading plan showing proposed finished grade at two foot (2') contour intervals within the site and extending a minimum of twenty feet (20') outside the PUD site, including slope and roadway profiles and any required or proposed retaining wall details;
  4. The location of all planned and existing thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private;
  5. The location, layout, and surfacing of all off-street parking areas;
  6. Property boundary lines.
  7. The individual lot lines of each parcel which is to be created for separate ownership;
  8. The location of easements for water lines, fire hydrants, sewer and storm sewer lines, and other utilities;
  9. Landscaping and tree planting plans with the location of existing trees and shrubs which are to be retained;

10. Common open spaces, and the particular uses intended for them;
11. Areas to be conveyed, dedicated, reserved or used for parks, playgrounds or any other public use;
12. The location, intended use, and number of dwelling units in each existing or proposed building or structure;
13. Elevation drawings of all typical proposed structures except single-family, detached housing which meet the yard requirements of the underlying zoning district. Such drawings shall be to scale and include all attached exterior hardware for heating and cooling;
14. A selection of the exterior materials for all buildings;
15. Development time schedule, including proposed phasing if applicable;
16. If individual lots are to be sold, a copy of an approved or proposed subdivision plat;
17. Lighting and signage proposals; and
18. The location(s), area dimensions and screening of garbage dumpster areas.

All submitted plans shall be drawn to a standard engineer's or architect's scale and may contain multiple categories of the above-listed information on any one plan drawing, provided that such plan drawing represents all information in an accurate and readily identifiable manner. Such plans shall contain information and detail as necessary to determine compliance with applicable codes, and to determine justification for bonus allowances requested pursuant to this Chapter. Any such plans depicting information related to such bonus allowances shall be consistent with the related bonus allowances text of the PUD application form. As part of the written application submittal, it shall be the responsibility of the applicant to articulate how special features of the site or proposed development, justify

departures from the specific provisions of the Zoning Code or Subdivision Code.

C. Commission Action:

1. Type 1 PUD Applications: Before taking action upon any Type 1 PUD application, the Planning and Zoning Commission shall conduct at least one (1) public hearing. Following the hearing, the Planning and Zoning Commission may give approval of Type 1 PUD application, approval subject to required modifications or conditions, or may deny the application.

2. Type 2 PUD Applications: Before taking action upon any Type 2 PUD application, the Planning and Zoning Commission shall conduct at least one (1) public hearing. Following the hearing, the Planning and Zoning Commission may recommend to the City Council: approval of the Type 2 PUD application; approval subject to required modifications or conditions; or denial of the application.

3. The decision of the Planning and Zoning Commission on a Type 1 PUD application may be appealed to the Council by the applicant or by any affected person as defined by this Code within fourteen (14) days of adoption of the Reasoned Statement of Relevant Criteria and Standards. Other than the time period for filing appeals, Section 4-8-6 of this Code shall apply to appeals to the Council of decisions by the Planning and Zoning Commission on any Type 1 PUD applications. Determinations by the Commission upon Type 2 PUD applications shall not constitute a final decision and cannot be appealed to the City Council.

D. Action by the Council: Before taking action upon any Type 2 PUD application, the Council shall conduct at least one (1) public hearing. Following such hearing the Council may: approve the Type 2 PUD application; approve the application

subject to required modifications or conditions; or deny the application.

E. Duration of Validity of Preliminary PUD Approval: Approval of a preliminary PUD proposal shall expire automatically eighteen (18) months after the date of approval unless final PUD approval has been obtained prior to such time. PUD applications for which approval has expired may be resubmitted for consideration and action by the Planning and Zoning Commission by following the same PUD procedures as for an original submission.

(Ord. 2008-09, 05/19/2008; 2021-09, 07/19/2021)

**Sec. 7-5. Final PUD Review.**

The final process is intended to give the Zoning Administrator, Planning and Zoning Commission, or the Council (in the case of Type 2 PUD application), an opportunity to determine whether the proposed development conforms to the intent of the preliminary approvals. The applicant is required to detail any proposed development agreements, condominium agreements, deed restrictions, or other commitments needed to assure adherence to the proposed development plan, and to provide final plans indicating how conditions or modifications imposed at preliminary approval will be met.

If the final proposal is substantially unchanged from the application provided preliminary approval earlier, and if it adequately incorporates all required conditions or modifications, it may be acted on by majority vote as a regular agenda item at a regularly scheduled meeting of the Planning and Zoning Commission, and the Council (in the case of a Type 2 PUD application). The Planning and Zoning Commission, Or City Council, may grant final approval, may grant final approval with minor modifications or conditions, or may deny the application.

