

ARTICLE 14 COMMUNITY UNIT PLAN

14.001. General Purpose. The purpose of this chapter is to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety and general welfare of existing and future residents of surrounding neighborhoods.

14.003. General Requirement. The owner or owners of any tract of land in the "R" Zoning District which is one acre or more in area, including and up to the center line of existing public rights-of-way abutting the tract of land, or in the "AG" Zoning District which is 75 acres or more, or in the "AGR" Zoning District which is ten (10) acres or more in area, may submit to the Planning Commission a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development; provided, however, that the Planning Commission shall apply the standards contained in this chapter in consideration of all applications for community unit plans. The plan may propose a modification of height and area of regulations of the district in which the community unit plan is located. (Resolution No. R-11-0023, March 29, 2011)

a) A community unit plan in "R" District may be permitted on a tract of land which is less than ten (10) acres but more than five (5) acres in area. The maximum permitted density on such a tract shall be calculated as follows:

The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by ten (10) percent to accommodate the small size of the tract.

b) A community unit plan in the "R" District may be permitted on a tract of land which is not more than five (5) acres but more than one (1) acre in area. The maximum permitted density shall be calculated as follows:

The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by twenty (20) percent to accommodate the small size of the tract.

c) A community unit plan in the "R" District may be permitted on a tract of land which is less than ten (10) acres but more than one (1) acre in area where such tract is bounded on at least two sides by one or more existing community unit plans. The maximum density of such a tract shall be calculated as in Section 14.014.

d) A community unit plan may be permitted in the "AGR" Districts on a tract of land which is ten (10) or more acres in area. The maximum permitted density of such a tract shall be calculated as in Section 14.014.

e) Notwithstanding the provisions of (a) through (d) above, where permitted in the "AG" Agricultural District, any community unit plan shall contain a minimum area of 75 acres, and in the "AGR" Agricultural Residential District, a minimum of ten (10) acres.

f) A community unit plan which complies with the energy conservation standards, if adopted by the County Board and on file with the County Clerk, may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the County Board.

g) Additional dwelling units may be granted by the Planning Commission for each dwelling unit subsidized by the state or Federal government for low-income families or as a dwelling unit bonus for the provision of barrier-free units; however, the number of additional dwelling units shall not exceed those provided in the standards adopted by resolution of the County Board. (Resolution No. R-11-0023, March 29, 2011)

h) A community unit plan located in the "AG" or "AGR" Zoning Districts which will protect the open space areas as designated in the Future Land Use Maps of the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the County Board. A similar dwelling unit bonus may be made for protection of environmentally sensitive areas not shown in the plan. However, any such request shall be accompanied by a showing by the applicant of the need and means for protection of a portion of the property.

i) The dwelling unit bonuses permitted under this section shall not exceed a total of twenty (20) percent in any community unit plan.

(j) A community unit plan in the "AG" Zoning District where cultivated land and pasture land is preserved and no new County roads are created may receive a 20% density bonus. The design of the community unit plan shall accomplish the following design objectives:

1. Preserve the rural character of the open fields and pastures and natural wooded areas;
2. Preserve the natural habitats;
3. Preserve natural drainage courses;
4. Preserve the existing natural topography. (Resolution No. 4699, December 3, 1990)

14.005. Procedures. An application and copies of the plot plan drawn to an accurate scale and showing all pertinent information and development of a community unit plan under this article shall be filed in writing with the Planning Department. Upon the filing of an application, the Planning Department shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing and shall consider the effect of the proposed use upon character of the neighborhood, the Comprehensive Plan, traffic conditions, public utility facilities and other matters relating to the public health, safety and general welfare. (Resolution No. R-11-0023, March 29, 2011; Resolution R-07-0016, March 13, 2007)

a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

b) That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety and general welfare;

c) That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, townhouses or multiple family dwellings and accessory uses and any other uses permitted in the zoning district in which the land is located;

d) That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning district or districts in which the tracts of the proposed community unit plan is located, except as otherwise provided in this chapter.

The Planning Commission shall approve or deny the application and require that certain conditions be fulfilled by the applicant in conjunction with the approval of the community unit plan applied for. Any action by the Planning Commission may be appealed to the County Board. (Resolution No. R-11-0023, March 29, 2011)

14.009. Requirements after Approval. Upon approval of the community unit plan, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproduceable final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon strict compliance with the community unit plan as approved or as amended, regardless of any regulations to the contrary with regard to the height and location of buildings, yard 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 zoning district or districts in which the community unit plan is located. (Resolution No. R-11-0023, March 29, 2011)

14.011. Community Unit Plan Amendments. After the Planning Commission has approved a community unit plan, including the specific plot plan, the Planning Director is authorized to approve amendments in the community unit plan, provided that: (Resolution No. R-11-0023, March 29, 2011)

- a) A request for amendment is filed with the Planning Director, and if appropriate, accompanied by a plot plan drawn to an accurate scale and showing all pertinent information;
- b) There is no increase in the number of dwelling units;
- c) No public land will be accepted as a result of the amendment;
- d) The amendment shall not be contrary to the general purposes of this chapter as set forth in Section 14.001.

