

LAND USE ORDINANCE 2008-04

CHAPTER 8

PLANNED UNIT DEVELOPMENT

8.1. PURPOSE.

The purpose of the Planned Unit Development is to allow diversification in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhoods, housing or area design, the amount of open space, thus ensuring substantial compliance with the intent of the zone, health, safety, and general welfare, while allowing some advantages to the site planning for residential and commercial zones.

8.2. DEFINITION.

Planned Unit Development, for the purposes of this Ordinance, shall mean an integrated design for development of residential or commercial uses in which one or more of the regulations, other than use regulations, of the zone in which the development is to be situated, is waived or varied. If it is requested to authorize smaller lot sizes while maintaining density requirements then the minimum lot size stated in the specific zoning district may not be reduced by no more than twenty five percent (25%). The variances being requested must be in harmony with the district in which the development is situated and in accordance with an approved plan and imposed general requirements as specified in this Chapter and appropriate Land Use Ordinance.

8.3. PLANNED UNIT DEVELOPMENT PERMIT.

Planned Unit Developments may be recommended to the Town Council by the Planning Commission in any zoning district; however, the primary purpose of allowing larger open spaces is more appropriately achieved using this concept in the smaller zoning districts. No such Planned Unit Development permit shall be granted unless such development will meet the use requirements and limitations of the zoning district in which it is to be located, and the minimum lot size being reduced by no more than twenty-five (25) percent while meeting the density requirement of the zone. Any reductions are based on minimum zone lots size, and other limitations of such Districts, except as such requirements may be lawfully modified as provided by this Chapter or by District regulations. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the Subdivision Ordinance, and the Land Use Ordinance.

8.4. REQUIRED CONDITIONS.

- 8.4.1.** No Planned Unit Development shall have an area less than that recommended to the Town Council by the Planning Commission as adequate for the proposed development.
- 8.4.2.** A Planned Unit Development request which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a rezoning. In a residential zone, the use must be consistent with the permitted uses in the zoning district.
- 8.4.3.** The development shall be in single or corporate ownership at the time of the application, or the subject of the application filed jointly by all owners of the property.
- 8.4.4.** All lots in a residential zone shall be equal to or greater than the minimum size allowed in the district. If a land overlay zone has been applied then the minimum size will be determined by applying the appropriate percentage.
- 8.4.5.** The Planning Commission shall recommend such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
 - 8.4.5.1.** Where feasible, least height and intensity of buildings and uses shall be arranged in a manner that provides the best views for the homes in the development and does not reduce the views of the surrounding properties outside of the development.
 - 8.4.5.2.** Lot width, yard, height, and coverage regulations shall be based on those required in the zoning district. Any reduction to these items should not be approved unless extreme circumstances exist in the topography of the land such as steep slopes, rivers, etc. and are included in the application.
- 8.4.6.** Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 - 8.4.6.1.** Dedication of the land as a public parkway system, or;
 - 8.4.6.2.** Granting to the Town of Leeds a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with no buildings, structures or fences located in this area, with ownership and maintenance being the responsibility of an Owner's Association

established with articles of association and by-laws which are satisfactory to the Leeds Town Council.

- 8.4.7. Landscaping, fencing, and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings, shall be planned and presented to the Leeds Planning Commission, together with other required plans for development.
- 8.4.8. The size, location, design and nature of signs, if any, and the intensity and direction of area of floodlighting shall be detailed in the application and be in full compliance with the Leeds Lighting and Sign Ordinances.
- 8.4.9. A grading and drainage plan shall be submitted to the Leeds Planning Commission with the application.
- 8.4.10. A planting plan showing proposed tree and shrubbery planting shall be prepared for the entire site to be developed.

8.5. USES ALLOWED.

Any resident wishing to establish a use other than that permitted in the zoning district shall submit a conditional use permit application with all the required data included.

8.6. GENERAL SITE PLAN.

Application shall be accomplished by a General Site Plan showing, where pertinent:

- 8.6.1. The dimensions, sketch elevation, locations of proposed structures, landscaping, lighting, signage, and exterior veneer.
- 8.6.2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.
- 8.6.3. Such other pertinent information, including residential capacity, coverage, and open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

8.7. REVIEW BY PLANNING COMMISSION.

The Leeds Planning Commission is responsible for reviewing the applications for a Planned Unit Development to insure that it complies with all applicable Leeds Ordinances and that the following conditions (among others it deems appropriate) be met by the applicant prior to making a recommendation to the Town Council:

- 8.7.1. That the proponents of the Planned Unit Development have demonstrated to the satisfaction of the Leeds Planning Commission that they are financially able to carry out the proposed project; a performance bond may be required; that the application include letters of authorization or approval from all identities involved that are not part of the Leeds Town government.
- 8.7.2. That the proponents intend to start construction within one (1) year of the approval of the project and obtains any necessary zoning district change, and intend completing said construction, or approved stages thereof, within four (4) years from the date construction begins.
- 8.7.3. That the development is planned as one (1) complex land use rather than as an aggregation of individual and unrelated buildings.
- 8.7.4. That the development as planned will accomplish the purpose outlined in sections 8.1.

8.8. SCOPE OF PLANNING COMMISSION REVIEW.

In carrying out the intent of this Chapter, the Leeds Planning Commission shall consider the following principles:

- 8.8.1. It is the intent of this Chapter that site and building plans for a Planned Unit Development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application; the Commission may require the applicant to engage such a qualified designer or design team;
- 8.8.2. The Leeds Planning Commission may recommend approval or disapproval of an application for a Planned Unit Development. If an approval or denial is recommended, the Leeds Planning Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Chapter 8 before the request is given to the Town Council for final action.

8.9. CONSTRUCTION LIMITATIONS.

- 8.9.1. Upon approval of a Planned Unit Development by the Leeds Town Council, construction shall proceed only in accordance with the plans and specifications approved by the Leeds Town Council, and the conformity with any conditions attached by the Planning Commission or Town Council.
- 8.9.2. Amendments to approved plans and specifications for a Planned Unit Development shall be obtained only by following the procedures here outlined for first approval.

8.9.3. The Leeds Building Inspector shall not issue any permit for any proposed building, structure or use within the project unless such building, structure, or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

8.10. WALLS OR FENCING.

8.10.1. Subdivision boundary.

To maintain open appearances of neighborhoods, walls and fences on perimeter boundary of projects are discouraged. If the boundary of a residential subdivision boundary is adjacent to a commercial zone then a wall will be required to separate the two.

8.10.2. Lot boundary.

To maintain open appearances of neighborhoods, walls, and fences around the perimeter boundary of the lot are discouraged. If a fence is required by law (i.e. swimming pools) then an open non-wire fence (such as wrought iron) is encouraged. If a fence is required to contain animals, fence selection is encouraged to follow the intent of this chapter.

8.11. PLANNED UNIT DEVELOPMENT APPROVAL.

8.11.1. The final approval of a request for a Planned Unit Development will be by the Leeds Town Council. The Town Council may place conditions and/or limitations on the Planned Unit Development. Depending on the size of the Planned Unit Development, the Town Council may request periodic as-built information and drawings. In all cases at the completion of the project, final as-built information and drawings shall be submitted to the Town of Leeds.