

**20.21.000 PLANNED DEVELOPMENT PROJECTS**

**20.21.010 PERMITTED.** The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted in an OPD Planned Development Overlay District without the customary division into individual lots, or without specific compliance to the district regulations as applicable to individual lots, subject to the regulations as hereinafter provided in Section 20.33.010.B.3 of this Ordinance.

**20.21.020 CLASSIFICATION.** For the purpose of this Ordinance all Planned Development shall be classified as follows and be limited to parcels of not less than the size indicated:

- 1. Residential ..... 75,000 sq. ft.
- 2. Commercial..... 100,000 sq. ft.
- 3. Industrial ..... 200,000 sq. ft.
- 4. Mixed ..... 100,000 sq. ft.

For Planned Development Projects in existing, developed areas where redevelopment is being proposed, parcels shall not be subject to the minimum square footage limitations set forth in this section, but the size of the project area subject to the Planned Development regulations of this Zoning Ordinance may be recommended by the Plan Commission and determined by the Common Council, based upon the criteria contained in Section 20.21.050 applicable to the type of the project being proposed.

**20.21.030 APPLICATION OF REGULATIONS.**

- A. In addition to the uses permitted in the underlying district, any other use may be permitted as hereafter designated in Section 20.34.250 consistent with the criteria established in 20.22.060 following.
- B. Individual uses and structures in a Planned Development Project District need not comply with the specific building location, height, building size, floor area, lot size, and open space requirements of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total development plan for such project consistent with the criteria as established in 20.22.060 following, and subject to such further requirements as are hereinafter specified under Section 20.34.250.

**20.21.040 PROCEDURE.**

- A. Petition: Petition may be made to the City Council by the owner or agent of property proposed for such development, to amend the zoning map by the overlaying of an OPD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee of \$25.00 plus \$1.00 for every acre or fraction thereof in the project area, and the following information.
  - 1. A statement describing the general character of intended development along with such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use makes it desirable to

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apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

2. A general development plan of the project showing the following: intended use or uses of land; the dimensions and location of proposed structures and of areas to be reserved for vehicular and pedestrian circulation; parking; public uses such as schools and playgrounds, park, landscaping and other open spaces; and architectural drawings and sketches illustrating the design and character of the proposed uses and the physical relationship of the uses.
- B. Referral to the Plan Commission and Architectural Review Board: Such petition shall be referred to the Plan Commission and processed as any other petition for zoning change except that copies of those exhibits of the petition which relate to building appearance shall at the same time be referred to the Architectural Review Board. Where the petitioner chooses to seek general approval of the land use and circulation pattern first, as mentioned in 20.20.060.B following, submittal of building plans to the Architectural Review Board can be delayed until more specific and detailed plans are required for approval to proceed. Upon completion of necessary study and investigation the Plan Commission shall make its recommendation to the City Council as to the appropriateness and desirability of the proposed zoning change, the suitability of the site and development plans and any additional conditions which it may feel necessary or appropriate. Where building plans have been submitted to the Architectural Review Board, the Board shall also make its recommendation to the City Council, basing their finding on the standards set forth in Section 20.30.000 of this Ordinance.
- C. Public Hearing: Upon receipt of the Plan Commission's recommendations, the City Council shall cause a public hearing to be held pursuant to Section 20.07.000 of this Ordinance.

**20.21.050      BASIS FOR APPROVAL.** The Plan Commission in making its recommendations and the City Council in making its determination shall give consideration and satisfy themselves as to the following:

1. That the proponents of the proposed development have demonstrated they intent to start construction within a reasonable period following the approval of the project and requested overlay of the OPD District, that the project appears economically sound, that adequate financing is possible, and that the development will be carried out according to a reasonable construction schedule to the City. The developers may not re-sell an approved planned development project without permission of the City, until construction is complete, and all terms of the project are complete to the City's satisfaction.
2. That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, that the

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specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the Planned Development Project Overlay District.

3. In the case of proposed residential developments:
  - i. That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community General Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the basic zoning.
  - ii. That the population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and General Plan.
  - iii. That the project will not create traffic or parking demand incompatible with that anticipated under the General Plan.
  - iv. That the total average residential density of the project will be compatible with the General Plan. For specific project density computation, the project area shall be measured to include all project land except those portions zoned Industrial or Wetland Floodplain, and exclusive of existing public right-of-way or public open space easement. The allowable maximum density shall be computed separately for each existing basic district except for Industrial and Wetland Floodplain Districts. The density shall be computed by multiplying the area in each such district by the percentage factor given in the following table and then dividing the result by the number of square feet per family unit as required by the table for that district. The total allowable density for the project is the sum of those individual computations. In the case of a project which includes land classified as Wetland Floodplain the total allowable density may be increased by the percentage which such land is of the total project area, but in no case more than 40%. In the case of any such land which is reclaimed from its Wetland Floodplain characteristic as a result of the project development, the total allowable density may be increased by the percentage which such reclaimed land is of the total project area. An increase in the computed allowable maximum density, not to exceed 10%, may be permitted upon recommendation of the Plan Commission that the increased density is justified in terms of the relationship to open areas, service demand, and the total quality

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and character of the project. In no case, however, shall the provisions of paragraph (5) following be waived.

