

CHAPTER 165.45 PDD PLANNED DEVELOPMENT DISTRICT

Sections:

- 165.45.010 Intent
- 165.45.020 Applicability
- 165.45.030 Use Regulations
- 165.45.040 Height and Yard Regulations
- 165.45.050 Performance Standards
- 165.45.060 Land Use Plan – Purpose
- 165.45.062 Land Use Plan – Procedure
- 165.45.064 Land Use Plan – Review and Adoption
- 165.45.070 Development Plan – Purpose
- 165.45.072 Development Plan – Procedure
- 165.45.074 Development Plan – Review and Adoption
- 165.45.080 Site Plan – Purpose
- 165.45.082 Site Plan – Procedure
- 165.45.084 Delay in Connection

165.45.010 Intent

This district is intended to provide for the development of integrated commerce parks accommodating the management, research, design, marketing and production needs of the professional commerce enterprises which comply with the performance standards of this section. It is to provide land for attractively landscaped sites, often along major traffic ways, permitting “showplace” buildings having large setbacks in a “park-like” atmosphere conducive to the development of headquarters buildings, office buildings, design centers, laboratories and other similar uses. This district shall allow only “clean” industrial uses in conjunction with large office and distribution uses. Residential uses shall be prohibited or shall be designed to be part of a large planned complex.

165.45.020 Applicability

The regulations set forth in this section, or set forth elsewhere in this Chapter when referred to in this section, are the regulations in the PDD, Planned Development District, and shall be restricted and confined only to those integrated professional commerce uses which produce net gains to the community in both aesthetic and material quality. In addition, for purpose of the section, it shall be recognized that both the type of use and the manner in which the use is accomplished are equally important.

165.45.030 Use Regulations

The following use categories shall generally be permitted in the PDD, Planned Development District, as long as they meet the general intent of this section. Uses are limited only to these uses irrespective of any uses allowed in any less intensive or more intensive zoning district.

- A. Principal Uses Permitted.
 - 1. Offices
 - 2. Research, education and development facilities
 - 3. Personnel training centers including dormitory facilities
 - 4. Medical research, medical offices and clinics
 - 5. Laboratories

6. Computer centers

7. Support commercial/retail uses which are ancillary to paragraphs 1 through 6, subject to the following:

A maximum of six percent of the gross floor area of the PDD, Planned Development District, land use plan may be allocated to support commercial/retail uses. Commercial/retail uses shall be permitted only as part of an approved land use plan encompassing 40 acres or more. The land use plan for any such support commercial/retail use shall be approved only in conjunction with a development plan that includes principal uses permitted under categories 1-6 listed above. Support commercial/retail uses or those similar in nature to the following shall be permitted:

- a. Blue printing services
- b. Book or stationery stores
- c. Travel agencies
- d. Dry cleaners
- e. Employment agencies
- f. Photography, printing, copying services and supplies
- g. Post office or private delivery substations
- h. Barber shops/beauty shops

8. Regional and corporate headquarters, distributorships and other similar uses.

B. Incidental Permitted Uses.

Also permitted in the PDD, Planned Development District, are the following incidental permitted uses. Incidental permitted uses are uses that have a place in an integrated commerce park, yet may need to be restricted in numbers should the Council determine that they are present to a degree that threatens the overall office nature of the PDD, Planned Development District. Incidental permitted uses are not to be included in determining the allowed 6% support commercial/retail floor area. The following incidental permitted uses shall be permitted so long as they meet the general intent of this section:

- 1. Hotel, motels and conference facilities
- 2. Day care facilities
- 3. Banks and similar facilities including drive-up facilities
- 4. Restaurants, with or without accessory cocktail lounge, but excluding drive-in or other restaurants serving customers while in their vehicles
- 5. Health clubs

C. Prohibited Uses

Any enterprise, regardless of use category, which cannot wholly enclose its functions within the walls of the principal structures. Residential and industrial uses shall be discouraged.

165.45.040 Height and Yard Regulation

The height and yard requirements within the PDD, Planned Development District, shall be required as follows:

A. Maximum Height Requirements

No building shall exceed three stories or 45 feet in height. This requirement may be waived as part of an approved development plan only if the following two conditions are met:

1. The additional height is in scale with the proposed development and any adjacent properties.
2. The additional height is harmonious with the natural environment and in keeping with the central design scheme.

Additional setback requirements may be imposed on any building in excess of forty-five feet.

