

## ***CHAPTER 1114. PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS***

### **1114.01 Purpose.**

Planned Unit Development (PUD) zoning provides flexibility for landowners, engineers, site planners, and developers and encourages ingenuity and creativity in land use design. It promotes the efficient use of land and provides amenities that benefit the community while conserving the character and resources of the area. The use of this zoning district furthers the vision and goals of the City of Delaware Comprehensive Plan, and all development reviewed through this process must conform with said plan.

### **1114.02 Mandatory applicability.**

Proposals shall be developed under PUD district provisions when the Planning and Community Development Department determines the development proposal exhibits one or more of the following characteristics or a characteristic of similar magnitude or nature:

- (a) The total gross area of the proposed development is ten acres or more in size except;
  - (1) Residential subdivisions submitted under standard zoning district requirements;
  - (2) Development proposed for A-1 zoned property, when all uses proposed for the development are permitted by A-1 zoning; or
  - (3) Development within Focus Areas as described in the City of Delaware Comprehensive Plan that prescribes specific approval procedures.
- (b) The proposed development involves uses permitted by standard zoning districts in accordance with this Title, and such uses are permitted by one or more PUD districts, and without PUD district zoning classification, the development would normally require the approval of more than one standard zoning district.

### **1114.03 Voluntary applicability.**

Applicants of proposals for development in which the development is determined, per section 1114.02, to not meet the conditions of mandatory PUD applicability may voluntarily request to be considered for PUD zoning classification and development under PUD district provisions. Approval for consideration shall not be construed or interpreted as approval of the requested PUD zoning.

### **1114.04 Planned Unit Development districts.**

Types of Planned Unit Development districts are classified as:

- (a) R-PUD (Residential Planned Unit Development)
- (b) C-PUD (Commercial Planned Unit Development)
- (c) MX-PUD (Mixed Use Planned Unit Development)
- (d) I-PUD (Industrial Planned Unit Development)

Each PUD district shall be governed by the requirements specified for each respective PUD district and the general provisions governing Planned Unit Developments.

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**1114.05 General provisions.**

- (a) Project control and ownership. Planned Unit Development district designation is intended to apply to development sites that are under single ownership or unified control to promote comprehensive design and development of the site. The project land may be owned, leased, or controlled by either one or more persons, partnerships, corporations, or other appropriate business associations capable of satisfying the objectives and requirements of the planned unit development district.
- (b) PUD agreement. Upon approval of a development plan, the City, at its sole discretion, may require the developer of the PUD to enter into a PUD agreement with the City, and to furnish a performance bond for the purposes of assuring satisfactory completion of all requirements for site improvements such as landscaping, stormwater facilities, and any conditions and safeguards as may be set by City Council and the adopted ordinance approving the specific PUD. At its discretion the City may accept a letter of credit or other form of performance guarantee and security in lieu of a performance bond. In all cases the sufficiency and adequacy of such bond, letter of credit, or other form of guarantee or security shall be at the sole determination of the City.
- (c) Utility requirements. All initial and future expanded utility systems within the limits of all PUDs are required to be placed underground. Utility systems subject to this requirement shall be those that primarily service the development within the PUD district and shall include, but not be limited to telephone, internet, cable, and electrical systems. Appurtenances of these systems that can effectively be screened may be excluded from this requirement if the City Council determines that such appurtenances are essential for utility service to other areas of the community and that such exclusion will not violate the intent or character of the proposed planned unit development or any conditions, restrictions, or other requirements imposed upon the development.
- (d) Application process and sequencing. The PUD approval process involves either a two-stage review or a concurrent review. The applicant may select either the two-stage review process or the concurrent review process. Unless the applicant informs the Planning and Community Development Department at the time of submission of the PUD zoning classification application of the selection of the concurrent review process, the process shall default to the two-stage review process.
  - (1) Two-stage review process.
    - A. Stage One. The first stage of the process consists of submission of an application for PUD zoning classification in accordance with 1105.03. The Planning Commission reviews and makes a recommendation on the PUD zoning classification application in accordance with 1105.06. Public Hearing and Notice by Planning Commission. The City Council then, in accordance with 1105.08. Public hearing and notice by Council, reviews the PUD zoning classification application and decides to either approve as submitted, approve with supplementary conditions, or disapprove the application. Approval of a PUD zoning classification only constitutes approval of PUD district zoning for the subject property.
    - B. Stage Two. The second stage of the two-stage review process consists of a development plan application for the subject property in accordance with Chapter 1105. A review and recommendation upon the development plan application is then conducted by the Planning Commission in accordance with 1105.10. The City Council then, in accordance with 1105.12, reviews the development plan application and makes an administrative decision to either approve the application as submitted, approve with supplementary conditions, or disapprove. Only upon approval of PUD zoning can the second stage commence.
  - (2) Concurrent review process. At the applicant's option, the first and second stages of the review process may be combined for a concurrent review. If the applicant elects such option, a PUD zoning classification

