

Section 4.14 PUD-1 Planned Unit Development District

4.14.02 **Intent:** The intent of the PUD-1 District is to encourage the creative design of new living, retail, industrial, and recreational areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. A PUD-1 district shall be used whenever “Conservation Easements” and “Density Bonuses” are implemented.

The PUD-1 District is a floating zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed by staff to assure that these conditions can be met.

4.14.02 **Procedure**

The Zoning Commission shall make a report to the Board of Supervisors setting forth its reasons for recommendation of approval or denial of the application for a PUD-1 District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

Said Planned Unit Development shall be in general conformity with the provisions of the Boone County Comprehensive Development Plan.

1. Said Planned Unit Development shall not have a substantially adverse effect on the development of the neighboring area.
2. The *minimum size* allowed for a PUD-1 District shall be as follows:
 - Residential, three (3) acres;
 - Mobile Home Parks, five (5) acres;
 - Commercial, three acres;
 - Residential-commercial, four (4) acres;
 - Recreational, five (5) acres;
 - Industrial, five (5) acres;
 - Industrial - commercial, ten (10) acres;
 - Agricultural, five (5) acres;
 - Transitional Agriculture, five (5) acres.
3. Height, bulk, and setback requirements may be varied so as to promote an efficient and creative PUD-1 District.

4.14.03 **Use Regulations:**

In District PUD-1 no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in the primary underlying Zoning District. All uses must be approved as shown on the development plan as specified in this division.

4.15.04 **Standards and conditions for development:**

A Planned Unit Development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state:

1. The applicant shall satisfy the Zoning Commission that he/she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application

by the County Board of Supervisors. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Zoning Commission upon the showing of good cause by the developer.

2. The developer shall provide and record easements and covenants, shall make such other arrangements and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the County Board of Supervisors to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
4. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
5. The entire tract or parcel of land to be occupied by the Planned Unit Development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such Planned Unit Development shall be *filed jointly by all owners*.
6. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
7. Off-street parking and loading shall be provided in accordance with the parking and loading regulations, see Article 6 of this Ordinance.
8. When a commercial use within a PUD-1 District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way.
9. All residential and commercial buildings shall be set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Zoning Commission for protection of health, safety, and general welfare. Street setbacks shall be increased to one-hundred (100) feet when the lot is adjacent to a County, State, or Federal roadway.
10. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:
 - Residential, forty (40) percent maximum;
 - Commercial, thirty-five (35) percent maximum.
11. A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Subsection 16 below. Common

open space for the leisure and recreation of PUD-1 residents only shall be owned and maintained in common by them, through a homeowner's association.

12. The PUD-1 District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the County Board of Supervisors if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the Planned Unit Development or of the entire community.
13. No residential use shall have direct access onto an arterial street.
14. All commercial areas must have access to a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
15. Sidewalks, when required, shall be built to minimum specifications along all public streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.
16. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space that is accessible and available to all occupants in common by a homeowner's, condominiums, or resident's association. Open space shall include all areas noted as being under a "Conservation Easement"
17. The PUD-1 District may allow for Cluster Developments provided they meet the definition of this Ordinance and/or the developer creates an open space area which also contains a centralized sanitary sewer system which meets all requirements of the State of Iowa for design and proper design capacity, including all other required permits. Cluster Developments, including those requesting "Density Bonuses" are encouraged when using "Conservation Easements"
18. The developer shall submit plans for the development to the Zoning Office, the Health Department and the Iowa Department for Natural Resources for review. The PUD-1 District shall not be approved until all criteria have been met for the District, including approval of the sanitary septic system by the Boone County Sanitarian and the State of Iowa. The developer or a Homeowners Association shall be responsible for properly maintaining the system.

4.14.05

Application for approval of Preliminary PUD-1:

1. An application for a PUD-1 shall be handled in the same manner prescribed for amending this chapter. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit thirteen (13) copies of the preliminary development plan for review by the Zoning Commission. Said preliminary shall include:
 - a. A site plan showing:
 - i. Contours at intervals of five (5) feet or less or spot elevations on a one hundred (100) foot grid shall be required on flat land;
 - ii. Location, size, height, and use of all proposed structures in conformance with the yard requirements;

