

**Sec. 8-3047. Development standards in PUD-LU zoning districts.**

Within PUD-LU districts, the following provisions shall apply:

- (a) *Definition: planned unit development-limited use (PUD-LU).* The purpose of this district is to create an area within which a business planned development may be established under specified conditions designed to minimize impacts on surrounding land uses, preserve the carrying capacities of surrounding roadways, and maximize the visual compatibility of such development with its surroundings. Such development may include a mixture of uses, including residences.
- (b) *Plans required.* Before the issuance of any development permit within a planned unit limited development district (PUD-LU), preliminary and specific land use development plans and a plat of the site shall be submitted to and approved by the MPC. The development plan review shall follow the review procedures as set forth for planned unit developments in section 8-3033.
- (c) *Preliminary land use plan content.* The preliminary land use development plan shall show the traffic and pedestrian circulation plan, the location and dimension of buffer areas, the arrangement of uses, including the square footage (total gross floor area) of the proposed uses, i.e., retail, business, offices, net residential dwelling unit density, number of hotel/motel rooms, easements and dedications and such other information as is required for planned districts under the requirements of section 8-3031.

The planning commission shall not approve the land use development plan if it finds that the total peak hour trips that would be generated by the proposed development (along with traffic which could be generated by undeveloped adjacent properties) will adversely impact the traffic capacity (V/C ratio) of the streets which provide primary access to the proposed development. However, such disapproval requirement shall be waived upon the city and developer negotiating an agreement for the construction and installation of traffic improvements necessary to preserve and maintain acceptable traffic capacity as determined by the city traffic engineer for the primary access streets. Vehicular trip generation rates shall be obtained by utilizing the most current data and procedures established by the Institute of Transportation Engineers.

- (d) *Plat content.* The plat shall show the location and dimensions of buffers, easements, dedications and reservation of lands, setbacks and other conditions for development as approved by the planning commission. Such plat shall be signed by all owners of land shown on the approved land use development plan and be duly recorded prior to the issuance of building or development permits.

(e) *Permitted uses.* The following uses shall be permitted within a PUD-LU zoning district:

(1) *Retail business-service and office uses.*

- a. Lodging facilities: hotels/motels.
- b. Cultural facilities: art galleries; museums; theaters; libraries; churches; public and private schools; teaching of music, voice, and dance; and child care facilities.
- c. Offices of health services/practitioners: hospitals, physicians, surgeons, dentists and dental surgeons, osteopathic physicians, chiropractors and other licensed practitioners similar to those listed; laboratories serving professional requirements for dentists, physicians, and environmental assessments.
- d. Physical fitness and health service clinics: including a pharmacy and incidental sales as an accessory use.
- e. General office uses: including but not limited to administrative, sales representatives, legal service, engineering and architectural, accountants, auditing, bookkeeping, finance, real estate, insurance and personal services.
- f. Amusement and recreation: theater, tennis, bowling, billiards, video and mechanical amusement games.
- g. Retail sales and service: including but not limited to food stores, drugstores, clothing stores, home furnishings and hardware, specialty shops, craft shops, photography studios, art studios, antique shops, gift and floral shops, bookstores, office supplies and equipment, and outdoor sales incidental to permitted principal uses.
- h. Eating and drinking establishments: restaurants, which do or do not serve alcoholic beverages, cocktail lounges, nightclubs, taverns, and package stores.
- i. Printing or letter shops.
- j. Off-street parking lots/garages.
- k. And similar uses approved by the metropolitan planning commission.

(2) *Residential uses.*

- a. Multifamily dwellings, including townhouses, flats, apartments, or condominiums.
- b. Single-family row houses.
- c. Single-family detached and semidetached dwellings with each dwelling unit located on a separate lot.
- d. Two-family dwellings.

(f) *Specific land use development plan design standards for designated residential development.*

(1) *Open space requirement.* Common open space shall be not less than 20 percent of the total designated residential area exclusive of streets, drives and parking areas. Adequate common open space shall be provided to meet the recreational needs for the residents of the development.

(2) *Density.*

- a. The net dwelling unit density for the designated residential area shall be established by the MPC at the time the land use development plan is approved.
- b. The approved dwelling unit density shall be placed on the official zoning map along with the PUD-LU district.
- c. Density calculations may include up to 20 percent of any marshland, or wetlands (six feet MSL or less) located within a designated residential area.

(3) *Buffer.* All buffers and screening shall be as approved by the planning commission and shall be shown on the approved specific development plan.

A 100-foot natural or landscaped buffer shall be provided along the property line where a designated residential development abuts and exterior boundary of the PUD adjacent to a one- or two-family zoning district, including portions of streets (opened or unopened), unless an alternate buffer of equal or better protection is provided by the developer and approved by the MPC.

A 50-foot natural or landscaped buffer shall be provided between designated residential development and nonresidential uses within the PUD, excluding portions abutting a street right-of-way. Such buffer is to be maintained as part of the common open area for the development.

