Planned Unit Developments 16.12.040.3

The purpose of a PUD is to encourage more efficient use of the land and public and private services; to encourage flexibility to promote the most appropriate and compatible use; to facilitate adequate and economical provision of streets and utilities; and to preserve the agricultural lands and open space areas of our community.

- A. PUD Criteria: Planned unit developments can be used as a development alternative when the following criteria are met:
 - 1. For residential PUDs, the project is within the urbanizing area of the county as described in the Churchill County master plan;
 - 2. The project will provide water and sewer services;
 - 3. The project is consistent with the master plan in the provision for potential sites for parks, schools, and utility treatment facilities;
 - 4. The proposed development is consistent with the transportation plan in the identification of appropriate improvements.
- B. Approval Requirements And Required Findings: In approving a PUD, the planning commission and the county commissioners shall find the following:
 - 1. Growth and/or other development factors in the community support a change in the land use.
 - 2. The change in land use represents orderly development, and that adequate services and infrastructure to support the proposed land use are available in the area.
 - 3. The change in land use provides for an appropriate use of the land.
 - 4. The proposed land use is in substantial conformance with the master plan and other adopted plans and policies.

C. General Provisions:

- 1. Intent: The intent of the PUD ordinance is to provide for well designed developments that creatively utilize the physical features of a parcel of land and include design elements that protect surrounding properties, and provide features that mitigate potential impacts caused by development. Both mixed uses and higher densities than those designated in the underlying zoning district are permissible in a PUD. However, the type, intensity and location of proposed land uses must be justified and offset with design elements that demonstrate compliance with the recreation and open space elements of the master plan and provide open spaces throughout the development that create an atmosphere of healthful, rural living such as common open space and large lots.
- 2. General Development Provisions:
 - a. A PUD is a specialized form of subdivision. A proposed PUD shall therefore conform to all subdivision requirements unless varied by the provisions of this chapter.
 - b. The minimum project size shall be five (5) acres. The minimum size requirement may be reduced if justified by the developer and supported by the commission.

- c. Buffering and setbacks for all planned unit developments will be based upon and further evaluated by the impacts to the adjacent properties. Exterior project setbacks and buffering will be at a minimum the underlying zoning standards of the site. Interior setbacks shall be consistent with the standards of the highest density located within the development. Adequate buffering shall be provided to existing agricultural operations adjacent to the development.
- d. Planned unit developments may be proposed in the E-1, R-1, R-2, C-1, C-2 and I zoning districts provided that the type and intensity of the use is justified and offset with appropriate design elements and the following criteria are met:
- (1) In the E-1 zoning district residential uses must be the predominant land use. Commercial uses shall not exceed five percent (5%) of the gross project area. The overall density of the residential component of the PUD may not exceed 3.2 units an acre unless the commission determines that the development provides benefits to the community such as protection and access to the Carson River corridor; or protection of agriculture through the transfer of development rights from active agricultural lands or continuance of agricultural production within the development. The commission may allow up to five (5) units per acre should it determine that the benefits to the community warrant an increase in density.
 - (2) In the R-1 and R-2 zoning districts residential uses must be the predominant land use. Commercial uses shall not exceed twenty percent (20%) of the gross project area. Density may not exceed five (5) units an acre unless the commission determines that the development provides benefits to the community such as protection and access to the Carson River corridor; protection of agriculture through the transfer of development rights from active agricultural lands or continuance of agricultural production within the development. The commission may allow up to eight (8) units per acre should it determine that the benefits to the community warrant an increase in density.
 - (3) In the C-1 and C-2 zoning districts commercial uses must be the predominant land use. Residential uses shall not exceed five percent (5%) of the gross project area. Within the residential area residential density may not exceed eight (8) units an acre. The residential component must comply with all open space requirements and standards of a residential PUD.
 - (4) In the I industrial zoning district industrial and commercial uses must be the predominant land use. Residential uses shall not exceed five percent (5%) of the gross project area. Within the residential area residential density may not exceed an overall density of four (4) units an acre. The residential component must comply with all open space requirements and standards of a residential PUD.
 - (5) Type and intensity of land uses shall be incorporated into and approved as part of the PUD application process. Additional rezoning applications within a PUD are not required. Density and open space requirements of the residential components may be met by demonstrating community benefit to the commission such as protection of agriculture through the transfer of development rights from active agricultural lands or continuance of agricultural production within the development or protection of the floodplain.
- e. If a panel of experts is needed to review the project, the applicant shall be responsible for all costs incurred.