If the proposal before the Planning and Zoning Commission, or the City Council in the case of a Type 2 PUD Application, differs significantly from the proposal

discussed at earlier public hearings beyond those changes required as conditions of the preliminary approval, or if conditions or modifications are contemplated which differ significantly from those presented at earlier hearings, then a new public hearing must be conducted by the Planning and Zoning Commission, or the Council (in the case of a Type 2 PUD application), prior to project approval.

Prior to final approval the applicant must submit any material listed in Code Section 4-7-5(A) above, which has not been previously submitted, plus:

- A. Evidence of clear title to any lands to be conveyed or reserved for parks, scenic ways, playgrounds, schools, public buildings, or other public purposes.
- B. Final plans for location of water, sewer, drainage and all other utilities, and plans for street improvements and grading.
- C. A final phasing plan.

Appeal to the Council: The actions of the Planning and Zoning Commission upon a Type 1 PUD application may be appealed to the Council within fourteen (14) days by the developer, by an affected person, or by a member of the Council. As a regular agenda item at a regularly scheduled meeting the Council may uphold or reverse the actions of the Planning and Zoning Commission, may approve the application with minor modifications or conditions, or may refer the application back to the Planning and Zoning Commission with instructions for further action. Actions of the City Council may be appealed in accordance with Idaho Code.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-6. Residential PUD Density.**

The residential density of a PUD shall not exceed the density established by this Section. The permitted number of dwelling units shall be the sum of the base density and any bonus density multiplied by the total acreage of the PUD.

The total acreage of the PUD shall include any area dedicated to the public or preserved as public open space or public easement within the PUD. In calculating

any PUD residential density, any fraction of a whole number shall not be permitted as a dwelling unit.

- A. Base Density. The base density for Zoning Districts shall be as follows:

---

Base Density By Zoning District.	
AF	0.10 dwelling units/acre
FR	0.29 dwelling units/acre
SR	0.9 dwelling units/acre
R-1	3.5 dwelling units/acre
R-2	4.8 dwelling units/acre
R-3	9.5 dwelling units/acre
R-4	24.0 dwelling units/acre
R-O	24.0 dwelling units/acre
NB	24.0 dwelling units/acre
MB	24.0 dwelling units/acre
GB	24.0 dwelling units/acre

Any lot upon which a detached single family dwelling is proposed shall not have a lot size limitation, except as required for purposes of the adopted City Building Code or as limited by the overall density permitted by the underlying Zoning District in addition to bonuses achieved through the PUD process regulations for the underlying zoning district, or as imposed by the Planning and Zoning Commission as a condition of PUD approval.

(Ord. 2006-10, 07/18/06)

- B. Required Building Setbacks. Building setbacks from property lines required by an underlying Zoning District shall not be applicable for PUD developments, except to/from the property line(s) serving as the outer boundary of the PUD, unless imposed and justified as part of the PUD approval or where such is required by the City Building Code. Front and rear yard setbacks to/from property lines serving as the outer boundary of the PUD may be modified or waived as part of the PUD approval.
- C. Bonus Allowances. The permitted residential density for a PUD shall be the base density plus any bonus percentage of the base density as granted by the Planning and Zoning

Commission or the Council. For all Zoning Districts, the maximum bonus percentage for any proposed PUD shall not exceed fifty percent (50%) of the respective base density. The allowance of a use or housing type not allowed as a permitted use in the underlying Zoning District may be granted as a PUD bonus, provided that such use is justified through the bonus categories of this Chapter and because of the nature and location of the proposed PUD. Where there is a conflict between maximum allowable bonus percentages, the most restrictive shall apply. The applicant shall provide sufficient plan detail and/or other written supporting information to justify any requested bonus density or request to allow any land use or housing type not otherwise permitted by the underlying Zoning District.

Bonuses may be awarded to a proposed PUD where they are found to conform to one (1) or more of the following categories:

1. Provision of Common Open Space.

Bonuses may be awarded for providing functional, common open space, which may be in the form of natural areas, floodplains, wetlands, stands of trees or other natural vegetation or riparian areas, playgrounds, active or passive recreational areas, internal pedestrian and/or bike paths and similar areas. Up to a ten percent (10%) maximum bonus may be awarded if at least twenty percent (20%) of the proposed PUD area is devoted for functional common open space, in excess of any open space required elsewhere in this Code.

2. Provision of Mixed Housing Types and/or Land Uses.

Up to a maximum ten percent (10%) bonus may be awarded for providing a mix of housing types and/or uses. Any combination of single family, duplex, multiple family residences, and/or commercial,

institutional or civic uses may qualify. Zero lot line, townhouse, or row house housing consisting of one (1) or two (2) story horizontally attached dwelling units, each having its own entrance and its own front and rear yard and intended for individual ownership, may also be included in this category of bonus allowances.

