

Sec. 8-3035. Planned unit development multifamily (PUD-M).

A. *Purpose.* The PUD-M district is intended to allow a variety of residential development including single-family residential, two-family residential, multifamily residential (including townhomes, apartments and condominiums), senior congregate housing, and university or college dormitories as well as supportive but limited commercial uses. A PUD-M district must contain a minimum of three acres.

B. *Development standards.* In addition to this section and where elsewhere provided, the PUD-M district shall adhere to the general requirements for all planned unit developments as provided in section 8-3033 (planned unit development regulations).

Where the PUD-M district is located within a planned neighborhood conservation (P-N-C) area, the approved P-N-C design guidelines are hereby adopted as an addendum to the zoning ordinance. Of the PUD-M and the P-N-C districts, the P-N-C district shall be the more restrictive district and govern should a conflict in the zoning ordinance arise. The following P-N-C districts are zoned PUD-M:

1. Cuyler-Brownsville planned neighborhood conservation (P-N-C) district-phase I (section 8-3029).

C. *Allowed uses.*

1. *Residential uses.*

- a. *For PUD-M districts not within a P-N-C district.* The following residential uses shall be allowed:

- (1) Single-family detached dwellings in accordance with the R-6 (one-family residential) zoning district, provided however, the maximum lot coverage for single family detached lots shall be 40 percent based on a minimum lot size of 6,000 square feet. For single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot.
 - (2) Single-family semiattached dwellings;
 - (3) Two-family dwellings or duplexes;
 - (4) Multifamily dwellings, including townhomes, apartments and condominiums;
 - (5) Senior citizen congregate housing, including nursing home facilities, provided that:

- (a) The number of nursing home beds shall not exceed 25 percent of the total number of units, including nursing homes beds;
 - (b) The nursing home facility is an integral part of the total facility, controlled and managed by the same entity;
 - (c) Parking for the nursing home facility conforms to parking requirements for nursing homes;
 - (d) Vehicular access to or from the nursing home facility section of the development is provided from a collector or arterial street; and
 - (e) The exterior design of the nursing home facility portion of the development is visually compatible with the remainder of the development as shown in the approved development plan.
- (6) University or college dormitories, provided that:
- 1. Such units shall be adjacent to or directly across a collector or greater classified street or an approved private vehicular access easement from a private or governmentally operated college or university. Dormitories located adjacent to a college or university shall have their pedestrian and vehicular access only from such institution and not from other adjacent streets or properties;
 - 2. The parking area to serve a dormitory shall be located on the campus of the institution which it is intended to serve;
 - 3. All buildings shall be set back a minimum of 75 feet from an exterior property line where the adjacent property is zoned so as to allow residential use;
 - 4. In addition to other requirements of the PUD review process, the master plan submitted to the MPC shall identify the detailed layout of the dormitory development, improvements on the adjacent properties and any easements or proposed fencing or landscaping on the site. The number of dormitory units shall be identified for each phase of the

development, and a floor plan for each typical dormitory structure and unit shall be made a part of the master plan. The final plat shall conform with the approved master plan and shall be recorded;

5. Along with the approved final plat, an approved dormitory conversion plan, a signed dormitory lease and/or legal agreement executed between an existing private or governmentally operated college or university and the developer of the proposed dormitory facilities, and deed restrictions or protective covenants that apply to the proposed development, shall be recorded in accordance with the PUD final plat recording requirements; and
6. The MPC may require a solid, architecturally designed fence to be installed around the perimeter or portions of the perimeter of the site where it is determined that additional visual separation or protection is necessary to protect adjacent properties.

b. *For PUD-M districts within a P-N-C district.*

- (1) *Cuyler-Brownsville P-N-C district.* Only the following residential uses shall be allowed within a PUD-M district located within the Cuyler-Brownsville P-N-C district:
 - (a) Single-family detached dwellings;
 - (b) Single-family semiattached dwellings;
 - (c) Two-family dwellings or duplexes; and
 - (d) Multifamily dwellings, including townhomes, apartments and condominiums, provided that no multifamily dwelling shall exceed more than four dwelling units per lot.

Where the proposed number of senior citizen congregate units, nursing care beds, or college or university dormitory or elderly congregate dormitory units exceed the number of conventional dwelling units which are permitted under the base zoning density for the site, a conversion plan shall be submitted to and approved by the MPC as an integral part of the initial master site plan.

Such plan shall show how the approved number of congregate units, nursing care beds, or dormitory units will be converted into dwelling units if the congregate use, nursing or dormitory use is terminated in the future. A detailed floor plan for each typical converted dwelling structure and unit, deed restrictions and protective covenants shall be made a part of the conversion plan.