B. Minimum Yard Setback Regulations.

1. Building setbacks:

All buildings will comply with the following regulations:

- a. From all public roads: 50 feet from the abutting road right-of-way.
- b. From adjacent properties: there shall be a minimum distance of 50 feet from the abutting property line, except that it shall be 10 feet for principal lots with less than 350 feet of lot width.
- c. From common areas: there shall be a minimum distance of 50 feet from the abutting common area, except that it shall be 25 feet for principal lots with less than 350 feet of lot width. Common areas, as the term is used here, means hiking or biking trails or other amenities within a development that are held in common for all properties. While the development of these amenities is encouraged their existence is at the discretion of the developer.

2. Parking lots, internal roads, entrance drives, service yards and unloading areas shall comply with the following regulations:

- a. From all public roads: there shall be a minimum of 25 feet from the abutting road right-of-way. This does not apply to entrance drives.
- b. From adjacent properties: there shall be a minimum distance of 15 feet from the abutting property line, except that it shall be ten feet for principal lots with less than 350 feet of lot width.
- c. From common areas: there shall be a minimum distance of 25 feet from the abutting common area, except that it shall be 15 feet for principal lots with less than 350 feet of lot width.

3. Residential buffer yard setbacks
 - a. Where adjacent to residentially zoned property and separated by a street there shall be a minimum setback of 75 feet for structures.
 - b. Where adjacent to residentially zoned property and not separated by a street there shall be a minimum setback of 75 feet for structures and 50 feet for parking lots.
 - c. Additional transition buffers in the form of distance, landscape materials and plant maturity, fences and berming may be required. Buffer concerns may be raised at either the land use plan or development plan stage.

165.45.050 Performance Standards

All uses to be permitted within the PDD, Planned Development District, shall fully comply in total with all of the following performance standards:

A. Neighborhood Consultation.

In the interest of neighborhood harmony and courtesy, a meeting with adjacent property owners and neighbors is strongly encouraged.

B. Open Space Requirements.

The total ground area devoted to open space for natural landscape and landscape beautification shall not be less than 35% of the total PDD, Planned Development District, as well as each development site. Such open spaces shall be free of all drives, parking areas, structures or buildings, except for those walkways, monuments and ornamental structures considered to be necessary and essential to the central landscape theme.

C. Architectural Standards.

While it is not the purpose of this ordinance to dictate or specify architectural design or building materials, the architectural design is an important element in overall project quality. As such, minimum design standards must be met and the following criteria shall be implemented:

1. Building massing, detailing, colors and textures shall respect the low density, low rise development, large open spaces and quality image of the PDD, Planned Development District.
2. Buildings shall be sited to preserve large trees and other site features.
3. The use of modules, wherever applicable to break down the scale of large structures and provide visual interest, is encouraged.
4. Buildings shall conform to the existing topography.
5. All structures on a site shall be of compatible design and materials.
6. Buildings will be constructed of materials that have strength and permanence. Permanence implies that buildings will age without deteriorating, given a minimum level of maintenance. This is achieved by the use of quality building materials and methods of construction. This principle shall not be construed to prevent the innovative use of materials nor progressive structural design. However, it shall recognize the strength and permanency of stone, brick, concrete and steel as opposed to the frailty of light sheet metal and constant maintenance of wood veneer.

7. Roof ladders, ventilation louvers, exterior down spouts and related elements shall be designed to be compatible with the building architecture and to avoid straining the building façade.

8. Roof mounted equipment vents and ducts shall be screened from adjacent streets and sidewalks and adjacent properties with screens of an approved design. On grade equipment shall be screened to required minimum heights. Planting and earth mounds shall be used to reduce the ambient noise levels at property lines.

The inclusion of public art, fountains and plazas in the overall design is strongly encouraged.

D. Environmental Performance Standards.

Complete abatement or elimination of all generally offensive characteristics such as odors, gases, noise, vibration, pollution or air or water or soil, excessive lighting intensity, hazardous activity, etc., which may be detrimental to the general welfare of the community shall be accomplished. The standards for compliance with this paragraph shall be as state in subparagraphs 1-6.

1. Air pollution

The use shall not emit any smoke, dust, odorous gases or other matter in such quantities as to be readily detectable at any point beyond the perimeter of the site area.

2. Noise

DeWitt Code of Ordinances, Chapter 50 Nuisance Abatement Procedure, shall be used to regulate noise within the PDD, Planned Development District.

