

## **2.8 Planned Unit Development District (PUD)**

### **A. Intent**

The Planned Unit Development (PUD) option is intended to provide more development flexibility than is possible through the application of customary zoning regulations, in recognition of changes in the development industry and the housing market.

The intent is to allow such development flexibility in a manner consistent with the best interest of the Town of Morristown and its surroundings. The PUD option also is intended:

1. To encourage a more creative approach to site planning and development,
2. To encourage an efficient, aesthetic, and desirable use of open space,
3. To promote variety in the physical development pattern of the community,
4. To achieve flexibility and incentives for residential development which will produce a wider range of choices for the market in meeting community needs,
5. To encourage renewal of older areas where new development and restoration are needed to revitalize the area,
6. To permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, and shape;
7. To recapture bypassed land so poorly planned and developed as to be a public liability,
8. To simplify the development process by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.

### **B. Applicability**

1. PUD may apply to any development whose primary use is residential, or for development whose primary use is business or industrial when the development is deemed to be in the best interest of the community.
2. PUD shall apply only to proposed new developments and shall not apply to any Unit Development Plan which is now partially or fully developed, nor to any development for which a final authorization has been granted pursuant to a previous ordinance, provided however, that a petitioner may, upon application and approval by the Commission, become subject to all the benefits and requirements of this ordinance, subject to such rights as shall have vested in the owners of the area affected by development under said ordinance.
3. Applications for Planned Unit Developments may be submitted by the owners of the area proposed for the planned unit development or by the Commission.

### **C. Planned Unit Development Zoning Amendments**

The planned unit development option involves a zoning amendment to the Planned Unit Development (PUD) zoning district. It is encouraged, however, that amendments to create a planned unit development district should occur only in districts where the permitted uses closely resemble those anticipated in the planned

unit development; for example, amendments to create a residential planned unit development should occur in residential zoning districts.

**D. Uses Permitted**

The following permitted uses are allowed in this district.

<b>Permitted Uses</b>	
Residential Uses	<ul style="list-style-type: none"> <li>• Dwelling units in detached, semi-detached, attached, or multi-storied structures</li> <li>• Non-residential uses of a religious, cultural, recreational nature</li> <li>• Business uses which are an integral part of the residential planned unit development and primarily for the convenience of the anticipated population of the residential planned unit development, provided that no business use, or any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is to serve.</li> </ul>
Business or Industrial Uses	<ul style="list-style-type: none"> <li>• Non-residential uses of a religious, cultural, or recreational nature</li> <li>• Dwelling units in semi-detached, attached, or multi-storied structures, or any combination thereof, which are an integral part of the business/industrial planned unit development</li> </ul>

**E. Bulk Standards**

The bulk standards for a PUD, including but not limited to lot area, setbacks, and height, shall be as provided in the covenants and restrictions for the planned unit development as provided below. However, any planned unit development shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns, and areas for parking adequate for the uses and occupancy proposed.

**F. Conformity with Plan Required**

Before approval of a preliminary plat for a planned unit development, a detailed determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with this document and in the best interest of the community.

**G. Land Units**

The basic land unit of a PUD is the block, parcel, tract, combination of lots, or acreage, not the lot; provided, however, divisible geographic sections of the entire PUD may be designated as a part of the detailed plan in accordance with the procedures for a final plat.

**H. General Procedure**

The general procedure for planned unit developments follow the the Development Plan platting process, which is a 3 step process:

1. Sketch Plan Review (the sketch plan is recommended but not required)
2. Preliminary Plat Review

### 3. Construction Plans/Final Plat Review

#### **I. Additional Submittal Requirement**

For PUD plans, in addition to the items listed in Attachment C, the Development Plan Final Plat Application Checklist, the following must be submitted for review by the Plan Commission:

1. Covenants and Maintenance
  - a. Covenants are required by the Plan Commission as an ingredient for the stability and longevity of the PUD and shall set forth detailed provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continued conservation. These shall include special remedies in the event facilities are allowed to deteriorate or are not maintained in a manner consistent with the best interest of the community, and in such event the Town shall take such steps necessary to enforce the remedies.
  - b. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including but not limited to the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and any other public or semi-public purposes wherever necessary in conformity with the Town's Comprehensive Plan or any other applicable plans. Such covenants shall provide that if a government unit or agency does not proceed to acquire the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit to the Plan Commission a modified detailed plan for the land consistent with the approved preliminary plan. Once approved, the modified plan shall be treated in the same manner as approved detailed plans for the entire development.
  - c. The Plan Commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for development of property within the planned unit development. such standards may include but are not limited to:
    - Lot area
    - Floor area
    - Floor to area ratios
    - Areas in which structures may be built ("Buildable Area"), including areas for cluster type residential development without lot lines
    - Open space
    - Setback lines and minimum yards
    - Building separations
    - Height of structure
    - Signs
    - Off-street parking and loading spaces
    - Design standards
    - Phasing of development

2. Property Owner's Organization

- a. Adequate provision shall be made for a private organization with directly responsibility to and control by the property owners to provide for the operation and maintenance of all common facilities including private streets. Legal assurances shall be provided which how that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- b. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non- discriminatory cost to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any government unit.
- c. All private streets shall be maintained by the private organization in a manner that provides adequate access to vehicular traffic at all times, so that fire, police, health, sanitation and public utility vehicles can serve the property or adjacent properties, and so that the vehicles will have adequate turning area.