- iii. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - iv. All streets adjoining subject property and the width of the existing right-of-way;
 - v. Areas set aside for public and private open space, and "Conservation Easements" with the type of recreational facilities planned for each and indicated;
 - vi. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - vii. Designation of individual lots if such lots are proposed to be sold to individual owners;
 - viii. Location of required screening;
 - ix. Location of natural features such as ponds, tree clusters, and rock outcroppings;
 - x. Existing development on adjacent properties within two-hundred (200) feet of the PUD.
- b. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when said items are applicable:
- i. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one (1) parcel is proposed, designate net area by parcel as well as total net area.)
 - ii. Density of dwelling units per acre of the total dwelling units for the entire plan.
 - iii. Building coverage of the net area of the Planned Unit Development by individual parcel or total development.
 - iv. The percentage of the development plan provided for common open space and/or "Conservation Easement" as defined by this Ordinance. (*Note:* Normally, this figure should be approximately 50 percent.)
 - v. If more than one (1) parcel is proposed, a statement relating to the sequence of development shall be included.
 - vi. Required number of off-street parking spaces.
 - vii. Gross floor area proposed for commercial buildings.
 - viii. All proposed land uses shall be listed by parcel.
 - ix. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 - x. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
 - xi. A vicinity map that indicates the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed planned unit development.
 - xii. A description, rendering or drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 - xiii. When a Planned Unit Development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed

articles of incorporation and bylaws of such entity shall be submitted.

- xiv. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development district.
3. The Zoning Commission shall, within thirty (30) days after a preliminary PUD-1 is filed, hold a public hearing on said development after giving notice as required by Iowa Code for hearings and amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Zoning Commission shall prepare and transmit to the County Board of Supervisors and the applicant specific findings of fact with respect to the extent which the Preliminary Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD-1. The Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
4. The County Board of Supervisors shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan.
5. Substantial or significant changes in the preliminary PUD-1 shall only be made after re-hearing and re-approval.

4.14.06

Final Approval:

1. After approval of a preliminary plan and prior to the issuance of any building permit or zoning certificate, the applicant shall submit an application for final approval with the Planned Unit Development compliance review committee. The Compliance Review Committee shall consist of two (2) County Supervisors, two (2) Zoning Commission members, and the Zoning Administrator. Said final application may include the entire PUD-1 District or may be for a unit or section thereof as set forth in the approval of the Preliminary Plan. The application shall include fifteen (15) copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the Preliminary Plan and in accordance with the conditions established in this chapter for a PUD-1 District. The final plan shall include the same information as the Preliminary Plan except the following shall also be provided:
 - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
 - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - c. All easements and appropriate building setback lines;
 - d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - e. Lot and/or parcel numbers;
 - f. Location, size, height, and use of all proposed or present buildings;
 - g. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.

- h. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner as tentatively approved does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - b. Increase by more than ten (10) percent the floor area proposed for non-residential use; nor
 - c. Increase by more than five percent either the total ground area covered by buildings or involve a substantial change in the height of buildings, nor
 - d. Substantially change the design of the plan so as to significantly alter pedestrian or vehicular traffic flow, nor
 - e. Juxtapose different land uses, nor
 - f. Alter the relation of open space to residential development, nor
 - g. Vary the proposed phasing of construction, nor
 - h. Change the proposed use of one or more buildings to a more intensive use category as delineated in this chapter.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Zoning Commission shall, within thirty (30) business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the County Board of Supervisors for final approval and acceptance.
4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this section as for original approval.

4.14.07

Density Bonuses:

1. The use of the PUD-1 District, in conjunction with the Conservation Overlay District and Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses shall be awarded in direct proportion to the amount of the proposed subdivision that is placed within a Conservation Easement.
3. For example:
If a developer places thirty (30) percent of the proposed subdivision into a Conservation Easement, then the required Lot Area may be reduced by thirty (30) percent in order to maintain the same number of lots that would have been allowed by the subdivision lot area and the minimum lot size of the Zoning District.

Normal Development

- A developer has ten (10) acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

Development with Conservation Easements

- Same site of ten (10) acres = 435,600 square feet
- Thirty (30) percent of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

4. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic as regulated by the Boone County Sanitarian and the Iowa Department of Natural Resources.

4.14.08

Enforcement and Modification of Plans.

To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the PUD-1 plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. The provisions of the plan relating to:
 - a. The use of land and the use, bulk, and location of buildings and structures; and
 - b. The quality and location of common space; and
 - c. The intensity of use or the density of residential units shall run in favor of the county and shall be enforceable in law or in equity, by the county, without limitation on any powers or regulation otherwise granted by law.
2. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

4.14.09

Amendments.

The PUD-1 District regulation or an approved preliminary or final development plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or 51 percent of the owners of the property within the PUD-1 District.

4.14.10

Platting.

Unplatted tracts or tracts being replatted, the approval of the preliminary PUD-1 shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant needs only submit a final plat. Said final plat shall be in accordance with the Subdivision Ordinance, except the scale shall be either two-hundred (200) feet, one-hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

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