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application per 1105.03 and related development plan application per 1105.11 shall be simultaneously submitted by the applicant and both applications shall together proceed through the concurrent review process. In such case, the Planning Commission shall concurrently review both applications, but shall first make a recommendation upon the PUD zoning classification prior to making a recommendation upon the development plan application. The City Council shall then concurrently review both applications but shall first act upon the PUD zoning classification prior to taking administrative action upon the development plan application.

- (e) Application completeness and officially filed status. Planned unit development and development plan applications shall not be considered officially filed until the applicant has submitted all applicable filing fees, and submitted all information as may be required by the Planning and Community Development Department. Completeness of an application and submission of all necessary information is the responsibility of the applicant. Only after an application is determined by the Planning and Community Development Department to be complete and officially filed, will application review procedures begin. Applications for development plan approval that do not adhere to the substantial conformance requirements of 1114.07 (d) may be considered incomplete, not officially filed, and not subject to city review procedures.
- (f) Concept plan layout requirements. As part of the PUD rezoning application a concept plan may also be required. The buildings, circulation, open space, landscaping, and other elements of the proposed PUD should be arranged, planned, and designed on the site to produce:
  - (1) Favorable relationships with existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;
  - (2) Safety, convenience, and ease of pedestrian and vehicular movement on, about, and throughout the site and between the site and community;
  - (3) An overall positive visual quality throughout, into and from the development site;
  - (4) An efficient, functionally organized, and cohesive development;
  - (5) All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner; and
  - (6) Landscaping, screening, and tree preservation shall be as specified in Chapters 1121 and 1122.
- (g) Zoning map identification. Areas approved as a planned unit development district will be clearly marked and identified on the zoning map by indicating the specific PUD district upon which approval was granted, either R-PUD, C-PUD, MX-PUD, or I-PUD; followed by the appropriate case number (i.e. "C-PUD 24-1").
- (h) Transition of PUD provisions and regulations.
  - (1) Effective date of Chapter 1114 revisions. The provisions and regulations of this Zoning Code pertaining to planned unit developments, Chapter 1114, are effective May 22, 2024 per ordinance 24-26.
  - (2) Previous overlay approvals. Existing sites with PRD, DBMFD, and PMU designations shall continue to be enforced per their original approvals and governed by their development text, except for procedures which shall adhere to Chapter 1105 of this code. Should at any point, the overlay be amended or modified, the applicant shall proceed through the PUD process, adopting the existing condition of the site as the approved site plan. The new PUD shall be governed by the provisions and regulations of this chapter.
- (i) Appeal of Director of Planning and Community Development determination. To assure that Planning Commission and City Council have all information pertinent to the decision-making process contained within this section, the Planning and Community Development Director has been given the responsibility to require additional information as necessary for Planning Commission and City Council to make informed decisions. Any applicant who objects to the provision of additional information may request a determination by Planning

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Commission at its next regularly scheduled meeting. No further action shall take place regarding the application and submission until the Planning Commission has rendered its decision, which shall be final.

