

CHAPTER 13

PLANNED UNIT DEVELOPMENT

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SECTION 1300. DESCRIPTION

A Planned Unit Development (PUD) is an alternative to conventional development and requires supplemental zoning approval based on a conceptual land use plan. The conceptual plan, called the Development Plan, must illustrate a unified development which may include various land uses that require different zoning designations as well as variations of the bulk and area requirements. The Development Plan also includes specific land use locations and use restrictions and must be submitted to the Planning Commission and City Council or Board of County Commissioners for review and approval. If approved, it receives the designation, Supplemental Zoning District PUD. This zoning designation is a prerequisite for consideration of a Planned Unit Development preliminary plat.

SECTION 1301. PURPOSE

The purposes of the Planned Unit Development are to:

- A. Permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibly with adjoining and proximate properties;
- B. Permit greater flexibility within the development to best utilize the unique physical features of the particular site;
- C. Permit creative land use design;
- D. Provide and preserve meaningful open space; and

- E. Achieve a continuity of function and design within the development.

SECTION 1302. GENERAL PROVISIONS

- A. General Process
 - 1. Request and approval of a Zoning Map Amendment;
 - 2. Request and approval of a Supplemental Zoning District PUD designation based on a PUD Development Plan; and
 - 3. Review and approval of a PUD Subdivision plat.
- B. Planned Unit Developments are permitted only on tracts which have the Supplemental Zoning District designation PUD.
- C. A PUD shall be reviewed as to the proposed location and character of the uses as well as the unified treatment of the development of the tract.
- D. The regulations of the general Zoning District or Districts remain applicable except as specifically modified pursuant to the provisions of this Chapter.
- E. The City Council or Board of County Commissioners and the Planning Commission, when considering approval or amendment of a PUD, and the Planning Commission when considering approval of a minor amendment (see Section 1307.J) may impose restrictions as conditions of approval in addition to those imposed by the underlying zoning and the PUD Chapter.
- F. No modification of use or bulk and area requirements of the applicable general use district or districts will be permitted unless a subdivision plat incorporating the provisions and requirements of this Chapter is approved by the Planning Commission and the City Council or Board of County Commissioners. The plat must then be filed of record in the office of the County Clerk.
- G. The Planning Commission may waive the platting requirements of the Subdivision Regulations if the property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record with the County Clerk making the City of Claremore or Rogers County beneficiary to said covenants as provided in Subsection 1307.H, Planned Unit Development Subdivision Plat.

SECTION 1303. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT

A. Principal Uses

The development may consist of one or more of the uses permitted by Right or Special Exception in the general Zoning District or Districts within which the PUD is located, provided:

1. That if any part of the PUD is located within a Residential District, the permitted uses may additionally include one or more of the dwelling types contained in Use Unit 5, Single-Family Dwelling, Use Unit 6, Duplex Dwelling, Use Unit 7, Townhouse Dwelling, or Use Unit 8, Multi-family and Similar Uses;
2. That Use Unit 9, Manufactured Home Dwelling, is a permitted use only within a PUD which is located in whole or in part in an RST or RT District;
3. That the permitted uses, whether principal or accessory uses, may be reassigned within the development without regard to the general Zoning District boundaries; and
4. Outdoor advertising signs must meet the use conditions set forth in Use Unit 22, Outdoor Advertising Signs.

B. Accessory Uses

Accessory uses customarily incidental to the principal uses within the PUD are permitted as follows:

1. Accessory Commercial
 - a. In addition to accessory uses customarily incidental to a permitted principal residential use, accessory commercial uses may be permitted within a multi-family development area, subject to the conditions listed in Section 402.B.3, Accessory Commercial Uses in Multi-family Districts.
 - b. Accessory commercial uses may be permitted within an office development area. However, this use is subject to the conditions listed in Section 502.B which defines accessory use conditions in Office Districts.
2. Signs
 - a. Signs accessory to residential uses or uses permitted by Special Exception in Residential Districts shall comply with the provisions of the Residential Zoning District and Chapter 11, Signs.