The conversion of a senior citizen congregate housing development, nursing or personal care facility, or of a college or university dormitory or elderly congregate dormitory structure to a multifamily residential use shall be permitted only in compliance with an approved conversion plan subject to the following conditions:

- a. *Conversion from senior citizen congregate housing, elderly congregate dormitory units or nursing care homes.* Such conversions shall occur only in compliance with the base zoning density standard established for the particular PUD-M district and as shown on an approved, recorded conversion plan which is a part of the approved master plan.
- b. *Conversion of college or university dormitories.* Such conversion shall be a result of a reduction in the number of units and/or an increase in the net land area through the purchase of adjacent property which can be utilized as open space and required support services. In all cases, the following conditions shall be met:
 - (1) The dormitory units shall have been actually utilized for dormitory purposes pursuant to the provisions of these regulations; and
 - (2) The post-conversion dwelling unit density shall not exceed 25 dwelling units per net acre, or be no greater than ten dwelling units per acre above the base zoning density, whichever is the most restrictive.

2 *Nonresidential and mixed uses for PUD-M districts not within a P-N-C district.*

- a. Within PUD-M districts containing not less than 500 dwelling units, nonresidential uses intended to meet the daily convenience needs of the residents of the development are allowed as set forth in this subsection. However, no construction permit for such activities shall be issued until after the minimum required 500 dwelling units are under construction.

- (1) Foodstores.
- (2) Drugstores.
- (3) Barbershop and beauty shop.
- (4) Restaurants.
- (5) Gift shops.
- (6) Floral shops.
- (7) Professional offices.
- (8) Laundromats.
- (9) Or similar uses approved by the mayor and aldermen. A request for a special use shall follow the procedure for a map amendment in accordance with section 8-3182.

b. Within PUD-M districts containing less than 500 dwelling units, churches and other places of worship shall be allowed if all of the following conditions are met:

- (1) The use abuts a collector or arterial street;
- (2) The use is at least 100 feet from any conforming residence; and
- (3) The use is approved by the mayor and aldermen, following a recommendation by the MPC. A request for a special use shall follow the procedure for a map amendment in accordance with Section 8-3132. Review criteria shall be in accordance with Section 8-3123(b)(1-11), provided however that the required findings shall be made by the MPC and the mayor and aldermen

c. *For PUD-M districts within a P-N-C district.*

- (1) *Cuyler-Brownsville P-N-C district.* Only the following nonresidential uses shall be allowed within a PUD-M district located within the Cuyler-Brownsville P-N-C district:

- (a) Foodstores, provided that such establishments shall not sell alcoholic beverages;
- (b) Drugstores, provided that such establishments shall not sell alcoholic beverages;
- (c) Barbershop and beauty shop;
- (d) Sit-down restaurants, provided that such establishments shall not sell alcoholic beverages without a meal;
- (e) Gift shops;
- (f) Floral shops;
- (g) Professional offices;
- (h) Laundromats;
- (i) Churches and other places of worship; and
- (j) Or similar uses approved by the mayor and aldermen. A request for a special use shall follow the procedure for a map amendment in accordance with section 8-3182. Review criteria shall be in accordance with section 8-3163(b), provided, however, that the required findings shall be made by the MPC and the mayor and aldermen.

D. *General development standards.* Within the PUD-M district, the following general development standards shall apply to all development except as noted in this subsection:

1. *Density.* The net dwelling unit density for the development shall be established at the time the property is rezoned. The density to be established shall be recommended by the MPC, but shall not be more than 25 units per net acre, with the following exceptions:
 - a. Provided the MPC may approve an increase in the number of units permitted within the development of up to 100 percent of the net density as shown on the zoning map for the property in question, where the development is to consist solely of senior citizen

congregate housing, including nursing home facilities, provided that no more than 15 percent of the total units have two or more bedrooms and that no efficiency or one-bedroom units have greater than 600 square feet of livable floor area. In senior congregate housing, nursing home beds will not be considered as living units for density purposes. Rather, the conversion plan to either senior citizen congregate units or conventional dwelling units will be used to calculate total density.