(4) *Street frontage.*

- a. Curb cuts shall generally be limited to one per 250 linear feet of thoroughfare frontage along major arterial streets.
- b. The minimum building setback requirements are as follows:
  - 1. Major arterial: 35 feet from the right-of-way;
  - 2. Collector: 20 feet from the right-of-way;
  - 3. Minor: 15 feet from the right-of-way.

(5) *Spacing of buildings.*

- a. The minimum spacing between multifamily buildings shall be not less than 20 feet; provided, however, where the front of a building faces the rear of a building the space between the front and rear of such building shall be not less than 50 feet.
- b. Detached and semidetached one- and two-family development shall meet or exceed the development standards for the P-R-6-S residential zoning district.

(6) *Parking.*

- a. Off-street parking spaces shall meet the requirements of article D, "off-street parking and service requirements."
- b. Rows of parking shall provide intermittent landscape spaces.
- c. Parking shall be provided within a walking distance of 200 feet from the nearest parking space to the main entrance of the building intended to be served.
- d. Parking lots shall be designed so that vehicles are not required to back into a street.
- e. Parking lots shall be separated from the street right-of-way by a natural or landscaped open space area not less than ten feet in width.

(7) *Preservation of common areas.* The developer or homeowner's association established by the developer, by recorded deeds, plats, covenants and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the land set aside for open space, parks or recreational use, and common off-street parking spaces established for the development unless such responsibility is legally assumed by a unit of government.

(g) *Specific land use development plan design standards for designated retail business-services and other nonresidential development.*

- (1) *Location.* The location and arrangement of all permitted uses and the design and construction of all buffered areas shall be in accordance with the approved land use development plan as approved by the planning commission.

Fast-food restaurants, nightclubs, lounges, taverns, package stores, amusement and recreational uses such as theaters, tennis, bowling, billiards, video and mechanical amusement games shall be located not less than 175 feet from any adjacent property exclusively zoned for one- and two-family dwelling structures. All outdoor sale areas, however, shall be located not less than 300 feet from any adjacent property exclusively zoned for one- and two-family dwelling structures.

Buildings shall be located not less than 125 feet from buildings located within a designated residential development area and not less than 60 feet from internal access roads and parking areas located within a designated residential development area.

- (2) *Density.* There shall be a minimum of two square feet of ground area for each one square foot of floor area. Where retail business uses are planned within a building designed primarily for nonretail business uses, such retail space shall not exceed 20 percent of the gross floor area of the building. Dwelling unit density, if applicable, shall be approved at the time the property is rezoned to a PUD-LU classification.

- (3) *Street frontage.*

- a. The development shall have direct access to and from arterial and/or collector streets. Individual uses within a PUD-LU district shall not have direct access to a public street abutting the area, but shall have access via common curb cuts and drives as determined by the traffic analysis study for the proposed development.
- b. Provision shall be made for the separation of truck service from general vehicular traffic as well as separation of vehicular traffic from pedestrian traffic, to the extent practical.
- c. Except as set forth herein, minimum building setback requirements shall be as approved by the planning commission and shall be shown on the approved specific development plan.

- (4) *Parking.*

- a. Off-street parking spaces shall meet the requirements of article D, "off-street parking and service requirements."

- b. Rows of parking shall provide intermittent landscaped spaces.
- c. Off-street parking spaces and driveways for nonresidential uses shall be not less than 50 feet from a residential building located within a designated residential development area.
- d. Parking lots shall be separated from the street right-of-way by a natural or landscaped open space area not less than ten feet in width.

- (5) *Buffers and screening.* All buffers and screening shall be as approved by the planning commission and shall be shown on the approved specific development plan.

A 100-foot natural or landscaped buffer shall be provided along the property line where a designated retail business-services or other nonresidential development abuts an exterior boundary of the PUD adjacent to a one- or two-family zoning district, including portions of streets (opened or unopened), unless an alternate buffer of equal or better protection is provided by the developer and approved by the MPC.

A 50-foot natural or landscaped buffer shall be provided between designated residential development within the PUD and nonresidential uses within the PUD, excluding portions abutting a street right-of-way. Such buffer is to be maintained as part of the common open area for the development.

Outdoor sales: All outdoor sales areas shall be visually screened from any adjoining use by landscaping or an architecturally designed fence, as approved by the MPC.

Out-parcels: All out-parcels shall be provided with a perimeter landscaped buffer along the property lines of such out-parcel of not less than 15 feet, as approved by the MPC, in order to visually separate the site from adjacent uses, parking, streets, and driveways.

- (6) *Open space.* Not less than ten percent of the land area of the development (excluding streets, drives, parking areas and required perimeter buffer area) shall be in common landscaped open space as approved by the planning commission and as shown on the approved land use development plan.
- (7) *Environment.* All buildings shall be constructed and uses and facilities shall be operated in a manner so as not to emit smoke or odor, or create objectionable noise or waste material.
- (8) *Storage.* Storage of all products, goods, and materials shall be within an enclosed building unless otherwise approved by the planning commission.