

ARTICLE XXIII. PUD Planned Unit Development Overlay District

§ 205-128. Purpose.

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to encourage innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD Planned Unit Development District is intended to promote developments which will be advantageous to Papillion and its urban form by permitting project design that will surpass the quality of development resulting from application of the regulations of conventional zoning districts. The PUD District is not intended to encourage deviations from the city's comprehensive plan or overall development objectives. The District shall not be used to secure approval for projects that do not conform to the city's comprehensive plan.

§ 205-129. PUD-1 and PUD-2 Districts.

In order to permit maximum applicability of the PUD District, PUD-1 and PUD-2 Districts are hereby created.

1. The PUD-1 (General PUD) district is intended to accommodate large, comprehensively planned developments that are likely to develop over a relatively long period of time. The PUD-1 creates special guidelines and regulations to ensure that development over time conforms to an established master plan. The PUD-1 also may establish the preliminary and/or final plat for those projects that require platting.
2. The PUD-2 (Specific PUD) District is intended to accommodate projects for which the specific design of individual buildings and elements may be determined. Several PUD-2 Districts may be incorporated into a single larger PUD-1 District, provided that such projects are consistent with the overall design and development standards of the PUD-1 District.

§ 205-130. Criteria for Use.

The PUD Planned Unit Development District is generally intended for use in the following urban contexts.

1. Vacant Land. Areas of substantial open space where the structure of conventional zoning may artificially limit or constrain good urban design, may restrict the achievement of the city's development objectives, or may not be appropriate to changes in technology or demand consistent with the best interests of the City of Papillion.
2. Community Development Areas. Areas of the city that are in need of rehabilitation or redevelopment, including areas that may be deficient in public facilities or services. In these situations, the PUD District may encourage private investment by recognizing the need for flexibility that conventional zoning regulations do not provide.
3. Neighborhood Contexts. Areas in which sensitive project design is critical to maintain and protect the value of surrounding residential neighborhoods and other sensitive or vulnerable urban settings.

4. Large Projects. Projects that have substantial effects on their urban and rural surroundings because of their size and scale.
5. Large areas that may be zoned prior to development by the Planning Commission and City Council consistent with the Comprehensive Development Plan, but which require individual project approval as development occurs.

§ 205-131. Permitted Uses.

A Planned Unit Development may include residential, office, commercial, industrial, or public land uses, subject to the requirements of the underlying zoning district. The PUD Overlay District may also be used in combination with the MU Mixed Use District.

§ 205-132. The PUD-1 (General PUD) District: Application Procedures.

- A. Minimum Size: The minimum size of a PD-1 District shall be three acres.
- B. Pre-application Concept Plan: Prior to filing an application for approval of a PUD-1 District, the applicant shall meet with the Planning Director for the purpose of submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the District and shall include at a minimum the information required in the PUD District Application Requirements Table.
- C. The Planning Director shall review and comment on the proposed concept plan and shall provide the applicant with written comments within thirty days of submission of the concept plan.
- D. The review of the concept plan shall include consideration of the following criteria:
 - (1) Land use intensity and density.
 - (2) Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.
 - (3) Use of open space.
 - (4) Impact on the surrounding natural and built environment.
 - (5) Adequacy of on- and off-site transportation and utility systems to serve the proposed project.
 - (6) Consistency with Papillion's comprehensive development plan.
- E. Following review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PUD-1 District. This plan shall illustrate the development master plan for the District and shall include at a minimum the information required in the PUD District Application Requirements Table under § 205-135.