**1114.06 Approval procedures for Planned Unit Development (PUD) zoning classification.**

- (a) Notice to applicants. Notice is hereby provided to all applicants that:
  - (1) Approval of PUD zoning classification shall not be deemed approval of a development plan or approval of a certificate of building and zoning compliance.
  - (2) The issuance of a certificate of building and zoning compliance for all or any portion of a PUD project requires City Council approval of a development plan; and
- (b) Pre-application meeting. Prior to filing an application for Planned Unit Development zoning, the applicant or their agent is required to meet with the Planning and Community Development Department. The purpose of the pre-application meeting is to generally discuss the proposed development with all pertinent departments and the PUD process and its requirements. The applicant shall note that no statement or representation of the Planning and Community Development Department or any other city department during this pre-application meeting or any subsequent pre-application meetings shall be binding upon the Planning Commission, City Council, or the City.
- (c) Approval procedures for a PUD zoning classification are set forth in Chapter 1105, sections 1105.05 through 1105.09
- (d) Standards and criteria for Planned Unit Development zoning approval. A Planned Unit Development zoning classification shall only be approved when the following standards and criteria are satisfied:
  - (1) The Planned Unit Development complies with the purpose and intent of this Zoning Code;
  - (2) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the City;
  - (3) The proposed zoning and the conditions and requirements incorporated within the ordinance approving the PUD zoning district provide for minimizing impacts on the surrounding properties;
  - (4) The site will be accessible from current or planned public thoroughfares and shall be sufficiently designed to carry traffic which will be imposed upon them by the proposed development;
  - (5) Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the City and the public;
  - (6) Existing and proposed utility services for the proposed residential population densities and nonresidential uses which are or will be available to the project;
  - (7) The proposed development complies with applicable requirements and conditions of 1114.05;
  - (8) The proposed development carries out the purposes and intent of the City's Comprehensive Plan
  - (9) Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the city, adequate assurance has been provided by the applicant and to the satisfaction of the city that such objective will be achieved;
  - (10) Any permitted, conditional, or accessory uses excluded from the specific proposed planned unit development are based upon findings in accordance with 1114.12(b), 1114.13(b), 1114.44(b), and 1114.15(B); and
  - (11) The planned unit development can be substantially completed within the time specified in the schedule of development submitted by the applicant.

### **1114.07 Approval procedures for a Development Plan.**

- (a) Notice to applicants. Notice is hereby provided to all applicants that:
- (1) Approval of PUD zoning classification shall not be deemed approval of a development plan or approval of a certificate of building and zoning compliance;
  - (2) The issuance of a certificate of building and zoning compliance for all or any portion of a PUD project requires City Council approval of a development plan; and
  - (3) In accordance with divisions (c), (d) and (e) of this section, unless an extended approval period is granted, approval of any development plan shall expire if actual start of construction has not commenced in the area of approval for the respective development plan within one year from the effective date of City Council approval of the plan.
- (b) Required development plan application. Prior to the issuance of a certificate of building and zoning compliance for any PUD project, a development plan application shall be officially filed in accordance with Chapter 1105 Procedures, Sections 1105.10 through 1105.15
- (c) Previously approved development plans. A development plan approved by City Council shall be deemed null and void upon approval of a subsequent development plan for all or part of the same property, unless otherwise conditioned by City Council.
- (d) Development plan conformance with approved PUD.
- (1) An officially filed development plan shall conform to the PUD zoning plans, concepts, schedules, and development information as approved by City Council. If the Planning Director or the Planning Commission determines that the officially filed development plan does not conform, the applicant may either modify the plan to the extent necessary for conformance and resubmit for review or start afresh and submit a development plan for review or apply for an amendment to the PUD zoning classification ordinance. A submitted development plan shall not be considered officially filed if the Planning Director determines prior to Planning Commission review that the submitted plan does not adhere to the substantial conformance requirement.
  - (2) At the discretion of the Planning Commission, a submitted development plan that contains modifications to the plans, concepts, schedules, and development information as approved by City Council, may be determined to substantially conform. In no event shall a development plan be determined to substantially conform if the development plan involves changes in permitted uses as per 1114.09, or changes which result in exceeding any limitation or any maximum amount imposed by an ordinance originally granting or amending the PUD zoning classification for the subject property.
- (e) Standards and criteria for development plan approval. A development plan shall only be approved when the following standards and criteria are satisfied:
- (1) The development plan complies with the purpose and intent of the specific PUD zoning;
  - (2) The proposed development carries out the purpose and intent of the City's Comprehensive Plan;
  - (3) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the City;
  - (4) The development plan substantially complies with the substantial conformance requirement of division (d);
  - (5) The proposed development has no significant detrimental impact that outweighs the development's benefits to the community;
  - (6) The proposed streets and driveways on the site of the proposed development will be appropriate to serve the residents, occupants, or users of the proposed development, and the development plan, along