- b. Signs accessory to principal office uses shall comply with the restrictions in the Office Zoning District. Signs accessory to principal office use if located in areas with Commercial or Industrial underlying zoning may be permitted based on the standards set out in the paragraph immediately below.
- c. Business signs, except wall signs, which are accessory to principal commercial or industrial uses must comply with the regulations for signs in a C-3 District as set forth in Subsection 1107 and outdoor advertising signs with the provisions of Section 1522. Wall signs must not exceed an aggregate Display Surface Area of two (2) square feet per each lineal foot of the building wall to which the sign or signs are affixed.
- d. The approving authority may impose such additional restrictions as are necessary to maximize compatibility with other neighboring uses.
- e. General Use Conditions for Business Signs in a PUD
 - 1) No roof signs are permitted.
 - 2) Projecting signs, signs with movement or flashing illumination, revolving or rotating signs, signs with animation or changeable copy may be permitted in accordance with Section 1108.
 - 3) Signs, if visible from an AR or R District other than street, highway or freeway right-of-way, or if visible from a PUD Designated Residential Development Area, shall not be located within 50 feet of said District or Area. However, signs larger than 300 square feet visible from an AR or R District other than street, highway or freeway right-of-way, or if visible from a Designated Residential Development Area, shall not be located within 200 feet of said District or Area.
 - 4) Any ground sign shall maintain a minimum separation of 100 feet from any other ground sign.
 - 5) No portion of the ground sign shall be located within ten (10) feet of the freeway right-of-way.
 - 6) Only one side of a double-faced sign shall be included in the computation of Display Surface Area.
 - 7) Signs not prohibited nor included in the computation of display surface area are set forth in Section 1103.

f. General Use Conditions for Outdoor Advertising Signs

Outdoor advertising signs shall comply with Section 1522, provided the approving authority may impose such additional restrictions as are necessary to maximize compatibility with neighboring uses.

SECTION 1304. BULK AND AREA REQUIREMENTS

A. Intensity of Use

Within the PUD development, the intensity may be transferred without regard to the general Zoning District boundaries.

B. Residential Intensity

1. The residential intensity must not exceed a maximum number of dwelling units computed as follows:

Maximum Number of Permitted Dwelling Units =

Gross area of property located within a Residential District ÷ (divided by)
Minimum land area per dwelling unit permitted in the applicable use District.

- a. For the purpose of intensity computations, gross area shall mean the lot area plus one-half (1/2) of the right-of-way of any abutting street to which the lot has access;
 - b. The minimum land area per dwelling unit, for the purpose of the above described computation, shall be the least restrictive minimum land area per dwelling unit permitted in the applicable District as set forth in Sections 404, Bulk and Area Requirements in Residential Districts, and Section 403 for duplexes permitted as Special Exception uses in Residential Districts; and
 - c. Each 600 square feet of a quasi-dwelling, such as a care home, shall constitute one (1) dwelling unit.
2. Two (2) or More Residential Districts
 - a. If the PUD is within two (2) or more Residential Districts, the permitted residential density will be the sum of the permitted dwelling units computed separately for the gross area within each District.

- b. For a PUD located totally within a Residential District or Districts, the gross area for the purposes of the above described computation must be reduced by the area or areas designated for any principal use other than dwelling, quasi-dwellings or residential open space and recreation areas.

C. Nonresidential Intensity

1. The nonresidential intensity must not exceed a maximum permitted floor area computed as follows:

Maximum Permitted Floor Area =

Gross area of property located within a Nonresidential District X (multiplied) by the Floor Area Ratio (FAR) permitted either by Right or Special Exception within the bulk and area requirements of the applicable Zoning District.

- a. For the purpose of intensity computations, gross area means the lot area plus one-half (1/2) of the right-of-way of any abutting street to which the lot has access.
 - b. Where a floor area ratio is not specified, a floor area ratio of 0.75 shall apply.
2. The intensity of use of a PUD located within two (2) or more Residential, Office, Commercial, Scientific Research and Industrial Zoning Districts shall be separately calculated and allocated within the PUD by general classification.