- D. Planned Unit Development Standards: Open space within a PUD, whether it is designated private or public is meant to primarily benefit the people living in the development.
 - 1. Open Space Requirements:
- a. Residential PUDs: For exclusively residential projects, and the residential components of industrial and commercial PUDs, except as provided below, a minimum of twenty percent (20%) of the project site must be retained in common open space that must be improved in a parklike setting with active recreational areas.
 - (1) A single-family residential project may be exempted from providing fifteen percent (15%) of the twenty percent (20%) required common open space if the project utilizes transfer of development rights from lands protected through conservation easements.
 - (2) A residential project may be exempted from providing fifteen percent (15%) of the required common open space if the project provides open space for a community or neighborhood park as designated in the master plan recreation element and recommended by the parks and recreation department.

b. Commercial And Industrial PUDs:

- (1) Twenty percent (20%) of the project site to be developed for industrial and commercial uses must be devoted to common open space improved in a parklike setting with active recreational areas. Fifty percent (50%) of this requirement may be satisfied by some or all of the following:
 - (A) Protection of agriculture and open space through the transfer of development rights;
 - (B) A payment in lieu for the development of community or regional parks that will benefit the residents of the county;
 - (C) Protection of the floodplain by setting aside unimproved land that is located within the 100-year floodplain.
- (2) The residential component of any commercial or industrial PUD must meet all the same requirements for open space and density of a residential PUD.

c. Open Space Standards:

(1) Common Open Space: Where possible, on site recreation areas should be linked with any appropriate transportation, bicycle, open space, trails or other similar approved plan. When the property is on a trail or biking lane or path designated by an adopted plan, the trail or separated bike path shall be provided and that area developed for the trail or separated bike path may be counted as part of the required open space, even if the trail or bike path is dedicated to the county.

Open space areas that enhance circulation within a site, promote pedestrian use and safety, and improve a site's aesthetic qualities are expected to satisfy the following criteria:

- (A) Open space should be designed to provide a mix of active and passive activity areas. Small pocket areas should be avoided whenever possible and combined into one aggregate area which includes amenities.
- (B) Open space areas should be accessible to all property owners within the development and connected by a comprehensive on site pedestrian circulation system.
- (C) Open space areas, including plazas and courtyards, should be designed, located and landscaped to take advantage of solar orientation, maximize water conservation measures and afford summer shade and winter sunshine.

- (D) Open space shall consist of connected, contiguous areas that are greater than or equal to two hundred (200) square feet with widths no smaller than ten feet (10') and must be within the development boundaries. Open space shall not include the following: required street landscaping, drives or driveways, streets and sidewalks, parking lots or bays and loading areas, retention ponds, canals, ditches and drains, and utility or service areas. Perimeter landscaping and entranceways may not be included in the open space calculation.
- (2) Types Of Open Space:
 - (A) Common open space may be comprised of one or more of the following and shall be accessible to all the living units it serves:
 - (i) Courtyard.
 - (ii) Large lawn area.
 - (iii) Playground.
 - (iv) Tennis court.
 - (v) Basketball court.
 - (vi) Swimming pool.
 - (vii) Similar outdoor recreation facilities as approved by the commission.
 - (B) Community benefit open space:
 - (i) Public access to the Carson River.
 - (ii) Floodplain protection.
 - (iii) Wildlife habitat.
 - (iv) Designated wetlands.
 - (v) Irrigated agricultural fields in production within the development.
 - (vi) Provision of transfer of development right (TDR) certificates.
- 2. Streets: Streets within the development may be public or private, constructed to Churchill County specifications in accordance with "Standard Specifications For Public Works Construction" ("Orange Book"). All specifications and standard details are to be obtained through the Churchill County road department. All streets are to be inspected and approved by the Churchill County road department.
 - When streets are proposed to be privately maintained the developer shall present to the board the mechanism to be established that will guarantee that adequate funding will be provided or collected to ensure private maintenance of the streets for the life of the development. The board shall determine if privately maintained streets are permissible.
- 3. Residential Units: Residential units within the development may consist of attached or detached single-family units, multi-family units, including, but not limited to, apartments, townhouses, cluster units or condominiums, or commercial uses approved by the commission.
- 4. Drainage: Drainage shall be designed pursuant to the Churchill County design standards. The drainage/design must accommodate any potential flooding from failure of irrigation facilities.
- 5. Lighting: Lighting for the project shall be designed in accordance with recommendations from the county engineer and road department. The developer must propose a special assessment district (SAD) or like mechanism whereby the maintenance of and payment for lighting shall be the responsibility of the residents.

