

DIVISION 9. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General

Sec. 60-359. - Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for urban land development and to gain flexibilities over conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations. This section shall be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A)

Sec. 60-360. - Scope.

- (a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued in all zoning districts except agriculture and resource protection districts.
- (b) The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights-of-way shall not be reduced. In specific cases, the requirements for off-street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this division and as shown on the approved planned unit development plan.
- (c) Coordination with subdivision regulations.
 - (1) It is the intent of this division that if a plan review is required under division 4 of article XVI of this chapter, that it be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
 - (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI of this chapter relative to final plans where applicable.
 - (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B)

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) The setback, lot width and lot coverage requirements as stated in individual zoning classification shall apply within the PUD but may be reduced due to individual site limitations as determined by the planning board.
- (2) The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the planning board may

increase or decrease the required number of off-street parking spaces in consideration of the following factors:

- a. Probably number of cars owned by occupants of dwellings in the planned unit development;
 - b. Parking needs of any nondwelling uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces are reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) In any PUD involving residential uses that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, shall reserve an amount of land equal to that created through the reduction in required lot sizes, to be held for the mutual use of the residents of the PUD. This shall be accomplished by either:
- a. The land shall be administered through a homeowner's association; or
 - b. The land shall be dedicated to and accepted by the city for public use.
- (5) All of the requirements of the city code applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the city must be satisfied that said plan incorporates each of the following criteria or can demonstrate that:
- a. One or more of the criteria are not applicable; or
 - b. A practical substitute has been achieved for each of these elements consistent with the public interest:
 1. There is an appropriate relationship to the surrounding area;
 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and noise and exhaust control. Proper circulation in parking areas is designed for safety, convenience, separation and screening.
 3. Functional open space in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief and convenience of functions;
 4. Privacy in terms of needs of individuals, families and neighbors;
 5. Pedestrian bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness;
 6. Building types in terms of appropriateness to density, site relationship and bulk;
 7. Building design in terms of orientation, spacing, materials, color and texture, storage, signs and lighting;
 8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
 9. Maintenance, suitability and effect on the neighborhood;
 10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D)

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

Sec. 60-381. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. - PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

- (1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.
- (2) PUD-C Planned Unit Development: Commercial in GB and CB.
- (3) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-383. - Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or -C, or -I.

(Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C)

Sec. 60-384. - Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the planning board as a phased development.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-385. - Planned Unit Development-Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R planned unit development: residential.

Within the PUD-R the following uses and densities may be permitted subject to the approval of the planning board.

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in this section.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial centers shall be subject to the following requirements:
 - a. Such centers including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
 - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to it.
 - d. Sign.
 1. Any part of the sign shall not project above the eaves or protrude from the face of the building more than 12 inches. A premise shall have not more than one sign for every street frontage. All free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
 2. Residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
- (3) The total number of dwellings permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the city pursuant to section 60-361(3).
- (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication shall not be considered as partial or total fulfillment of park and open space dedication.
- (5) Upon review of a PUD-R proposal, if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved, the city may authorize up to a 20 percent increase in density over the district requirement if the following criteria are met:
 - a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design.* A unified cohesive development, focal points (cluster of seating, art forms, water feature) for orientation and interaction, variety of scale.
 - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient.* A convenient well-defined access.

f. *Compatibility.* The compatibility with ultimate plans for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

(6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C)

Sec. 60-386. - Planned Unit Development-Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the commercial zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C)

Sec. 60-387. - Planned Unit Development-Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the industrial zoning district are permitted in the PUD-I district.

(Ord. of 3-16-2009, § 3.51(C)(4); Ord. of 9-21-2009, § 3.51C)

Secs. 60-388—60-417. - Reserved.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit

development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
 - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300.
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The planning board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
 - (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.
 - (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.

- (d) From time to time the planning board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the planning board may initiate proceedings. The planning board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The planning board may require adequate assurance in a form consistent in a form acceptable to the planning board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
 - (1) The final development plan shall contain the information the preliminary development plan or any logical part thereof, must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of one year and approves by the planning board.
 - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419.
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
 - (1) The planning board shall review and take action on the completed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the planning board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principle, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
 - d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
 - e. All other changes in the final development plan must be made by the planning board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 - 1. Continued successful functioning of the planned unit development;
 - 2. By changes in conditions that have occurred since the final plan was approved; or

3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E)

Secs. 60-421—60-438. - Reserved.