

## Chapter 27.60

### PLANNED UNIT DEVELOPMENT DISTRICT

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The planned unit development district is intended to provide a mechanism to permit flexibility in private or public development or redevelopment of areas throughout the city in the form of an overlay zone used in combination with one or more of the city's existing zoning districts. (Ord. 18437 §1; September 20, 2004).

#### **27.60.010 General Purpose.**

Planned unit development districts are intended to promote the public convenience and necessity; protect the health, safety, and welfare, to implement the goals and policies of the Comprehensive Plan and are to be used when it is necessary or appropriate to:

- (a) Permit flexibility in the regulation of land development;
- (b) Encourage innovation in land use, variety in design, layout, and type of construction;
- (c) Encourage the economy and efficiency in land use, natural resources, the provision of public services and utilities and the preservation of open space. (Ord. 18437 §2; September 20, 2004; prior Ord. 13896 §1; July 23, 1984).

#### **27.60.020 Requirements.**

##### (a) General Requirements.

(1) The City or owners of any tract of land, at least three acres in size, may apply for a planned unit development designation in any district except the AG Agriculture and AGR Agricultural Residential districts.

(2) All regulations of the underlying zoning district shall apply, except as provided herein and/or specifically modified by the City Council through the adoption of a development plan.

(3) The maximum residential density of a planned unit development shall be determined in accordance with the City of Lincoln Design Standards for community unit plans. Planned unit developments which comply with the City of Lincoln Design Standards for Density Bonuses may receive dwelling bonuses per those standards.

(4) Signs shall conform to Section 27.69.340, unless modified by the City Council.

(5) All development must meet the intent and spirit of the comprehensive plan.

##### (b) Development Plan Requirements.

(1) The applicant shall submit a development plan for the proposed planned unit development.

(2) The development plan may propose and the City Council may approve any permitted use, conditional permitted use, or special permitted use allowed under the zoning code. Notwithstanding any regulation to the contrary, a separate special permit or use permit is not necessary to permit any such use.

(3) The development plan may propose and the City Council may approve area, height, sign, parking, landscaping, screening, traffic access and setback regulations for the project as a whole or for subareas or components of the project different from those within the underlying zoning district. In making its determination regarding approval of such proposed standards or restrictions, the City Council shall consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the character and scale of similar development within the area of the proposal, and consistency with other adopted plans or standards. The City Council may impose alternate or additional area, height, parking, landscaping, screening, traffic access, and setback regulations as necessary to protect and enhance areas within or adjacent to the planned unit development and to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare.

(4) The development plan shall address the site-related impact and needs of the proposed development on existing and proposed street and utility systems. The City Council may impose conditions, restrictions, or standards as appropriate to achieve the intent of this ordinance, and require dedication of necessary rights-of-way or easements. In making its determination regarding such conditions, restrictions, or standards, the Council shall consider the adequacy of existing or adjacent facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities, and the overall cost to the community.

(5) Where any portion of the total land area of a land use within the planned unit development is proposed to be adjacent to the perimeter of the planned unit development and such land use is not permitted in the adjacent zoning district, then the development plan must address how the proposal will mitigate any negative impacts. The City Council may impose additional standards and requirements for perimeter treatment to protect adjoining properties from adverse effects, and to achieve an appropriate transition of land uses and densities.

(6) For planned unit developments proposed over parcels in substantially developed areas, the development plan must include appropriate standards and regulations to assure that new development or renovations are in the scale and character of the existing neighborhood and are sensitive to adjacent properties with respect to height, scale, use and form of the surrounding neighborhood, including, but not limited to the following; land uses (including limitations on allowed uses), design standards for new construction (related to the scale and character of the surrounding neighborhood), height, parking, and setbacks, including both minimum and maximum setbacks. (Ord. 18437 §3; September 20, 2004: prior Ord. 17232 §11; August 18, 1997: Ord. 15795 §1; December 17, 1990: Ord. 15753 §1; October 15, 1990: Ord. 15672 §1; July 23, 1990: Ord. 15164 §4; May 8, 1989: Ord. 15154 §1; April 17, 1989: Ord. 14676 §1; June 1, 1987: Ord. 13896, as amended by Ord. 14020 §1; January 7, 1985).

### **27.60.030 Pre-application; Procedures and Requirements.**

(Repealed by Ord. 18437 §4; September 20, 2004: prior Ord. 15164 §5; May 8, 1989: Ord. 14584 §1; January 20, 1987: Ord. 13896 §3; July 23, 1984).

**27.60.030 Plan; Form.**

The development plan shall be in the form and contain the information required of a community unit plan or preliminary plat. Development standards which differ from the underlying district shall be shown on the development plan.