- 6. Public Facilities: All public facilities, sewer storm drainage, etc., shall be designed in accordance with Churchill County standards.
- E. Application Process:
- 1. Initial meeting with planning staff to discuss the planned unit development project concept and requirements for submittal. (Establish if there is an actual project, and if a PUD is the best alternative.)
- 2. Applicant prepares conceptual planned unit development application and required supporting information in accordance with the conceptual planned unit development submittal requirements and checklist.
- 3. Conceptual plan is discussed in general terms with the planning commission at a workshop.
- 4. Applicant submits conceptual planned unit development application and required supporting information to the planning department.
- 5. Planning staff reviews the application for completeness and either deems the application complete or incomplete (1 week after submittal).
- 6. If application is deemed complete the staff initially reviews the submittal to identify key issues and general information regarding the proposal and drafts a summary for the planning commission.
- 7. The planned unit development conceptual plan along with supporting material and the staff summary is then presented to the planning commission at a public hearing for discussion only. The applicant is required to present the concept and material during this hearing.
- 8. Following input from the planning commission on the conceptual planned unit development application the applicant can move forward to prepare the planned unit development submittal application.
- 9. a) Upon completion of the planned unit development application and supporting information the applicant can submit to the planning department. Submittal should specifically address all concerns and comments that were raised by the staff and planning commission during the conceptual review process.
 - b) If the Planned Unit Development is of a size and complexity that the County determines warrants the services of specialized and skilled professionals outside the employ of the County, the developer shall deposit with the County an amount to be determined up to fifty thousand dollars (\$50,000) at the time the application for a Planned Unit Development is filed. If the deposit is required, no permit shall be issued until the deposit is lodged with the County. If the special use permit application is denied, the outstanding balance of the deposit shall be returned to Applicant after the time for filing appeals and petitions for judicial review have expired. If the special use permit is granted, the deposit shall be retained and utilized by the County for services provided by specialized or skilled professionals retained by the County to monitor compliance with the conditions of the special use permit. At the time the Special Use Permit is granted, Applicant, as a condition of the special use permit, may be required to deposit additional funds with the County to bring the balance of the deposit back up to fifty thousand dollars (\$50,000).
- 10. The planning staff will review the submittal for completeness and accept or reject the application (1 week following submittal).

- 11. When the request is deemed complete the staff begins review.
- 12. Approximately two (2) to three (3) weeks after initial submittal, staff will have a meeting with the applicant to review the request, and ask for any additional information needed and review comments from other county departments.
- 13. Upon completion of staff review the request will then be placed on the agenda for the next planning commission meeting for review and recommendation.
- 14. Following the planning commission meeting the item will be forwarded to the county commission for action.
- 15. Following approval of the planned unit development application the applicant may proceed with preparation of a tentative map(s). Tentative maps must be prepared in accordance with requirements of a subdivision tentative map. Where a tentative map will be filed simultaneously with a PUD application the applicant must meet with staff following the public hearing on the conceptual map to determine development standards and design elements. For this review applicant must request placement on the staff monthly meeting agenda (fourth Thursday of every month at 10:00 A.M.).