Housing types not explicitly permitted by the underlying Zoning District shall be limited to a maximum of thirty-three percent (33%) of the total number of dwelling units in the PUD development. The percentage of said housing types permitted in the PUD development may be increased to a maximum of fifty percent (50%) where the PUD proposal successfully incorporates at least three (3) other bonus categories.

Land Uses not permitted in the underlying Zoning District shall be limited to twenty percent (20%) maximum of the total Gross Floor Area (GFA) of the PUD development. However, the percentage of said GFA may be increased to a maximum of thirty-three percent (33%) where the proposal successfully incorporates at least three (3) other bonus categories.

3. Maintenance of Existing Land Contours, Vegetation, or other Special Site Features.

Bonuses may be awarded for proposals which are considerate of and sensitive to the existence of significant amounts of slopes in excess of twenty percent (20%), wetlands, drainages, ponds. Consideration shall be given to the minimization of excavations, fills, retaining walls, and removal of natural vegetative cover and other physical alterations to the site.

Lands which already have been significantly graded or where natural vegetation has been removed within five (5) years previous to the date of the PUD application are not eligible for this bonus. Bonuses will be awarded based on the amount of site disturbance

including whether there is minimal or slight disturbance; whether there is excavation other than for structural foundations; whether streets follow contours of the land; amount of grading; and whether there is removal of natural vegetation. Up to a ten percent (10%) bonus may be awarded under this category.

4. Provision of Major Recreational Facilities and/or Neighborhood Gathering Spaces.

Bonuses may be awarded for the provision of major recreational facilities and/or neighborhood gathering spaces, either public or private, such as ball courts, swimming pools, playgrounds, exercise rooms, or similar facilities. For each one percent (1%) of total project cost devoted to recreational facilities, a two percent (2%) bonus may be awarded, up to a maximum of six percent (6%).

5. Sustainable Development.

Projects which utilize building and/or development techniques which promote the health and preservation of the environment, as specified herein, and are developed under the Moscow Green Building Program, may receive a bonus of up to a maximum bonus of fifteen percent (15%) of the base density allowed for the PUD project.

a. Energy Conservation: Up to a six percent (6%) bonus may be awarded for PUD developments which reduce or conserve energy usage. Provision of building design, orientation, methods and equipment which are energy efficient, including solar access consideration, may earn bonuses for the PUD project. Application of such methods may receive a two percent (2%) bonus and include provision of insulation in outside walls which exceed the Code's R-value requirements, installation of Energy Star windows and Energy Star rated HVAC systems. Energy efficient equipment shall include fixtures, controls and appliances that have an

Energy Star approval. Use of such equipment may also earn a two percent (2%) bonus. A project can also earn an additional two percent (2%) bonus for using a renewable electricity generation system such as solar panels or wind generated power.

b. Materials and Resources: Projects which minimize material use and waste, and which use products that are environmentally friendly may receive up to a six percent (6%) bonus. Construction of smaller homes (as defined by LEED or its equivalent) and which utilize material efficient framing methods may earn a two percent (2%) bonus. Use of local materials and/or environmentally preferred products may earn a bonus of up to two percent (2%), dependent on a product or manufacturer's label that indicates the place of manufacture is within five hundred (500) miles of the City of Moscow, or is approved as environmentally friendly. Projects which minimize construction waste through material efficient methods and/or by using on-site recycling receptacles for construction materials may receive a two percent (2%) bonus.

c. Indoor Environmental Quality: Bonuses may be awarded up to eight percent (8%) of the base density for PUD projects which make an extended effort to improve the on-going indoor environment. Provision of outside air ventilation, exhaust vents, air distribution systems and HVAC air filters that exceed requirements of any applicable Code are eligible for a two percent (2%) bonus. Installation of permanent walk-off mats and central vacuums help to mitigate dirt and dust and may be awarded a two percent (2%) bonus. Homes should be protected from car emissions by tightly sealing walls between the garage and the home, providing an exhaust fan linked to the overhead door, and not locating air handling equipment in the garage; such provisions may be awarded a bonus of

two percent (2%). Not providing a garage may satisfy any bonus given for mitigating car exhaust in a garage. The use of finishing products, such as paint or carpeting, which minimize or eliminate toxic fumes that are common in standard products, may be awarded up to an additional two percent (2%) bonus.