For planned unit developments in existing neighborhoods or over parcels already substantially developed, the Planning Director may allow a development plan not as detailed as the requirements for community unit plans or preliminary plats since the site is substantially developed and issues such as drainage and utility connections are not a primary concern. However, the plan shall provide sufficient information to identify parcels included in the planned unit development, proposed land uses and design standards for buildings. (Ord. 18437 §5; September 20, 2004: PC 27.60.035; Ord. 17857 §7; June 4, 2001: Ord. 15164 §6; May 8, 1989: Ord. 14584 §3; January 20, 1987).

**27.60.040 Plan; Procedure.**

Upon filing of a development plan, together with all maps, data, and information required, the Planning Director shall distribute copies of the development plan and all accompanying materials to other city departments and governmental agencies which are directly concerned or potentially affected by the proposed planned unit development. Within fifteen days from the filing of the development plan, representatives of those city departments and governmental agencies described above shall provide written recommendations to the Planning Director who shall, within fifteen days thereafter, prepare a written report to the Planning Commission. Such report shall specify the Planning Director's recommendations regarding the conformity of the proposal to the comprehensive plan and shall recommend either approval, approval with revisions, or denial, as the case may be. The Planning Commission shall hold a public hearing on such application and provide notice thereof in accordance with Section 27.81.050, and shall make a report to the City Council. The report to the City Council shall include the effect of the development plan upon the surrounding neighborhood, the community, and other matters relating to public health, safety, and general welfare, reasons for recommending approval or denial of the application and if approval is recommended shall find that the proposed planned unit development meets the following conditions:

- (a) The surrounding land will not be adversely affected;
- (b) The proposed planned unit development is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;
- (c) The buildings and land in the proposed planned unit development shall be used only for those purposes permitted by Section 27.60.020;
- (d) The development plan meets the requirements of Chapters 27.52 and 27.53 of the Lincoln Municipal Code.

The City Council shall not take final action upon any application for a planned unit development under this plan until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event that there is a delay of more than 60 days from the Planning Commission's initial public hearing date on the part of the Planning Commission in reporting its recommendation to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

Upon receipt of a report from the Planning Commission, the City Council shall proceed to give final consideration to the plan and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the planned unit development.

Approval of a development plan shall be by ordinance after public hearing, in accordance with the requirements of Section 27.81.050.

All existing applications for a planned unit development which have been placed on pending by an applicant shall automatically expire and become null and void one year after the date this ordinance (Change of Zone No. 06062). All such applications which have been placed on pending by an applicant after the date of this ordinance (Change of Zone No. 06062) shall automatically expire and become null and void one year thereafter. At least thirty days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the application shall automatically expire unless prior to the expiration date, the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or City Council agenda as appropriate. (Ord. 18898 §6; March 12, 2007: prior Ord. 18437 §6; September 20, 2004: Ord. 14584 §4, January 20, 1987: Ord. 13896 §4; July 23, 1984).

#### **27.60.050 Requirements After Approval.**

Upon approval of the development plan, the developer shall cause to be prepared and submitted to the Planning Department a revised final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon a finding of substantial compliance with the approved planned unit development, or as amended, regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, type of dwelling unit, accessory uses and the fronting of lots upon public streets set forth elsewhere in this title and applying to the underlying zoning district(s) in which the planned unit development is located. (Ord. 18437 §7; September 20, 2004).

#### **27.60.055 Final Plan; Form.**

(Repealed by Ord. 18437 §8; September 20, 2004: prior Ord. 15164 §7; May 8, 1989: Ord. 14584 §6; January 20, 1987).

#### **27.60.056 Final Plan; Procedure.**

(Repealed by Ord. 18437 §9; September 20, 2004: prior Ord. 14584 §7; January 20, 1987).

#### **27.60.060 Planned Unit Development; Amendments.**

After the City Council has approved a planned unit development, the Planning Director is authorized to approve amendments in the planned unit development provided that:

(a) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;

(b) Minor increases in the number of dwelling units or total floor area originally authorized by the City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the planned unit development and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area;

(c) Amendments shall keep with the intent and spirit of the approved development plan;

(d) Amendments shall not violate any regulation set forth in this title;

(e) No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the planned unit development;

(f) Minor internal changes to the applicable setback, yard, or height requirements may be made within the planned unit development if they conform to the intent of the approved development plan and do not adversely impact existing development within the planned unit development;

(g) Any amendment not in conformance with this paragraph shall be submitted to the City Council in the same manner as a formal application for a planned unit development. (Ord. 18437 §10; September 20, 2004; prior Ord. 13896 §6; July 23, 1984).

**27.60.070 Abandonment or Failure to Proceed.**

(Repealed by Ord. 18437 §11; September 20, 2004; prior Ord. 13896 §7; July 23, 1984).

**27.60.080 Previously Approved Planned Unit Developments.**

For planned unit developments adopted prior to the effective date of this section, the original conditions of the planned unit development shall apply.

Any proposed amendments shall be in accordance with Section 27.60.060, except the Planning Director may not increase the total number of dwelling units or total floor area by administrative amendment for previously approved planned unit developments. (Ord. 18437 §12; September 20, 2004).