- b. Where the development is to consist solely of dormitory development, the MPC may approve an increase in the number of allowed units above the net density as shown on the zoning map for the property in question, as follows:
 - (1) College and university dormitories. An increase up to an additional 80 percent; and
 - (2) Senior citizen congregate housing dormitories. An increase up to an additional 150 percent.
- c. Where a development plan for a PUD-M district is approved for any of the above types of dwellings, including townhomes, apartments, condominiums, or other multifamily development, the density for the PUD-M district established at the time the property was rezoned shall apply only to the area designated for multifamily development as shown on the approved specific development plan for such PUD-M district.
- d. In establishing a density standard for the PUD-M development, the metropolitan planning commission shall consider the following conditions among others:
 - (1) The traffic that shall be generated if the development is compared to another zoning classification; and
 - (2) The capacity of the water and sewer system to accommodate the development.
- e. The approved density shall be stated on the official zoning map at the time the property is rezoned.
- f. Net density per acre calculations shall not include streets, drives or parking areas.

2. *Street frontage.* The following street frontage standards shall apply to all PUD-M districts except within the Cuyler-Brownsville P-N-C district. Within the Cuyler-Brownsville P-N-C district, the setbacks for PUD-M development shall be established by section 8-3029:
 - a. *Number and location of curb cuts.* The number and location of curb cuts along arterial and collector streets shall be determined by the traffic analysis study for the proposed development and approved by the city traffic engineer. In no case shall any street intersection be within 250 linear feet of another intersection.
 - b. *Minimum development setback requirements.* The minimum building setback requirements shall be as set forth elsewhere in this chapter for the various types of development, provided that along arterial and collector streets, the following minimum setbacks shall prevail:
 1. *Arterials.* 35 feet from the right-of-way.
 2. *Collectors.* 20 feet from the right-of-way.
 3. *Spacing of units.* Front and rear faces of buildings must be a minimum of 50 feet from the front or rear of another building.
 4. *Alignment.* No dwelling unit shall be situated so as to face the rear of another unit within the development unless there is a terrain difference or sufficient vegetation to provide an effective visual buffer or unless the rear facade is architecturally designed to eliminate the "rear facade" appearance.
 5. *Parking.* Except as noted within this section, off-street parking and loading shall meet the requirements of article D (off-street parking and service requirements), section 8-3089 (minimum space requirements for off-street parking areas), section 8-3091 (minimum requirements for off-street loading space), and other standards as required by the zoning ordinance, local, state and federal agencies except where noted in this subsection; provided, that for university or college dormitory developments, one parking space per bedroom shall be required.

a. *Location.*

- (1) Parking for townhouse, apartment, condominium and other multifamily development may be provided for individual units or in a common lot with a maximum walking distance of 200 feet from the nearest parking space to the main entrance of the building intended to be served.
- (2) Parking lots shall be designed so that vehicles are not required to back into a street, and shall be separated from the street by a landscaped area of not less than ten feet. Within the Cuyler-Brownsville P-N-C district, the separation between the street and the parking area shall not be less than eight feet.
- (3) Parking areas for nonresidential and mixed uses shall be appropriately screened and set back at least 75 feet from residential structures.
- (4) Parking for nonresidential and mixed uses located in the Cuyler-Brownsville P-N-C shall be located in the rear yard. Off-street parking shall be allowed in a side yard only where the abutting property is zoned for nonresidential or mixed uses.

b. *Number of parking spaces required.*

- (1) One parking space per bedroom shall be required for senior citizen congregate housing and university or college dormitory developments.
- (2) One and a half parking spaces per dwelling unit shall be required for multifamily housing developments.

6. *Preservation of common areas.* A developer, homeowners' association established by the developer, by recorded covenants and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units, and land set aside for open space, buffers, parks or recreational use, water retention areas, and common off-street parking spaces established for the development unless such responsibility is legally assumed by a unit of government.

E. *Specific development standards.*

1. *Residential uses.*

- a. *For PUD-M districts not within a P-N-C district.* The following residential standards shall apply within PUD-M districts not located within a P-N-C district:

- (1) *Single-family detached dwellings.* Such development shall comply with the development standards for the R-6 (one-family residential) zoning district.
- (2) *Single-family patio lot development.* Such development shall comply with the development standards for the R-6 (one-family residential) zoning district; however, a zero side yard setback shall be permitted on one side of a lot, provided that the spacing between buildings required by this section is maintained.
- (3) *Single-family semiattached dwellings.* Such development shall comply with the development standards for the R-6 (one-family residential) zoning district; however, a zero side yard setback shall be allowed on one side of a lot, provided that the dwelling on the lot abuts another semiattached dwelling.
- (4) *Two-family dwellings (duplexes).* Such development shall comply with the development standards for the R-6-B (one-family semiattached residential) zoning district, provided that such development shall not face across a street into single-family development or property zoned solely for single-family development.