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- with any necessary off-site vehicular circulation improvements, provides appropriate vehicular ingress and egress and will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;
- (7) The proposed development minimizes conflicts between vehicular, pedestrian, and bicycle circulation patterns and movement and adheres to all City plans regarding bicycle and pedestrian improvements;
  - (8) The benefits of the proposed development mitigate any burden on public services and facilities, including fire and police protection;
  - (9) Existing and proposed utility services for residential population densities and nonresidential uses are adequate for the projected demand during all phases of development and at full completion of development;
  - (10) The proposed development complies with applicable requirements and conditions of 1114.05;
  - (11) Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the city, adequate assurance has been provided by the applicant and to the satisfaction of the city that such objective will be achieved;
  - (12) The design and other amenities incorporated in the proposed development will provide increased benefits to the residents, occupants, users and the community and such design and other amenities are in accord with the planned unit development provisions of this Zoning Code and other applicable ordinances of the City;
  - (13) The proposed development contains such covenants, easements, and other such forms of property rights and control as may reasonably be required for the maintenance and care of common, private facilities and for public health, safety, and welfare. If governmental ownership of common open space, recreational facilities, or other common facilities is planned, a copy of its acceptance has been filed with the application; and
  - (14) The proposed development shall comply with all standards established by the City Engineer as outlined in the City of Delaware Engineering Design Standards.

**1114.08 Planned Unit Development binding and enforceable conditions and obligations.**

If any portion of property included in a Planned Unit Development is sold or leased, the PUD zoning classification and development plan obligations shall continue to be binding upon all subsequent owners or lessees, regardless of the acreage involved in the sale or lease. As a matter of procedure, all terms and conditions of any planned unit development zoning classification and development plan that were approved by the City Council in the past or may be approved in the future shall remain binding upon and enforceable against the subject tract of land, except to the extent modified in accordance with 1105.13.

**1114.09 Modifications to PUD permitted uses.**

The permitted uses for an approved PUD include all uses identified as permitted and accessory uses for the type of PUD district under which the PUD was approved, except those uses expressly identified as excluded uses in the ordinance granting PUD zoning approval for the subject property. Upon PUD zoning approval, an applicant is not required to develop all uses permitted for the applicant's specific PUD, however, an applicant shall only develop those uses permitted for the specific PUD. Any request to modify or change the permitted uses of a specific PUD, as such uses are identified in 1114.12(b), 1114.13(b), 1114.14(b) or 1114.15(b), and as may be conditioned by the original ordinance granting PUD zoning classification for the subject property, requires an amendment to such ordinance. Upon a request to modify or change the permitted uses for a specific PUD, the City, at its discretion, shall require the applicant to either submit a new, full application in accordance with 1105.04 or submit a modified PUD zoning application, or submit supplementary materials to accompany the original PUD zoning application

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materials. In all cases, proposed amendments to the original zoning ordinance shall be subject to review and approval procedures in accordance with 1105.03.

**1114.10 Similarity of uses and conditional uses.**

- (a) Similarity of uses. The Planning Commission shall have the power and duty to determine if uses not specifically mentioned in this Zoning Code are similar to uses permitted in planned unit development districts. In no event shall a determination of similarity of use by the Planning Commission overrule a City Council determination of exclusion of uses from a specific PUD, and the ordinance originally granting or amending PUD zoning classification shall govern. If a PUD zoning classification application includes a list of intended uses which requires a determination of similarity, the Planning Commission shall make such determination before its review and recommendation on the PUD zoning application or concurrently to its review and recommendation on the PUD zoning application.
- (b) Conditional uses within PUDs. The Planning Commission shall have the power and duty to hear and decide upon applications for conditional uses within a PUD. The Planning Commission shall approve, deny, or approve with conditions, PUD conditional use applications. A conditional use request may be combined with a development plan application and must adhere to all requirements set forth in sections 1105.16 through 1105.19.