- F. A PUD-1 application shall include a Development Agreement establishing the development regulations for the district unless initiated by the Planning Commission or City Council. The Development Agreement shall specify the following regulations:
- (1) Location and quantities of various land uses.
 - (2) Maximum building and impervious coverage.
 - (3) Front, side, and rear yard setbacks.
 - (4) Maximum heights of proposed structures.
 - (5) Design standards applicable to the project.
 - (6) Incorporation of graphic development plans and drawings into the site development regulations.
- G. The Planning Commission and City Council shall review and evaluate each PUD-1 District application. The Planning Commission and City Council may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- H. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application. The Planning Commission may recommend amendments to PUD-1 district applications. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- I. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD-1 District. Proper notice shall mean the same notice established for any other zoning amendment.
- J. In their respective reviews of the PUD-1 application, the Planning Commission and City Council shall base decisions on findings of fact based on the Review Criteria Table under § 205-301.
- K. Issuance of Building Permits: The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD-1 District unless it is in compliance with the approved Development Plan or any approved amendments.
- L. Changes or Modifications to Development Plans. The Planning Director is authorized at his/her discretion to approve amendments to an approved development plan, provided that:
- (1) A written request is filed with the Planning Director, along with information specifying the exact nature of the proposed amendment.
 - (2) The amendment is consistent with the provisions of this section.

- (3) The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, land uses or land use intensity, mixture of use types, and physical design.
- (4) Any amendment not conforming to these provisions shall be submitted to the Planning and Zoning Commission and City Council for action.

M. Termination of PUD-1 District: If no substantial development has taken place in a Planned Development District for three years following approval of the District, the Planning Director or Planning Commission may initiate an action to terminate the PUD-1 district and rezone the property. Such action follows the procedure for zoning map amendments set forth in § 205-303.

§ 205-133. Planning Commission or City Council Initiated PUD-1 Districts.

In some situations, the Planning Commission and/or City Council may initiate or approve a rezoning of an area to a PUD-1 District without submission of a detailed development plan. This action establishes the land uses permitted in an area consistent with the Comprehensive Plan, but requires subsequent approval of specific projects through the normal PUD-1 or PUD-2 submission or approval procedures. An application for creation of such a PUD-1 District shall contain the following:

- A. A statement describing the special characteristics of the district and the reason for its creation.
- B. A map indicating the boundaries of the proposed district.
- C. A generalized area development plan for the proposed district, including:
 - (1) A land use component, identifying proposed uses and the extent and location of each use.
 - (2) A transportation element, identifying any relevant vehicular, pedestrian, or bicycle transportation improvements necessary to ultimate development of the area.
 - (3) A utility service statement, identifying any necessary utility or infrastructure improvements necessary to the ultimate development of the area.
 - (4) An urban design element, if applicable, describing design frameworks, building scale and relationships, siting, landscape design, and other guidelines relating to the specific physical or urban environment of the proposed district.

§ 205-134. The PUD-2 (Specific PUD) District: Application Procedures.

- A. Minimum Size: A PUD-2 District may be established on a site of any size.
- B. Pre-application Concept Plan: Prior to filing an application for approval of a PUD-2 District, the applicant shall meet with the Planning Administrator for the purpose of submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the District and shall include at a minimum the information required in PUD Application Requirement Table.

- C. The Planning Director shall review and comment on the proposed concept plan and shall provide the applicant with written comments within thirty days of submission of the concept plan.
- D. The review of the concept plan shall include consideration of the following criteria:
 - (1) If located within a pre-existing PUD-1 District, consistency with the terms and conditions of such District.
 - (2) Land use intensity and density.
 - (3) Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.
 - (4) Use of open space.
 - (5) Impact on the surrounding natural and built environment.
 - (6) Adequacy of on- and off-site transportation systems to serve the proposed project.
 - (7) Architectural quality and compatibility of the proposed project with the scale and appearance of surrounding areas.
 - (8) Consistency with the City of Papillion's comprehensive plan.
- E. Following review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PUD-2 District. This plan shall illustrate the development master plan for the District and shall include at a minimum the information required in the PUD Application Requirements Table.
- F. The Planning Commission and City Council shall review and evaluate each PUD-2 District application. For PUD-2 applications within a pre-existing PUD-1 District, the review shall be limited to:
 - (1) An evaluation of consistency with the land uses, development standards, and other requirements and regulations of the PUD-1 District.
 - (2) Detailed components of the project that were not included in the development standards previously established under the PUD-1 District.
- G. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application. The Planning Commission may recommend amendments to PUD-2 district applications. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- H. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD-2 Planned Unit Development District. Proper notice shall mean the same notice established for any other zoning amendment.