D. Lot Width, Frontage and Area

Within a PUD, minimum requirements for lot width, frontage and area shall be listed in detail as development standards in the Development Plan.

E. Park and Recreation Area and Common Open Space

1. Within a PUD Designated Residential Development Area, lot areas in RS Districts, recreation areas in RM Districts and common park and recreational open space in RT Districts shall be provided in an amount not less than the amount of space required by the applicable Zoning District for conventional development of a comparable number of dwelling units. (See Section 404 Bulk and Area Requirements in Residential Districts).
2. Required recreation or park area shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas.

3. Common recreation or park area shall be designed and located so as to be accessible to the dwelling units it is intended to serve.
4. Provisions for the ownership and maintenance of common area (homeowners associations, etc.) shall be included within the PUD Subdivision Plat in compliance with the provisions of Subsection 1307.H, Planned Unit Development Subdivision Plat.

F. Building Height, Setbacks and Yards

1. Within a PUD the building height limitations, building setback requirements and minimum yards shall be prescribed and incorporated within the PUD Subdivision Plat in compliance with the provisions of subsection 1307.H.
2. Every structure shall be set back from the centerline of an abutting public street as designated on the Major Street Plan a horizontal distance of not less than one-half (1/2) of the right-of-way designated on the Major Street Plan. (See Appendix C, Major Street Plan).

G. Open Space

Within a PUD minimum landscaped open space shall be required for each type of non-residential development area as follows:

- | | |
|--|-----------------|
| 1. Office Use | 10% of lot area |
| 2. Commercial Use | 5% of lot area |
| 3. Industrial or Scientific Research and Development Use | 5% of lot area |

SECTION 1305. PERIMETER REQUIREMENTS

Within a PUD, perimeter requirements for screening, landscaping, and setbacks, shall be required as necessary to assure compatibility with adjoining and surrounding properties. All perimeter requirements shall be incorporated into the subdivision plat in accordance with provisions of Section 1307.H.

SECTION 1306. OFF-STREET PARKING AND LOADING

- A. Within a PUD, off-street parking and loading spaces shall be provided as specified in the applicable Use Units and in conformance with the requirements of Chapter 16, Off-Street Parking and Loading; however, Section 1602.B shall not apply.

- B. Required spaces shall be provided on the lot containing the uses for which it is intended to serve or in common areas as designated below:
1. A common parking area shall be designed and located so as to be accessible to the uses it is intended to serve.
 2. Provisions for the ownership and maintenance of common parking areas must be incorporated into the Subdivision Plat in accordance with the provisions of Subsection 1607.H.

SECTION 1307. ADMINISTRATION OF PLANNED UNIT DEVELOPMENT

A. General

1. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for the Supplemental District Designation PUD.
2. The application must be accompanied by a Development Plan as described herein and processed in the manner established in this Chapter.
3. An application for the Supplemental District Designation PUD may be processed at the same time as an application for an amendment to the general Zoning District.
4. The PUD application may be made contingent upon approval of the zoning application.

B. Application

1. An application for a PUD shall be filed with the Planning Commission.
2. An application fee shall be submitted in accordance with Appendix F, Schedule of Fees.
3. Fifteen (15) copies of the Development Plan shall accompany the application.

- C. The applicant shall be responsible for giving proper and timely public notice as required herein. (See Section 1307.F).

D. PUD Development Plan

The Development Plan shall include maps and text shall include:

1. Proposed development areas and requested land uses;
2. Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;
3. Proposed maximum building heights and minimum building setbacks;
4. Proposed public and private vehicular and pedestrian circulation systems;
5. Proposed landscaping areas and screening;
6. Proposed intensity of residential uses expressed in number of dwelling units per development area and proposed intensity of nonresidential uses expressed in floor area ratio, and allocated to the proposed Development Areas of the PUD;
7. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
8. Existing topographic character of the land including identification of any floodplain areas and treed areas. In instances of probable development constraints due to slope and/or soil conditions, the Planning Commission staff may require the submittal of slope and/or soil analysis;
9. An explanation of the character of the PUD; and
10. The expected schedule of development.
11. In the City of Claremore, the PUD Development Plan shall be prepared in accordance with the provisions of this Zoning Ordinance and additionally meet all requirements of a Sketch Plat as specified in the Claremore Subdivision Regulations.