**1114.11 Modifications to approved development plans.**

Requests to modify an approved development plan, when such requested modification does not involve a change of permitted uses for the specific PUD, may be approved by administrative action and the procedures for such are set forth in section 1105.13.

**1114.12 R-PUD Residential Planned Unit Development districts.**

- (a) Intent. To encourage and accommodate, in a unified project, creative and imaginative residential developments that utilize innovations in land development that are in the best interests of the City, and to preserve sensitive natural areas and open space that contribute to the character of the City of Delaware. The R-PUD designation provides for a variety of dwelling types, including single-family detached, clustered, and attached single-family units.
- (b) Permitted, accessory and conditional uses.
  - (1) The permitted, conditional, and accessory uses in R-PUD districts are those uses included as permitted and accessory uses in residential districts, excluding manufactured home developments. One or more of these permitted and accessory uses may be excluded from the specific R-PUD when the City Council determines that the specific permitted or accessory use normally allowed in the listed residential districts is inappropriate for the specific R-PUD. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
    - A. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the City's Comprehensive Plan or other approved plans of the city; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; or
    - B. Will not promote the purpose and objectives of the planned unit development provisions of this code; or
    - C. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development.

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- (c) Land use intensity. For R-PUDs, the coverage of the total gross area of the development shall not exceed 65% of the entire development. For the purposes of this section, coverage shall be interpreted to include the area covered by all buildings, all parking areas, all driveways, and all public and private streets and paved rights-of-way. Structures and other impervious surfaces included within, and developed as an integral part of an area of open space may, at the sole discretion of the Planning Commission and City Council, be excluded from the coverage of the total gross area percentage. Developers of R-PUDs are encouraged to achieve an approximate equal distribution of coverage for each individual phase or subarea of the total PUD.
  - (1) Open space requirements. A minimum of ten (10) percent of the provided open space shall be common open space and shall be located and designed to:
    - A. Be sufficiently aggregated to create large areas of planned open space.
    - B. Conserve significant natural features to the extent practicable.
    - C. Be easily accessible to residents of the PUD.
    - D. Be interconnected open space areas on abutting parcels whenever possible, by open space corridors.
- (d) Land use density. The overall density of a R-PUD shall be established during the rezoning stage and shall be consistent with the recommendations of the City's comprehensive plan.
- (e) Lot requirements:
  - (1) The minimum lot width, in one-family R-PUDs shall be 40 feet.
  - (2) When designing site plans for proposed, one-family R-PUDs which will abut existing residential developments, the lot size for the proposed lots which are directly adjacent to the existing residential lots shall be similar in size and width to existing adjacent residential lots.
- (f) Building Design Criteria. All buildings within a R-PUD shall, at a minimum, incorporate building design as generally prescribed in Chapter 1120 of the zoning code. A higher level of creativity in design and materials may be required to meet the intent of the PUD zoning designation.
- (g) Building height regulations. No building shall be erected more than 45 feet in height, except at the discretion of the City Council, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.
- (h) Landscaping, screening, and tree preservation. See Chapter 1121 Landscaping, Screening and Buffering and Chapter 1122 Tree Preservation Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (i) Exterior lighting. See Chapter 1124 Lighting Plan. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (j) Parking. Parking shall be provided in accordance with Chapter 1123, Off-Street Parking and loading Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (k) Signs. In conjunction with and at the same time as submission of a development plan application, the applicant may submit a comprehensive sign plan specifically fashioned for the PUD. The applicant may submit

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a comprehensive sign plan specifically fashioned for the PUD for separate approval as an incidental modification to be considered and decided upon by the Director of Planning and Community Development.

- (l) Variances. Variances within R-PUD districts shall be applied for in accordance with Chapter 1105 Procedures. They shall be considered on a case-by-case basis for individual parcels. The granting of a variance for an individual parcel shall not be considered approval of a variance for any other parcel within the same or any other district.

**1114.13 C-PUD Commercial Planned Unit Development districts.**

- (a) Intent. To allow flexibility that encourages the creative design and development of non-residential uses in a manner which enhances the community through the application of urban design and architectural principles, high quality construction techniques, and the provision of aesthetic amenities.

- (b) Permitted, accessory, and conditional uses.