- I. In their respective reviews of the PUD-2 application, the Planning Commission and City Council shall base decisions on findings of fact based on the Review Criteria Table under § 205-301. The Planning Commission and City Council may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- J. Issuance of Building Permits: The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD-2 District unless it is in compliance with the approved Development Plan or any approved amendments.
- K. Changes or Modifications to Development Plans in the PUD-2 District. The Planning Director is authorized at his/her discretion to approve amendments to an approved development plan, provided that:
 - (1) Changes in the alignment and location of structures do not exceed ten feet in any direction.
 - (2) The floor area of any single building is not changed by more than 5%.
 - (3) Any amendment not conforming to these provisions shall be considered tantamount to a new application and shall be submitted to the Planning Commission and City Council according to the procedures for new applications established in this section.
- L. Termination of PUD-2 District: If no substantial development has taken place in a Planned Development District for three years following approval of the District, the Planning Commission may reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

§ 205-135. PUD Application Requirements Table.

The following table sets forth application requirements for the designation of PUD Districts. The Planning Director at his/her discretion may require additional information necessary for the complete consideration of the application.

Application Requirement	PUD-1 Concept Plan	PUD-1 Applica- tion	PUD-2 Concept Plan	PUD-2 Applica- tion
Location, size, legal description of site	X		X	
Existing topography at 2-foot intervals	X		X	
Location and description of major site features, including tree masses, drainageways, wetlands, soils.	X		X	
A map showing land uses within 200 feet of the boundary of the site	X		X	
Location of 100-Year Floodplains	X		X	
Generalized land use plan.	X		X	
Proposed types and densities of development.	X		X	
Generalized internal and external transportation and circulation system, including pedestrian and bicycle system.	X		X	
Application Requirement	PUD-1 Concept Plan	PUD-1 Applica- tion	PUD-2 Concept Plan	PUD-2 Applica- tion
General location and size of buildings or building footprints.	X		X	

Statistical summary of the project, including gross and net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface coverage.	X	X	X	X
Site master plan, including general envelopes of buildings, parking, open space, and other site features.		X		
Description and location of all use types included in the project, including maximum floor areas devoted to each use.		X		X
Location and design of vehicular, bicycle, and pedestrian circulation systems, including relationship to external transportation system.		X		X
Schematic location and development standards for open space, including conceptual landscape plan.		X		
Grading plan at 1-foot contours, including erosion control plans.		X		X
Building design standards, including height, materials, sections, and other information required to describe the project.		X		X
Location of existing and proposed utilities, sanitary sewers, stormwater facilities, and water, gas, and electrical distribution systems.		X		X
General locations and sizes of signs and street graphics.		X		
Location of driveways or access points adjacent to the project.	X		X	
Proposed site development regulations, including maximum FAR or other density regulators, building and impervious coverage, setbacks, maximum heights, and other design standards specific to the project.		X		
Detailed site plan, displaying specific location or building envelope limits for all major site structures; location of open spaces; parking facilities; and vehicular circulation.				X
Exterior building elevations and floor plans.				X
Detailed open space and landscape plan.				X
Utility plans for all proposed utility improvements.				X
Location, size, style, and lighting of signage, including directional and signage control.				X
Location and design of proposed site lighting.				X
Proposed public and private ownership boundaries, including proposed private lots and common ownership areas.		X		X
Preliminary plat if applicable.		X		
Final plat if applicable.				X
Schedule indicating proposed phasing and scheduling of development.		X		X
Deed restrictions, covenants, agreements, association bylaws, and other documents controlling the use of property, type of construction, or development or activities of future residents.		If required.		If required.
Appropriate bonds to ensure construction of public improvements.		X		X
Application Checklist on a form provided by the city.		X		X

§ 205-136. (Reserved)

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