

## ARTICLE 9.

### PLANNED DEVELOPMENT REGULATIONS

#### SECTION 901. PURPOSE

It is the intent of this article to provide a process for the application and approval of detailed site, use, and building plans, creation for new planned developments for specialized urban purposes where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. In view of the substantial public advantages of planned development, it is the intent of these regulations to promote and encourage development in this form wherever appropriate in location and character.

The provision for planned developments and the regulations adapted to such unified planning and development are intended to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better urban environment. Within planned developments, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to the same degree as in a district in which regulations are intended to control on a lot-by-lot, rather than unified, basis.

#### SECTION 902. PROCEDURE FOR PLANNED AREA DEVELOPMENT

The following procedures shall be utilized by developers and the City of Douglas to meet Planned Development approval requirements.

##### Section 902.1 Submission of Application

Applications shall be submitted as for zoning districts as provided for in Article 11. Material submitted with the application shall include five (5) copies of all plans, maps, studies, and reports, which may reasonably be required in order to make findings and determinations. The minimum parcel size for a planned area development shall be three (3) acres.

##### Section 902.2 Ownership Agreement Report

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Section 902.2            Ownership Agreement Report

There shall be supplied a report identifying all property owners within the planned Area Development and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners:

- (a) To proceed with the proposed development according to zoning regulations, with such modifications as are set by the City Council and agreed to by the applicant at the time of its approval.
- (b) To provide agreements, contracts, deed restrictions, and sureties acceptable to the City Council for completions of such development according to approved plans, and for continuing operation and maintenance to such areas, function, and facilities as are not to be provided, operated, or maintained at general public expense.
- (c) To bind their successors in title to any commitments made under (a) or (b) above.

Section 902.3            Preliminary Plan

In addition to, or as part of, the report described above, applicants shall submit a preliminary plan for the development and detailed proposals in accord with the above report to the Planning and Zoning commissions as a basis for specified agreements concerning plans, programs instruments.

Section 902.4            Action by the Planning and Zoning Commission

On applications for planned development amendments, the Planning and Zoning Commission shall proceed in general as for other amendments, giving special consideration, however, to the following matters and allowing changes in original applications prior to holding its hearing as indicated hereinafter.

Section 902.41           Pre-Hearing Conference

On request by applicants, the Community Development Director shall meet with the applicant to review the original application, including the report and the preliminary plan. The purpose of such pre-hearing conferences shall be to assist in bringing the report and plan as nearly as possible into conformity with these or other City of Douglas regulations applying to the property involved. In the course of such pre-hearing conferences, recommendations for changes shall be made by the Community Development Director as appropriate. All such recommendations shall be supported by stated reasons for change. Applicants shall in writing indicate their agreement to such recommendations or their

disagreement, and if there is disagreement shall in writing indicate their reasons therefore.

Section 902.42      Public Hearing

At such time as further conferences appear unnecessary or at anytime on request of the applicant, public notice shall be given and the hearing before the Planning and Zoning commission held as for zoning district, but the notice and hearing shall be on the application as it may have been amended following the pre-hearing conferences rather than as originally submitted.

Section 902.43      Recommendations of the Planning and Zoning Commission

The Planning and Zoning Commission shall recommend to the City Council approval of the Planned Area Development as proposed; approval conditioned on stipulated modifications; or disapproval. Recommendations of the Planning and Zoning Commission shall include findings as to:

- (a) The suitability of the tract for the type of Planned Area Development proposed in terms of relation to the City of Douglas Comprehensive Community Development Plan, Subdivision Code and/or Planned Area Development Standards, physical characteristics for the tract, and its relation to the surrounding area and existing and probable future development;
- (b) Relation to major transportation facilities, and services;
- (c) Adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, or other instruments, or the need for such instruments or for amendments in those proposed;
- (d) The suitability of any proposed agreements, contracts, deed restrictions, sureties, or other instruments, or the need for such instruments or for amendments in those proposed;
- (e) Desirable modifications in Planned Area Developments regulations as applied to the particular case, based on determination that such modifications are necessary or justified by demonstration that the public purposes of Planned Area Development regulations as applied in the particular case would be met to at least an equivalent degree by such modification.

Section 902.5      Action by the City Council

On applications for planned development, the City Council shall approve, with specified modifications, or deny the Planned Area Development, provided however that if the City Council, in approving the Planned Area Development, includes provisions substantially

at variance with the recommendations of the Planning and Zoning commission, such changes shall be referred to the Commission for review and report prior to final approval.

Unless the commission reports within thirty (30) days of such referral, the City Council may proceed to final approval. If the City council approves the planned Area Development, the development shall be required to be in accord with final plans meeting City of Douglas planned area developments standards, as may be supplemented or modified by the City Council, and shall conform to time limitations established by the City Council.

Section 902.6            Action Following Zoning for Planned Area Development

After plans are approved for a Planned Area Developments, no use permit shall be issued in such districts unless and until Community Development Director shall have approved final plans and reports for the development as a whole or stages or portions deemed by the Community Development Director to be satisfactory with relation to total development.

Before development may proceed, agreements, contracts, deed restrictions, and sureties shall be in form by appropriate officers or agencies of the City of Douglas.

Approval of final plans and reports will be by the same manner as for building permits in general, provided that any requirements concerning the order or location in which building permits are to be issued in the particular Planned Area Developed shall be observed. Except as provided below, the final plans and reports approved by the Building Inspector shall be binding upon the applicant and any successor in interest.

Section 902.7            Changes in Approved Final Plans

Changes in approved final plans may be permitted by the Community Development Director upon application by the applicant or successors in interest, but only upon a finding that such changes are in accord with all regulations in effect at the time the change is requested, and with the general intent and purpose of the City of Douglas Comprehensive Community Development Plan in effect at the time of the proposed change. Changes other than as indicated above shall be made only through the submittal of a new Planned Area Development application.