- (1) The permitted, conditional, and accessory uses in C-PUD zoning districts are those uses included as permitted, conditional, and accessory uses in commercial zoning districts. One or more of these permitted, conditional, and accessory uses may be excluded from the specific C-PUD when the City Council determines that the specific permitted, conditional, or accessory use is inappropriate for the specific C-PUD. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:

- A. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the City's Land Use Plan or other approved plans of the city; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; or
    - B. Will not promote the purpose and objectives of the planned unit development provisions of this code; or
    - C. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.

- (c) Land use intensity. For C-PUDs, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

Maximum coverage by all buildings	Maximum coverage by all buildings and impervious surface
40%	70%

- (d) Building height regulations. The maximum height of any building in a C-PUD District shall be 55 feet, except, at the discretion of the City Council, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

- (e) Landscaping, screening, and tree preservation.

- (1) See Chapter 1121 Landscaping, Screening and Buffering and Chapter 1122 Tree Preservation Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such

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modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.

- (2) Any commercial development proposed to be located within 1,000 feet of any existing or proposed residential district or project shall present and implement plans for providing a barrier from noise generated by the activities of the commercial development. These activities include but are not limited to loading dock and delivery activities, truck movements, idling and parking, waste collection, compactor or shredding activities, roof mounted and ground mounted mechanical equipment, and parking lots and driveways. Methods which may be utilized include earthen mounding, solid masonry walls, permanent engineered sound barriers, or other methods or materials of equal affect as those listed above. The noise barrier shall be tall enough to exceed the height of any noise source such as truck engines and exhaust stacks.
- (f) Exterior lighting. See Chapter 1124 Lighting Plan. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (g) Parking. Parking shall be provided in accordance with Chapter 1123, Off-Street Parking and loading Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (h) Signs. In conjunction with and at the same time as submission of a development plan application, the applicant may submit a comprehensive sign plan specifically fashioned for the PUD. The applicant may submit a comprehensive sign plan specifically fashioned for the PUD for separate approval as an incidental modification to be considered and decided upon by the Director of Planning and Community Development.

**1114.14 MX-PUD Mixed use Planned Unit Development district.**

- (a) Intent. The Mixed Use Planned Unit Development district (MX-PUD) and its regulations are established to provide a flexible zoning management tool that responds to sites with unique physical, service, and functional constraints which also meets the needs of integrated developments that may mix residential, retail, office, institutional, civic, and open space uses in creative projects.
- (b) Permitted, accessory and conditional uses.
  - (1) The permitted, conditional, and accessory uses in MX-PUD zoning districts are those uses included as permitted, conditional and accessory uses in residential and commercial districts, excluding manufactured home developments. One or more of these permitted, conditional, and accessory uses may be excluded from the specific MX-PUD when the City Council determines that the specific permitted, conditional, or accessory use is inappropriate for the specific MX-PUD. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
    - A. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the City's comprehensive plan or other approved plans of the city; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; or

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- B. Will not promote the purpose and objectives of the planned unit development provisions of this code; or
  - C. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
- (2) MX-PUD residential uses. Residential uses in MX-PUD Districts are intended to be developed as separate, residential subareas of the MX-PUD. Residential uses shall only be developed in MX-PUD Districts when the following conditions are satisfied:
- A. If a non-residential use is planned or developed within a horizontal distance of less than 100 feet from a proposed residential use, the residential uses shall be developed only at the second story or higher of buildings in which grade level use is a business, office or commercial MX-PUD District permitted, or accessory or approved conditional use.
  - B. The overall density of a MX-PUD shall be established during the rezoning stage and shall be consistent with the recommendations of the City’s comprehensive plan.
  - C. The minimum lot width in single-family portions of MX-PUDs, shall be 40 feet.
  - D. When designing site plans for proposed, MX-PUDs which will abut existing residential developments, the lot size for the proposed residential lots which are directly adjacent to any existing residential lots shall be similar in size and width to those existing adjacent residential lots.
- (c) Land use intensity. For MX-PUDs, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

Maximum coverage by all buildings	Maximum coverage by all buildings and impervious surface
40%	70%