E. Detail Plans

1. The City Council or Board of County Commissioners, as a condition of approval of a Development Plan, may require the following Detail Plans to be submitted to the Planning Commission and City Council or Board of County Commissioners for approval:

a. Detail Site Plans

Detail Site Plans, if required, shall be submitted for specific development areas within the PUD. If required, Detail Site Plan approval shall be secured prior to the issuance of a Building Permit and must comply with all approved Development Standards, including at a minimum:

- 1) Uses of land;
- 2) Location, size, height and setbacks for all buildings;
- 3) Location and number of off-street parking spaces; and
- 4) Private and public vehicular and pedestrian circulation.

b. Detail Sign Plans shall include:

- 1) The location, size, height and setbacks for all signs.
- 2) If a Detail Sign Plan is required, approval shall be secured prior to the issuance of a Sign Permit.

c. Detail Landscape and/or Fence Plans shall include:

- 1) The location, type and size of plant materials and the watering systems, location and design of required screening fences or walls, and shall comply with all approved PUD development standards.
- 2) If a Detail Landscape and/or Fence Plan is required, approval shall be secured and installation shall occur in accordance with approved plans prior to the issuance of a Certificate of Occupancy or as otherwise provided in the PUD.

d. Exterior Building Detail Plans, if required shall include:

- 1) Elevations and perspective drawings of the buildings to be constructed; however, this requirement does not apply to platted single-family lots or duplexes.
- 2) If an Exterior Building Detail Plan is required, approval shall be secured as a part of the approval of a Detail Site Plan and prior to the issuance of a Building Permit.

2. When the Planning Commission is authorized by the City Council or Board of County Commissioners to review and approve Detail Plans, the Planning Commission may, with the approval of the City Council or Board of County Commissioners, delegate said review to members of its Staff.
3. Appeals to the Planning Commission from a decision of the Staff with regard to a detail plan may be filed by any person or persons aggrieved. Notice of appeal must be filed with the Secretary of the Planning Commission within ten (10) days from the date of the Staff decision appealed.

F. Public Hearing and Planning Commission Action

1. The Planning Commission, upon the filing of an application for the Supplemental District Designation PUD, shall set the matter for public hearing.
2. The applicant shall be responsible for giving public notice prior to the Public Hearing. Notice shall be given as stated in Section 2003.
3. Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:
 - a. Whether the PUD is consistent with the Comprehensive Plan;
 - b. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
 - c. Whether the PUD is a unified treatment of the development possibilities of the project site; and
 - d. Whether the PUD is consistent with the stated purposes and standards of this Chapter.
4. The Planning Commission shall forward its recommendation and the application to the City Council or Board of County Commissioners for final action.

G. Action by the City Council or Board of County Commissioners

1. Upon receipt of the application and Planning Commission recommendation, the City Council or Board of County Commissioners shall hold a hearing, review the Development Plan and approve, disapprove, modify, or return the application to the Planning Commission for further consideration.

2. Upon approval, the Zoning Map shall be amended to reflect the Supplemental District Designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the Development Plan.

H. Planned Unit Development Subdivision Plat

A PUD subdivision plat shall be filed with the Planning Commission and processed in accordance with the Subdivision Regulations. In addition to the requirements of the Subdivision Regulations the plat shall include:

1. Details as to the location of uses and street arrangement;
2. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council or Board of County Commissioners;
3. Covenants
 - a. Covenants shall be required which will reasonably insure the continued compliance with the approved PUD Development Plan.
 - b. To protect the public interest, the City of Claremore or Rogers County Board of Commissioners shall be made beneficiary of said covenants pertaining to such matters as contained within the approved Detail Plans.
 - c. Such covenants shall provide that the City or County may enforce compliance therewith and additionally, provide that amendment of such covenants shall require the approval of the Planning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning Commission.

I. Issuance of Building Permits

After the filing of an approved PUD Subdivision Plat and notice to the Building Inspector, no Building Permits shall be issued on lands within the PUD except in accordance with the approved plat and restrictive covenants.