F. Application Requirements:

- 1. Conceptual Plan Application Requirements:
 - a. Site Description:
 - (1) Description of property and location.
 - (2) Description of land uses surrounding the property within one mile.
 - (3) Describe the proposed project design elements and property characteristics that make the property eligible for a PUD.
 - b. Project Description:
 - (1) Describe the project elements.
 - (2) Proposed land uses.
 - (3) Proposed densities.
 - (4) Describe how the proposed densities will compare to existing surrounding area.
 - (5) Describe mitigation measures employed to ensure that project is not detrimental to surrounding area.
 - (6) Describe access.
 - (7) Discuss infrastructure requirements and how project will be serviced.
 - (8) Describe proposed effects on public services.
 - (9) Discuss drainage of the project and how it will be addressed.
 - (10) Describe proposed open space areas.
 - (11) Potential public sites and services, dedication.
 - (12) Describe proposed project phasing.
 - c. Site Plan: The site plan area shall be prepared to the following scales: for smaller sites (less than 10 acres) one inch equals forty feet (1" = 40'); for sites in excess of ten (10) acres the site plans will be prepared at one inch equals one hundred feet (1" = 100'). The map should include sufficient information to describe the development and will include at a minimum the following:
 - (1) Parcel number.
 - (2) Total acreage.
 - (3) North arrow.

- (4) Scale.
- (5) Existing zoning.
- (6) Existing master plan.
- (7) Proposed densities.
- (8) Proposed access.
- (9) Proposed location of parks and open space.
- (10) Location of flood designations.
- (11) Existing structures.
- (12) Adjacent zoning designations and land uses within three hundred feet (300').
- 2. Planned Unit Development Application Requirements: In order to adequately evaluate these PUD submittal requests, the following items are to be included as part of the application and supporting information for planned unit developments. While some items on the following list were included in the conceptual planned unit development application, these items are expected to be addressed in more detail as a part of this application. (Failure to provide all of the listed information could result in an incomplete submittal packet.)
 - a. Site Description:
 - (1) Description of property and location.
 - (2) Description of land uses surrounding the property within one mile.
 - (3) Describe the proposed design elements and property characteristics that make the property eligible for a PUD.
 - b. Project Narrative:
 - (1) Describe the project elements.
 - (2) Proposed land uses.
 - (3) Proposed densities.
 - (4) Describe how the proposed densities will compare to existing surrounding area.
 - (5) Describe mitigation measures employed to ensure that project is not detrimental to surrounding area.
 - (6) Describe access.
 - (7) Discuss infrastructure requirements and how project will be serviced.
 - (8) Describe expected effects on public services.
 - (9) Describe the open space areas.
 - (10) Potential public sites and services, dedication.
 - (11) List and explain findings for this project pursuant to this code.
 - (12) Existing zoning and master plan designation.
 - (13) Proposed CC&Rs.
 - (14) Adjacent zoning designations within three hundred feet (300').
- c. Site Plan: The site plan area shall be prepared to the following scales: for smaller sites (less than 10 acres) one inch equals forty feet (1" = 40'); for sites in excess of ten (10) acres the site plans will be prepared at one inch equals one hundred feet (1" = 100') with five foot (5') contour intervals. The map will include at a minimum the following:
 - (1) Name of project, developers and engineer preparing plan.
 - (2) Location and size of the site total acreage.
 - (3) Legal description.
 - (4) Vicinity map.
 - (5) Identify proposed land uses and densities (pods or neighborhoods).
 - (6) Location and size of any parks or open space (ownership/proposed maintenance).

- (7) Proposed building elevations.
- (8) Show adjacent land uses, zoning and ownership.
- (9) North arrow.
- (10) Scale.
- (11) Existing structures.
- (12) Exterior setbacks and proposed buffers.
- (13) Areas not a part.
- d. Reports:
 - (1) Preliminary drainage report.
 - (2) Soils report.
 - (3) Those lands that may be considered potential wetlands by the United States natural resources conservation service in their technical guide information and information regarding soils and interpretations.
 - (4) Traffic study per section <u>16.16.010.8</u> of this title.
 - (5) Potential risks and proposed mitigation measures to address failures in irrigation facilities.
- e. Supplemental Information: Supplemental information to be included in narrative or as exhibits:
 - (1) General infrastructure plan.
 - (2) Phasing of the project.
- 3. Planned Unit Development Tentative Map Application: PUD tentative maps shall be submitted in accordance with requirements of a tentative subdivision. The first tentative map either depicting the total development or a portion of the development must be submitted to the board within three (3) years of the PUD application approval unless an extended time line is specifically agreed upon during the PUD approval process. One extension of no longer than two (2) years may be requested by the developer and approval may be granted by the board through a development agreement.
- 4. Planned Unit Development Final Map Application: PUD final maps shall be submitted in accordance with requirements of a subdivision map. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)