- (d) Building height regulations. The maximum height of any building in a MX-PUD District shall be 55 feet, except, at the discretion of the City Council, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.
- (e) Landscaping, screening, and tree preservation.
- (1) See Chapter 1121 Landscaping and Screening Regulations and Chapter 1122 Tree Preservation Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
  - (2) Any commercial development proposed to be located within 1,000 feet of any existing or proposed residential district or project shall present and implement plans for providing a barrier from noise generated by the activities of the commercial development. These activities include but are not limited to loading dock and delivery activities, truck movements, idling and parking, waste collection, compactor or shredding activities, roof mounted and ground mounted mechanical equipment, and parking lots and driveways. Methods which may be utilized include earthen mounding, solid masonry walls, permanent engineered sound barriers, or other methods or materials of equal affect as those listed above. The noise barrier shall be tall enough to exceed the height of any noise source such as truck engines and exhaust stacks.

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- (f) Exterior lighting. See Chapter 1124 Lighting Plan. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (g) Parking. Parking shall be provided in accordance with Chapter 1123, Off-Street Parking and loading Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (h) Signs. In conjunction with and at the same time as submission of a development plan application, the applicant may submit a comprehensive sign plan specifically fashioned for the PUD. The applicant may submit a comprehensive sign plan specifically fashioned for the PUD for separate approval as an incidental modification to be considered and decided upon by the Director of Planning and Community Development.
- (i) Variances. Variances within residential portions of MX-PUD districts shall be applied for in accordance with Chapter 1105, Procedures. They shall be considered on a case-by-case basis for individual parcels. The granting of a variance for an individual parcel shall not be considered approval of a variance for any other parcel within the same or any other district.

**1114.15 I-PUD Industrial Planned Unit Development.**

- (a) Intent. To provide a flexible zoning management tool that meets the needs of manufacturing developments that have unique needs that cannot be adequately addressed through a standard industrial zoning district.
- (b) Permitted, accessory and conditional uses.
  - (1) The permitted, conditional, and accessory uses in I-PUD zoning districts are those uses included as permitted, conditional, and accessory uses in Light Industrial and General Manufacturing districts. One or more of these permitted, conditional, and accessory uses may be excluded from the specific I-PUD when the City Council determines that the specific permitted, conditional, or accessory use is inappropriate for the specific I-PUD. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
    - A. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the City's comprehensive plan or other approved plans of the city; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; or
    - B. Will not promote the purpose and objectives of the planned unit development provisions of this code; or
    - C. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.

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- (c) Land use intensity. For I-PUDs, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

Maximum coverage by all buildings	Maximum coverage by all buildings and impervious surface
40%	80%

- (d) Building height regulations. The maximum height of any building in a I-PUD District shall be 70 feet, except, at the discretion of the City Council, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.
- (e) Landscaping, screening, and tree preservation.
- (1) See Chapter 1121 Landscaping, and Screening Regulations and Chapter 1122 Tree Preservation Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
  - (2) Any industrial development proposed to be located within 1,000 feet of any existing or proposed residential district or project shall present and implement plans for providing a barrier from noise generated by the activities of the commercial development. These activities include but are not limited to loading dock and delivery activities, truck movements, idling and parking, waste collection, compactor or shredding activities, roof mounted and ground mounted mechanical equipment, and parking lots and driveways. Methods which may be utilized include earthen mounding, solid masonry walls, permanent engineered sound barriers, or other methods or materials of equal affect as those listed above. The noise barrier shall be tall enough to exceed the height of any noise source such as truck engines and exhaust stacks.
- (f) Exterior lighting. See Chapter 1125 Lighting Plan. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (g) Parking. Parking shall be provided in accordance with Chapter 1123, Off-Street Parking and loading Regulations. Upon approval of the City Council, any of these requirements may be modified, provided that such modification will improve the design and functionality of the site, increase benefits to the community that are derived from the development, and will not adversely affect surrounding neighborhoods and public facilities.
- (h) Signs. In conjunction with and at the same time as submission of a development plan application, the applicant may submit a comprehensive sign plan specifically fashioned for the PUD. The applicant may submit a comprehensive sign plan specifically fashioned for the PUD for separate approval as an incidental modification to be considered and decided upon by the Director of Planning and Community Development.