3. Vibration

The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

4. Site lighting and glare

Site lighting shall be a low glare lighting designed and compatible with the park-like image of the PDD, Planned Development District. Intensity shall be no greater than that required for automobile and pedestrian safety. All lights, other than street lights, shall be so situated and installed as to reflect away from adjacent streets and residential areas. Lights shall be integrated into the design with other elements such as trees, pedestrian walks, crossings, signage and planting. Lighting within parking areas must be coordinated with parking lot design. Poles are to be located within the landscape islands. The scale of the parking area shall be considered in the selection of pole height and spacing. Pole height shall decrease, where possible, near property lines and in low intensity use areas to further reduce glare.

5. Traffic hazard

The use shall not involve any activity substantially increasing the movement of traffic on public streets to a point that capacity or safety limitations are exceeded unless procedures are instituted to limit traffic hazards and congestion.

6. Impact on public utilities and facilities

The use shall not involve any activity substantially increasing the burden on any public facilities or utilities, unless provisions are made for necessary adjustments.

E. Off-street Parking and Loading

Off-street parking shall be provided on the basis of five parking spaces for each one thousand square feet of gross retail floor area. Additional parking shall be provided in accordance with Chapter 165.65 for uses other than retail sales. Adequate provision for off-street loading and unloading of trucks and other vehicles shall be shown on the plan as required in this section. In all cases parking areas shall be screened from any public right-of-way or adjacent residential area by proper siting, the use of earth berms and vegetation. Earth berms shall be a minimum of three feet in height and supplemented with substantially mature trees and shrubs which have year-round effectiveness. Service areas, loading docks and garbage facilities shall be located properly and screened as well. Landscaped parking island and peninsulas shall be included in lot layout to reduce the visual impact and produce shade. An area equal to five percent of the total size of a parking lot must be landscaped and permeable. This shall not include perimeter plantings. In keeping with the existing character and to avoid an expanse of asphalt the following should be considered whenever practical:

1. Break up large surfaces into smaller parking lots separated by tree massing or buildings.
2. The use of curvilinear parking bays is encouraged to break up the visual impact of the lot, to conform to existing topography and to reduce grading requirements.
3. Temporary Signs

Two types of temporary signs shall be allowed on tenant sites: construction and real estate marketing. Only one of each type of temporary sign shall be permitted on a site at any given time and must be removed immediately upon completion of the construction or marketing activity. Temporary signs shall be of post and panel wood constructions, of the monument type and shall have a total height of no more than 10 feet. Temporary signs shall have a maximum size of 40 square feet and shall be non-illuminated. The use of reflective material or paint is not permitted. Temporary signs shall be fabricated out of 3/4" or larger exterior grade plywood, sealed and painted, or wood boards stained, painted, or bleached. Their color and design shall be integrated with the overall site plan. The use of architectural renderings of future buildings being constructed or subject to leasing is encouraged, as is the location of temporary signs in a landscaped setting. Temporary signs after a period of one year will no longer be considered "temporary". The Board may allow temporary signs to remain for an extended period but also may require that any such sign be of more permanent materials and conform to the same standards as "permanent" identification signs.

4. Identification Signs

- a. Project identification. Each PDD development may have one monument type sign located at each major entrance drive into the project from a public street. This sign would proclaim the identity of the overall development. This monument sign could not exceed four feet in height and would be limited to a maximum sign area of 100 square feet.
- b. Major tenant identification: monument or wall signs. Signage for major occupants can be accomplished in either of two ways with a determination based on the overall site design and preference of the developer. Monument signs can be oriented on each public street on which the site has frontage or at any entrance drive to the occupant's site on internal streets. Monument signs will be limited to four feet in height and an overall size of 100 square feet.

Alternatively, wall-mounted signs may be used. Wall signs are permitted to the maximum height of the building on which they are located. Signs painted upon a wall or projecting more than 12 inches from a wall are not allowed. Roof-mounted signs are not allowed. Wall-mounted signs are intended only for a major tenant and limited to two per building. The maximum face of a wall sign shall not exceed one square foot for each two feet of setback from the road right-of-way to a maximum of 125 square feet. Signs smaller than the maximum are strongly encouraged as is the use of corporate logos rather than wording to limit sign size.

c. Small tenant identification: doorway monument signs. In addition, the developer may allow a small monument sign oriented to any major doorway entrance of a building. This monument sign can list small tenants in a multiple tenant building. Doorway monument signs are limited to six feet in height with a maximum sign face of 18 square feet. All signs will be of one general design to provide graphic continuity for the building, site and project.

d. Street address. For all buildings the street address (number only) must be visible from the street. Consideration shall be given to locating all monument signs in a landscaped setting.