- (5) *Multifamily dwellings, including townhomes, apartments and condominiums.* The minimum development standards for such development shall be as follows:
- (a) *Open space.* Common open spaces, excluding streets, driveways and parking areas, shall not be less than 20 percent of the total development.
 - (b) *Recreation facilities.* Common recreational areas are to be provided and equipped in scale with the residential needs of the residents of the development. Such areas are to be a part of the required common open space. A minimum of 135 square feet of developed recreational space shall be provided for each dwelling unit identified in the development plan, provided that no required recreational space shall be less than 4,000 square feet. Recreational space is to be aggregated and located in readily accessible sites and shall be identified on the approved development plan.
 - (c) *Buffers and screening.* A 25-foot natural or landscaped buffer shall be provided adjacent to every exterior property line excluding portions of the abutting street right-of-way. Where the development property line abuts a residential use or zoning district which permits single-family and two-family residential uses, this buffer shall not be less than 50 feet. This buffer is to be maintained as part of the common open space area for the development. However, where like-kind or similar type of development adjoins, a buffer shall not be required. No development or utilities, except for a fence approved by the metropolitan planning commission, shall be located within a required buffer area.
 - (d) *Minimum spacing between buildings.* Minimum spacing between the sides of buildings shall not be less than 20 feet.
 - (e) *Maximum density.* Maximum density for townhouse, apartment, condominium or other multifamily developments shall not exceed the PUD-M density established for the district at the time of rezoning.

- b. *For PUD-M districts within a P-N-C district.* The following residential standards shall apply within PUD-M districts located within the Cuyler-Brownsville P-N-C district:
 - (1) *Single-family detached dwellings.* Such development shall comply with the development standards for the Cuyler-Brownsville P-N-C zoning district (section 8-3029).
 - (2) *Single-family semiattached dwellings.* Such development shall comply with the development standards for the Cuyler-Brownsville P-N-C zoning district (section 8-3029); however, a zero side yard setback shall be allowed on one side of a lot, provided that the dwelling on the lot abuts another semiattached dwelling.
 - (3) *Two-family dwellings (duplexes).* Such development shall comply with the development standards for the zoning Cuyler-Brownsville P-N-C district (section 8-3029).
 - (4) *Multifamily dwellings, including townhomes, apartments and condominiums.* Such development shall comply with the development standards for the zoning Cuyler-Brownsville P-N-C district (section 8-3029). In addition, the following development standards shall apply:
 - a. *Maximum density.* Multifamily units shall not contain more than four dwelling units per structure.

2. *Nonresidential and mixed uses.*

- a. *For PUD-M districts not within a P-N-C district.* The following nonresidential and mixed use development standards shall apply within PUD-M districts not located within the Cuyler-Brownsville P-N-C district:
 - (1) *Location of allowed uses.*
 - (a) Nonresidential and mixed use structures shall be set back not less than 150 feet from residential structures, except as provided in C.2.(b) of this section.
 - (b) Parking areas shall be appropriately screened and set back at least 75 feet from residential structures.

- (2) *Design standards.*
 - (a) The total commercial floor area for the district shall not exceed ten square feet per dwelling unit within the PUD.
 - (b) Building area, including building coverage, landscaping and parking areas, shall not amount to more than three percent of the PUD-M developable area; provided, however, that this requirement shall not apply to churches and other places of worship established in compliance with C.2.(b) of this section.
- (3) *Street frontage.* Areas designated for commercial uses shall front onto an arterial or collector street within the development. Such uses shall not be established across a street from property lying outside the boundaries of the PUD or to adjacent properties lying outside the PUD.
- (4) *Signage.*
 - (a) One sign shall be allowed for each business establishment. Illumination shall be of interior, nonflashing design or indirectly lighted.
 - (b) Signs shall not be more than 20 square feet in size.
- (5) *Off-street parking.* Off street parking shall meet the requirements of section 8-3081, article D (off-street parking and loading requirements).
- (6) *Outdoor storage or displays.* There shall be no outdoor storage or displays.

b. *For PUD-M districts within a P-N-C district.* The following commercial development standards shall apply to PUD-M districts located within the Cuyler-Brownsville P-N-C district:

- (1) *Location of allowed uses.*
 - a. Areas designated for nonresidential uses shall front onto an arterial or collector street.

- (2) *Design standards.* New development, exterior repairs, renovations or rehabilitation within this district shall be in accordance with section 8-3029 (Cuyler-Brownsville planned neighborhood conservation district).
- (3) *Outdoor storage or displays.* There shall be no outdoor storage and displays.