J. Amendments

1. Major amendments which would represent a significant departure from the approved Development Plan require compliance with the notice and procedural requirements of the original PUD. The Planning Commission may direct the processing of an amended PUD Subdivision Plat incorporating the

requested changes.

2. Minor amendments to the PUD may be authorized by the Planning Commission. In order for the Planning Commission to consider the requested minor changes a finding must be made that said changes if approved will maintain substantial compliance with the approved Development Plan and the purposes and standards of this Chapter. The Planning Commission may direct the processing of an amended PUD Subdivision Plat incorporating the requested changes.
3. The following may be considered for approval by the Planning Commission as minor amendments:
 - a. Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
 - b. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
 - c. Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15% provided the increased number is permitted by the underlying zoning.
 - d. Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
 - e. Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
 - f. Changes in points of access, provided the traffic design and capacity are not substantially altered.
 - g. Addition of customary accessory buildings and uses within the delineated common open space of a residential PUD, including but not limited to swimming pools, cabanas, security buildings, club houses and tennis courts.
 - h. Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within the PUD, including but not limited to swimming pools, cabanas, garages, and tennis courts, provided an agreement has been recorded with the County Clerk by the owner

prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.

- i. Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered and such changes would be permitted by the underlying zoning.
 - j. Lot splits which modify a recorded plat and which have been reviewed by the Technical Advisory Committee (TAC) and reviewed and approved by the Planning Commission.
 - k. Home Occupations which meet the requirements of Subsection 402.B.
 - l. Modifications of approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered and are permitted by the underlying zoning.
 - m. Modification of approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.
 - n. Changes reducing the number of permitted dwelling units.
 - o. Changes in an approved use to another use may be permitted provided:
 - 1) The underlying zoning on the particular site within the PUD would otherwise permit such use by Right and such use is not specifically excluded by the approved PUD; and
 - 2) The proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.
4. Ten (10) days prior notice of a public hearing shall be given for minor amendments by mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property.
 5. In instances where the City Council or Board of County Commissioners has specifically imposed a PUD condition more restrictive than originally recommended by the Planning Commission, any minor amendment of that specific condition must be approved by the City Council or Board of County Commissioners.

6. Major Amendments

- a. The amendment shall be deemed a major amendment to the Development Plan if the Planning Commission determines that the proposed amendment if approved will:
 - 1) Result in a significant departure from the approved Development Plan or otherwise significantly change the character of the PUD; or
 - 2) That the cumulative effect of a number of minor amendments substantially alters the approved Development Plan.
- b. Major amendments shall comply with the notice and procedural requirements of Sections 2002 and 2003.

K. Appeal from a Minor Amendment Determination

1. An appeal of any minor amendment decision by the Planning Commission may be filed by any person or persons aggrieved, any taxpayer or any officer, department, board or bureau of the City or County, to the City Council or Board of County Commissioners. Notice of appeal shall be filed with the City or County Clerk and with the Secretary of the Planning Commission within ten (10) days from the date of such action. The notice of appeal shall specify the grounds for the appeal.
2. No fee is required for such appeal.
3. Upon filing of the notice of appeal, the Planning Commission shall immediately transmit to the City Council or Board of County Commissioners copies of all papers constituting the record in the case, together with the decision of the Commission. The City Council or Board of County Commissioners shall notify the applicant and all interested parties as recorded in the minutes of Planning Commission of the appeal hearing date, time and place.

L. Abandonment of a PUD shall require approval of the City Council or Board of County Commissioners as follows:

1. Upon the recommendation from the Planning Commission on an application for amendment to the Zoning Map to repeal the Supplemental Zoning District Designation PUD, the City Council or Board of County Commissioners may repeal said designation.
2. Upon final action authorizing the abandonment of the PUD, no Building Permit shall be issued except in accordance with the restrictions and limitations of the general Zoning District or Districts.

3. Upon abandonment of the PUD the City Council or Board of County Commissioners may amend the underlying zoning upon receiving a recommendation from the Planning Commission.