165.45.060 Land Use Plan – Purpose

The land use plan establishes the range of acceptable uses by area that will be permitted within the PDD, Planned Development District, and provides a conceptual site plan proposing project layout and design. The land use plan gives general data for the site from which a determination can be made on the appropriateness of the proposed distribution of land uses that are to be developed and establishes a framework for the analysis of the development plan, as required in Section 165.45.070.

165.45.062 Land Use Plan – Procedure

Applications for rezoning and land use plans and submittal of a land use plan for a previously zoned PDD, Planned Development District, shall required review by the Commission and approval by the Council for compliance with the provisions of the ordinance prior to the issuance of a building permit. The following procedures shall be followed:

The owner or owners of a tract of land shall submit to the Commission a plan for the use of such tract for the purpose stated above. The plan shall be accompanied by evidence concerning the feasibility of the project and its effects on surrounding property and other physical conditions. Said plan and supporting evidence shall include the following:

- A. A drawing or set of drawings and other materials that include, but may not be limited to, the following:
 - 1. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within 200 feet of the perimeter of the site.
 - 2. The location of existing services including: water, sanitary and storm sewer, electric, gas, streets, the capacity of those services and the service requirements of the development.
 - 3. The site constraints including:
 - a. Slopes in excess of ten percent.

b. Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as flood plain or floodway within the flood plain and flood channel districts.

c. Soils that are unsuitable or require special treatment to support urban development as determined by the Soil Conservation Services Soil Survey. If unsuitable conditions are indicated, field testing may be required.

4. The total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building (impervious surface ratio).

5. A two foot interval topographical map of the site on a scale base of one inch equals 50 feet or other scale as approved by the Building official. The topographic map should include major existing natural features and tree masses.

B. A traffic study which analyzes the aggregate trip generation to and from the site and the ability of the existing street system to accommodate the anticipated generation. Specific improvements should be proposed if the development causes the projected level of service to be less than level "c", as defined by the most recent version of the Highway Capacity Manual by the Transportation Research Board of the National Safety Research Council.

C. Information concerning the proposed building uses, locations, number of stories, parking areas, access drives, detention basins, park or recreation areas and landscape buffers. It is recognized that this information is preliminary and that building foot prints, architectural design, parking lot layouts, etc., may change as detailed architectural, engineering and design work progresses.

D. The developer is also encouraged to contact neighborhood groups and organizations as soon as possible and to conduct at least one meeting with neighboring owners and residents.

165.45.064 Land Use Plan – Review and Adoption

Before taking any action on the land use plan, together with all required statements and supplementary information, the Commission shall hold a public hearing regarding the proposal and shall review the proposal and cause to be prepared a report evaluating the plan and its supporting documents. The report shall also contain any specific recommendations regarding the modification of the plan, as well as off-site improvements that may be required in support of the proposed development. The petitioner shall provide a written statement of all agreements reached with property owners within the two hundred foot notification area related to how the subject property will be developed or used. The Commission may recommend that the City directly negotiate restrictive covenants as part of any land use plan or rezoning approval. If the Commission recommends approval of the zoning request, the rezoning ordinance shall be included as part of the ordinance amendment and the recommendations of the Commission. The recommendation shall be forwarded to the Council for public hearing and consideration as an amendment to the zoning ordinance. The petitioner, at its discretion, may submit all information required in Section 165.45.062, Land Use Plan – Procedure, and Section 165.45.072, Development Plan – Procedure, and pursue concurrent adoption. It is anticipated that concurrent adoption will be for single use projects or where the development plan is known at the time of the original petition. The Council may add to, extend, reduce or delete any of the conditions or restrictions which have been recommended by the Commission.

165.45.070 Development Plan – Purpose

The development plan provides a more detailed review of specific development proposals that are being readied for construction and is consistent with the provisions included in the land use plan. At this stage of review of the proposed project, specifications regarding building sizes, parking, access, general buffering, open space and other related issues shall be analyzed for approval. Specific details may be required for sensitive matters that have been identified by interested parties.

165.45.072 Development Plan – Procedure

The owner or owners of a tract of land, which has an approved PDD land use plan, shall submit to the Commission a development plan for the use of all or part of such a tract for the purpose stated above. The development plan shall be at a level of detail adequate to resolve concerns regarding the public safety and the logical extension of services to serve the project site, to determine the physical extent of the project – its building(s), parking, buffering, and their impact on surrounding properties.