d. Provision of Alternative Mode Transportation Features: Features which accommodate alternative mode transportation or promote decrease in automobile usage or traffic, such as bus shelters, turnouts, alternative fuel vehicle support facilities, car pool lots, pedestrian paths, bike racks, etc. may be awarded up to a two (2%) percent bonus.

e. Water Saving Features: A bonus may be awarded for inclusion of a storm water reuse system, xeriscaping or other water saving development features which are not otherwise required by the Code. Such other water saving features may include those which are sensitive to or which promote aquifer recharge. A total bonus of up to ten percent (10%) may only be awarded if both storm water reuse (five percent [5%] maximum bonus) and xeriscaping (five percent [5%] maximum bonus) are incorporated into the development. A detailed written statement and/or plan shall be provided by the applicant to justify a bonus under this category.

6. Provision of Street, Pedestrian and Bicycle Path Connectivity.

Bonuses may be awarded for increasing pedestrian, bicycle and/or vehicular connectivity between the proposed development and existing and/or future neighborhoods. To be awarded the bonus, such connectivity shall be in excess of adopted City policy and standards.

Connectivity shall promote neighborhood connectivity without overwhelming any particular street, bicycle or pedestrian path, or neighborhood. Examples of such

connectivity include reduced block length, provision of alleys, extremely limited cul-de-sac utilization, provision of pedestrian and or bicycle paths, and provision of traditional “grid pattern” street system. A maximum ten percent (10%) bonus may be awarded under this category.

7. Landscaping Plan.

A five percent (5%) maximum bonus may be awarded if the applicant provides a landscaping plan that is significantly in excess of the minimum landscaping otherwise required by the Zoning Code and that it would provide significantly greater benefit to the PUD site or the neighborhood.

8. Provision of Low and/or Moderate Income Housing.

Up to a maximum fifteen percent (15%) bonus may be awarded for providing low income, moderate income, and/or fair market rate housing units which make up a minimum of twenty percent (20%) of the total number of housing units in the PUD. For purposes of this Chapter, low and moderate income and fair market rate housing shall generally mean that which meets the quality and pricing requirements set by HUD and the Idaho Housing and Finance Association.

9. Other Functional or Aesthetic Development Features.

Other qualifying development features which are designed to visually complement or visually preserve the natural environment, especially scenic views, through use of appropriate materials may include, but are not limited to, architectural variety, building mass and height softening features, building location with regard to lot lines (staggered setbacks), the provision of alley access and scenic view corridor preservation for the benefit of others, recessed, side or rear loading garages, and the arrangement of parking such that it is not located within the required front nor street side yard or such that it is located behind or



underneath the building(s) and not readily visible from the street. Locating the parking behind or below structures shall warrant a higher bonus than locating the parking outside of the required front and street side yard, where it is visible from the street. The maximum bonus under this category will be up to ten percent (10%).

(Ord. 2006-10, 07/18/06; (Ord. 2008-09, 05/19/2008; 2018-11, 08/20/2018)

**Sec. 7-7. Parkland Dedication**

Any PUD application involving land for which public parkland dedication has not previously occurred subject to the public parkland dedication requirements of the Subdivision Code shall be subject to public parkland dedication requirements of the City Code, as recommended by the Planning and Zoning Commission and as determined by the Council. Such requirement shall apply regardless of an absence of any lot division or subdivision application accompanying the PUD application. Such public parkland dedication determination shall be based upon the anticipated impact of the PUD development proposal on the public park system and any mitigating public recreation or open space opportunities provided as part of the proposed PUD.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-8. Reasoned Statement in Writing**

Approval or denial of Planned Unit Development Permit application shall be in writing and shall be accompanied by a Reasoned Statement of Relevant Criteria and Standards adopted by the Planning and Zoning Commission, or Council, the relevant facts relied upon, and which explains the rationale for the decision based upon the Comprehensive Plan, the Idaho Code, this Code, the U.S. Constitution and the facts in the record.

The Reasoned Statement required herein may be in the form of meeting minutes or a separate written document, either of which is to be adopted by the applicable decision making body and signed

by the Chair thereof.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-9. PUD Required Findings.**

Prior to approval or recommendation of approval of any PUD, the Planning and Zoning Commission or Council must find:

- A. The proposed PUD is consistent with the Comprehensive Plan.
- B. The proposed PUD is consistent with the intents and purposes of this Chapter.
- C. The proposed PUD is compatible with the character and uses in the surrounding area.
- D. Public Services and utilities are available or can be made available and are adequate to accommodate the proposed PUD.
- E. The proposed PUD will not endanger the public health or safety.
- F. The residential densities, proposed land uses, and design proposed within the PUD, promote the innovative, efficient, economic, and attractive development of the subject property.