14.013. Form of Community Unit Plan. A plot plan shall be accurately, clearly and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the following information:

- a) A surveyor's certificate certifying the accuracy of the boundary survey shown thereon and a certificate for showing the Planning Commission's approval or disapproval, and a certificate for the County Clerk to show the approval or disapproval by the Planning Commission, including the date and resolution number; (Resolution No. R-11-0023, March 29, 2011)
- b) Date prepared, north point, scale of plot plan and location of section lines and section corners;
- c) Contour lines at intervals not to exceed five (5) feet based on County data. Spot elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;
- d) Locations, name, tangent lengths, center line radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways and other public ways within and adjacent to the development;
- e) Locations and widths of all existing and proposed easements for drainage, sewers and other public utilities and if appropriate, access easements;
- f) Location, width and direction of flow of all watercourses in and adjacent to the community unit plan, including the limits of the flood plain and floodway as defined in Article 11;
- g) The location and size of all existing and proposed sanitary and storm sewers, culverts, water mains, fire hydrants and existing power lines and other underground structures or cables within the tract of land and adjacent streets;

h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distance shall be shown for lot lines abutting curvilinear streets;

i) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;

j) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

k) The location of all proposed and existing sidewalks, walkways and other pedestrian ways;

l) Location, height and uses of proposed and existing buildings with an indication as to whether an existing building is to be removed or to remain;

m) A certified accurate boundary survey showing sufficient linear, angular and curve data to determine the bearing and length of all boundary lines of the community unit plan. Where the tract of land abuts on an existing plat, the distances, angles and bearing of any common lines be shown and any differences in measurement, noted. The total calculated acres within the boundaries of the community unit plan shall be shown;

n) The following data shall be shown on each sheet of the community unit plan:

1) The name of the community unit plan;

2) The name, address and telephone number of the person or company responsible for preparation of the community unit plan;

3) North arrow, scale, date;

4) Sheet number and the total number of sheets comprising the community unit plan;

o) Accompanying the community unit plan, the following information shall be submitted to the Planning Department with the number of copies requested by the Planning Director:

1) Name, address and telephone number of developer;

2) Certified record owner or owners and their addresses;

3) Legal description of the proposed community unit plan, including the number of acres;

4) Statement of present zoning and proposed use or uses of the property;

5) Profiles along the center line of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the community unit plan to be extended three hundred (300) feet beyond the limits of the community unit plan into subdivided and unsubdivided land;

6) The proposed method of providing sanitary sewer service to the area:

i) If a public or community sewage system is established, the size and location of all proposed sanitary sewers the proposed manhole locations, any necessary extension to the existing public system or to the proposed community sewage treatment facility, and the location of the proposed community sewage treatment facility;

ii) If the use of individual sewage disposal systems is permitted pursuant to Resolution No. 2382 and amendment thereto of the Lancaster County, plans for the proposed disposal system and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation data and plans which show the location of one main subsurface disposal field for each lot which is proposed to be served by a septic tank system shall be shown.

7) The proposed method of providing an adequate potable water supply:

- i) If a public or community water system or rural water district is used, the location and size of all proposed water mains, the proposed hydrant locations and any necessary extension of the proposed system to existing water mains or to a proposed community well, the location of the proposed community well, and the type of water treatment to be used;
 - ii) If a community water system other than a rural water district is proposed, data on the quantity and quality of the water shall be obtained from a test well within the immediate vicinity of the proposed water supply well. If an individual water well system for each lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten (10) acres on a grid system. The results of these preliminary tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in the proposed community unit plan and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed community unit plan.
- 8) A drainage study prepared in accordance with any approved Storm Sewer Design Standards of the County on file with the County Clerk. The following items must be included in the drainage study:
 - i) A map showing the drainage area and resulting runoff from any land lying outside the limits of the community unit plan which discharges storm water runoff into or through the community unit plan;
 - ii) A map showing all internal drainage areas and resulting runoff;
 - iii) Proposals as to how the computed quantities of runoff will be handled;
 - iv) A copy of the drainage computations.
- 9) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, building and lots which includes the location and identifies, by common name, all existing trees within the area of the community unit plan. Single trees which are three (3) inches in caliper or larger measured five (5) feet above the ground must be shown. However if the five (5) or more trees are located so that each end is within approximately ten (10) feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;
- 10) A vicinity sketch showing the general location of the community unit plan in relation to existing streets, section lines and county limits;
- 11) Site grading plan showing existing and proposed contour lines with intervals at no greater distance than five (5) feet, and if necessary, spot elevations showing complete proposed grading of the community unit plan. Also, cross-sections may be required showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in Article 11. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the County Board of the location of the proposed new borrow area and obtain approval thereof from the County Board.;
- 12) All deviations from the provisions of this article shall be fully set forth and reasons given for said deviations;

13) In the event that said real property is located within a flood plain, the developer shall comply with all requirements pertaining to flood plains contained in the Lancaster County Code and applicable state statutes.

14.014. Design Standards: Density. The density of a community unit plan, the shape, size and location of buildings, required open space buffers, recreational facilities, and utilities shall be constructed in conformance with the design standards adopted by resolution of the County Board.