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<b>Underlying Basic District</b>	<b>Percentage Factor</b>	<b>Density in Feet per Family</b>
R-1	100%	45,000
RS-1	100%	15,000
RS-2	90%	12,000
RS-3	85%	10,000
RS-4	80%	8,400
RS-5	100%	6,000
RS-6	100%	4,000
RM-1	100%	3,500
RM-2	100%	4,000
RM-3	100%	2,000
RM-4	100%	1,500
CCM	100%	As established by ODF
B-1	100%	1,500
B-2	100%	1,500
B-3	100%	10,000
B-4	100%	200
B-5	100%	10,000

- v. That the aggregate open space of the development will be no less than would have resulted from the application of open space requirements of the underlying district.
- vi. That adequate guarantee is provided for permanent retention as “open area” of the residual open land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public.
- vii. In the case of private reservation the open area to be reserved shall be protected against building development by conveying to the municipality as part of the conditions for project approval in open space easement over such open areas restricting the are against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for non-commercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the project plan or subsequently with the express approval of the City Council following approval of building, site, and operational plans by the Plan Commission.
- viii. The care and maintenance of such open space reservations shall be insured either by establishment of appropriate management organization for the project or by agreement with the municipality for

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establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the City shall have the right to carry out, and levy an assessment for the cost of, any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the City. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

- xi. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the municipality and made apart of the conditions of the plan approval.
4. In the case of proposed commercial developments:
- i. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
  - ii. That the proposed development will be adequately serviced by off-street parking and truck service facilities.
  - iii. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area incompatible with that anticipated under the General Plan.
  - iv. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating an effect upon the property values of the surrounding neighborhood incompatible with that anticipated under the General Plan.
5. In the case of proposed industrial developments:
- i. That the operational character, physical plant arrangement and architectural design of buildings will be compatible with contemporary performance standards and industrial development design and will not produce an effect upon the property values of the surrounding neighborhood incomparable with that anticipated under the General Plan.

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- ii. That the proposed development will have adequate provision for off-street parking and truck service areas and will be adequately served by rail or highway facilities.
  - iii. That the proposed development is properly related to the total transportation system of the community and will not produce an effect on the safety and efficiency of the public streets incompatible with that anticipated under the General Plan.
6. In the case of mixed developments:
- i. That the proposed mixture of uses produces a unified composite which is compatible within itself and which as a total development entity is compatible with the surrounding neighborhood and consistent with the general objectives of the General Plan.
  - ii. That the various types of uses conform to the general requirements, as hereinbefore set forth, applicable to projects of such use character.
  - iii. The allowable maximum residential density shall be computed in the same manner as provided for a residential development under 20.21.050 (3) iv.
  - iv. This figure shall then be reduced by the percentage which any non-residential use is of the total project area. In determining the area of non-residential use, landscaped area, pedestrian malls, or other areas which in the opinion of the Plan Commission contribute to the enhancement of the total project environment may be excluded.

## **20.21.060 DETERMINATION.**

- A. The Common Council after due consideration may deny the petition, approve the petition as submitted or approve the petition subject to additional information.
- B. The approval of a petition and consequent amending of the Zoning Map by an overlay of the OPD District shall be issued upon and include as conditions thereto, the building, site and operational plans for the development as approved as well as all other commitments offered or required with regard to project value, character or other factors pertinent to assuring that the project will be developed basically as presented on the official submittal plans, and shall be mapped and recorded as provided for conditional uses under Section 20.23.000 of this Ordinance. Such plans, however, need not necessarily be completely detailed at the time of Overlay zoning, provided they are of sufficient detail to satisfy the Plan Commission and City Council as to the general character, scope, and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, the basic pattern of land use, the size and arrangement of lots, and illustrate a "typical" example of the development proposed. The approval of such preliminary plans shall

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be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.

- C. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing shall be required.
- D. The provision of Section 20.23.000 governing termination of the conditional grant shall apply to such group project development.