(Ord. 2008-09, 05/19/2008; 2016-04, 04/04/2016)

**Sec. 7-10. Conditions of Approval and Failure to Comply**

The applicable decision making body may impose conditions on the PUD development including, but not limited to: (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for on-site or off-site public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed PUD upon delivery of services by any political subdivision which provides service(s) within the planning jurisdiction. In the event of failure to comply with the approved PUD plans or with any of the conditions imposed upon the PUD project, such permit shall be

immediately revoked and shall be automatically null and void.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-11. Continuing Review, Vesting of Approval, and Time Extension**

- A. No permits shall be issued for the PUD property except for buildings or structures which conform to approved PUD plans.
- B. If building permits pertaining to an approved PUD, consistent with any proposed phasing, are not obtained within eighteen (18) months of the PUD approval, such PUD approval shall be immediately revoked and shall be automatically null and void. Phased building permits and construction are to be approved with phasing plans through the initial PUD approval process. Where an approved PUD includes a concurrent subdivision plat approval, the duration of the PUD approval shall run concurrently with the duration of the subdivision plat approval, as provided in the Subdivision Code.
- C. The applicant may request a one (1) time extension of a PUD approval not to exceed one (1) year. Such request shall be in writing and shall be approved by the applicable decision making body prior to expiration of the original PUD approval or such approval shall not be granted. Such request shall be reviewed based upon whether there have been, or are expected to be significant changes to the circumstances of the neighborhood, community or to City plans which raise doubt about whether they would have resulted in a denial of or the placement of additional mitigating conditions upon the original PUD approval and therefore warrant a new public hearing on the proposal.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-12. No Precedent or Transfer**

A PUD permit shall run with the land, shall be binding on all future owners, and shall not be establish a precedent to grant other PUD approvals. A PUD permit shall not be transferable from one parcel of land to another.

(Ord. 2008-09, 05/19/2008)

**Sec. 7-13. Amendment Procedures**

- A. PUD Amendment Procedure, Minor. Upon written request, minor changes to a PUD plan that do not meet the criteria for a Major PUD amendment, may be approved administratively by the Zoning Administrator. Such request shall set forth the exact nature and circumstances of the requested amendment and the reasons therefore and shall be submitted with plans and drawings necessary to support approval of the request. Consideration shall be given to the public hearing record of the original PUD application, the intents and purposes of this Chapter, and the standards of the Zoning and/or Subdivision Code. If the Zoning Administrator determines that the change may have significant impact on the approved project, the Administrator may decline to administratively approve such change and shall process the request as a Major PUD Amendment.
- B. PUD Amendment Procedure, Major. The Planning and Zoning Commission may approve, approve with conditions, or deny a Major PUD Amendment request for a Type 1 PUD following one (1) public hearing. For a Major PUD Amendment of a Type 2 PUD, the Planning and Zoning Commission shall conduct one (1) public hearing and forward a recommendation to City Council who shall conduct one (1) public hearing and approve, approve with conditions, or deny the amendment request. Proposed changes to a PUD that meet any of the criteria below shall constitute a Major PUD Amendment:

1. Increase the proposed enclosed floor area of any approved principal use (residential, commercial, etc.) by more than five percent (5%);
2. Exceed the residential density of the original PUD approval;
3. Alter the ratio of the number of dwelling units of differing housing types (single-family detached, twinhome, townhouse, multi-family, etc.) by more than ten percent (10%);
4. Substantially change the bulk or clustering of buildings, visual impact, theme of the development, location of uses, or the layout of lots, streets, trails, or pathways, except for minor adjustments within areas approved for development or within anticipated rights-of-way;
5. Substantially change the environmental impact of the development;
6. Substantially alter the phasing or timing of the development;
7. Reduce or eliminate the factors used to justify any density bonuses or Code standard waivers granted, substantially alter conditions of approval of the original PUD, or negate any justification of any of the Relevant Criteria and Standards in the Reasoned Statement supporting the original PUD approval.

(Ord. 2008-09, 05/19/2008)

(Ord. 2008-09, 05/19/2008; 2016-14, 10/03/2016)

**Sec. 7-14: Applicability of Other Regulations.**

Unless otherwise finally approved under this PUD process, a PUD shall conform to all requirements set forth elsewhere in this Zoning Code, expressly including, but not limited to, building height limitations, yard requirements on the perimeter of the PUD, parking requirements, and signage limitations. Unless a variation is specifically approved through this PUD process, a PUD shall comply with all provisions of any applicable subdivision regulation and all other applicable regulations and standards.