The plan shall include, but not be limited to, the following as a minimum:

- A. An update of the information required in subsection 165.45.062.
- B. Building pad locations with proposed building area, number of stories, overall height, a list of proposed uses in the structure and their gross floor area.
- C. Proposed architectural elevations and a materials board. This should be the best information available. It is, however understood that to some extent this can change as detailed design work progresses.
- D. Parking lot information including the extent of paving, the proposed circulation and layout and the number of cars to be parked.
- E. The proposed landscaping and buffering to be developed in the project. The massing and density of plant and other screening materials should be indicated. In areas where particularly sensitive issues have been identified in the public hearing process, more detailed plans should be provided.
- F. The location of loading docks, receiving areas, trash pickup areas and other areas requiring screening.
- G. The location of and configuration of all access points with City streets and a pedestrian circulation plan.
- H. A storm water management plan.
- I. A signage plan.
- J. A grading plan showing existing and final grades, the direction of storm water flow from roof drains and parking areas and the erosion control methods to be used during construction.
- K. The manner in which the developer intends to maintain any common ground to be included within the development.
- L. Development stages and schedule for commencement and completion of construction in each stage.
- M. For projects involving subdivision, the approval of the development plan shall constitute the approval of a preliminary plat provided all provisions of Chapter 170.16 of the Municipal Code have been fulfilled.

165.45.074 Development Plan – Review and Adoption

After adoption of the land use plan the developer may proceed with the preparation of development plans on all or part of the area approved. The development plan should be reviewed with the building Official prior to formal submittal in order to insure that all known issues have been addressed to prevent unnecessary delays.

Following a public hearing on the development plan, it will be reviewed by the commission with recommendation to the Council. If the development plan conforms to the land use plan, the Commission may make a positive recommendation to the Council. If a negative recommendation is made, written findings of fact shall be prepared and transmitted to the applicant. The recommendation will then be forwarded to the Council for public hearing and consideration as an amendment to the zoning ordinance. If the Commission recommends approval of the rezoning request, the rezoning ordinance shall include as part of the ordinance amendment the recommendations of the Commission. The petitioner shall provide a written statement of all agreements reached with property owners within the 200 foot notification area related to how the subject property will be developed or used. The Council may add to, extend, reduce, or delete any of the conditions or restrictions which have been recommended by the Commission. As stated in Section 165.45.064, the development plan, at the petitioner's discretion, may be submitted concurrently with the submission of the land use plan and all provisions be incorporated into one ordinance for consideration.

165.45.080 Site Plan – Purpose

The site plan as provided for in Chapter 165.45 is a detailed development plan which precedes the issuance of building permits. The site plan shall be in conformance with the PDD, Planned Development District, land use and development plans and contain the detail necessary to determine compliance with the site plan provisions and performance standards. In case of conflicts between the site plan ordinance regulation and PDD, Planned Development District, regulations, the more restrictive regulations shall apply.

165.45.082 Site Plan – Procedure

The site plan shall be submitted to the Building Official fifteen days prior to the anticipated start of construction. The Building Official shall review the site plan for compliance with all pertinent requirements and performance standards. The applicant shall be notified of any deficiencies within ten days of receipt of the site plan. If, in the judgment of the Building Official, the site plan and/or building elevations and/or building materials differ substantially from the approved development plan, an amendment to the development plan will be required. Any amendment to the development plan after approval by the Council has approved the plan shall be resubmitted in the same manner as the original development plan. Upon approval of the site plan and building plans and obtaining other permits a necessary, the project may proceed to construction. The Building Official shall review construction progress to ensure that all elements of the project are being developed in accordance with the approved PDD, Planned Development District, and site plans.

165.45.084 Delay in Construction

If after two years no development plan is submitted and approved, the Commission shall set for public hearing the review of the adopted land use plan. The Commission shall determine if the plan is still consistent with the comprehensive plan in light of other recent development. If a determination is made that the land use plan is no longer consistent with the comprehensive plan or other developments have met this demand, a recommendation shall be made to the Council that the approval should be revoked. The Council, after public hearing, shall repeal, modify or allow to stand the ordinance approving the land use plan.

If after two years no site plans are submitted and approved, the Commission shall set for public hearing the review of the adopted development plan. The Commission shall determine if the plan is still feasible in light of other recent development. If a determination is made that the development plan is no longer feasible, a recommendation shall be made to the Council that the approval should be revoked. The Council, after public hearing, shall repeal, modify or allow to stand the ordinance approving the development plan.

In the event that no construction has commenced within 180 days of the issuance of the building permit, it shall be revoked, unless it can be demonstrated that the delays were justified and the project remains viable.