Article 34:

TOWN CENTER PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Sec. 9-1.3400: Purpose
Sec. 9-1.3405: PUD Defined
Sec. 9-1.3410: Applicability of the Town Center PUD District
Sec. 9-1.3415: Permitted Uses
Sec. 9-1.3420: Development Standards
Sec. 9-1.3425: PUD Application Format
Sec. 9-1.3430: Adoption of PUD
Sec. 9-1.3435: Implementation of PUD
Sec. 9-1.3440: Revisions to PUD (Property Owner Initiated)
Sec. 9-1.3445: Revisions to PUD (City Initiated)

Sec. 9-1.3400: Purposes and Intent

The purpose of the Town Center PUD District (PUD) is to secure a fuller realization of the general plan than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality, mixed-use, high intensity projects while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses. The intent of the PUD District is to:

A. Promote development projects that are consistent with the land use/downtown revitalization objectives of the Center City Redevelopment Project area.

B. Promote flexibility and innovative design of more intense urban development to provide efficient use of space and preserve significant natural, scenic and cultural features of a site.

C. Achieve high density residential developments, mixed use developments, and diversity of housing types, while maintaining high quality in design and construction.

D. Encourage clustering of structures to preserve a maximum amount of continuous open space.

E. Maintain the integrity of existing Tier I, Tier II historic structures and the historic downtown setting.

F. Contribute to the revitalization of downtown and enhancement of the unique character of the downtown streetscape and if applicable, implement the Downtown Ontario Design Guidelines and Euclid Avenue Corridor District (Article 23 of the Development Code).

Sec. 9-1.3405: PUD defined

A PUD is a precise plan, adopted by ordinance that provides the means for the regulation of buildings, structures, and uses of land in order to facilitate the implementation of the general plan. The regulations of the planned unit development are intended to provide for a diversity of uses, land use relationships and open spaces in an innovative land plan and design, implemented through a PUD that provides more flexibility than the underlying zoning while at the same time ensuring substantial compliance with the provisions of the development code.

Sec. 9-1.3410: Applicability of the Town Center PUD District

The Town Center PUD District can be applied to only those areas within the Town Center Study Area General Plan land use designation.

Sec. 9-1.3415: Permitted uses

PUD projects shall contain land uses consistent with the General Plan Town Center Study Area.

Sec. 9-1.3420: Development standards

The PUD is governed by zoning regulations that are contained within the ordinance that ultimately adopts the PUD, and in the event of a conflict, shall supersede any other provisions of the development code or any specific plan that otherwise may be applicable to the area covered by the PUD. Notwithstanding the foregoing, any proposed PUD shall conform to the following requirements:

A. The PUD is intended to be applied only to those areas that are large enough to allow for overall planning and design in sufficient detail to achieve greater values and amenities than those achieved by less flexible provisions regulating the successive development of individual lots.

B. Any PUD for a residential project shall provide a minimum density of 20 DU/AC and shall not exceed 70 DU/AC, [***exclusive***] of any density bonus provisions required by law.

C. Senior Citizen housing projects may exceed a density of 70 DU/AC, [***exclusive/inclusive***] of any density bonus provisions required by law, with an affirmative recommendation of the Planning Commission and approval by the City Council.

Sec. 9-1.3425: PUD application format

An application for a PUD shall be filed with the Planning Department on the prescribed application form and shall be accompanied by all of the following:

A. A completed Environmental Information Form describing existing environmental conditions, the proposed project and identifying potential environmental impacts of the project;

B. Maps, drawings, site plans, building elevations, proposed colors and building materials, summary tabulations and other documents and information required on the standard City application form to describe the project adequately;

C. The Planning Commission and City Council may require such other information as deemed necessary, which may include, but not be limited to, economic analyses, parking analyses, public services facilities plans, and utilities services plan;

D. If the PUD is to be phased, a phasing plan shall be submitted as part of the application; and

E. Required processing fee(s).

Sec. 9-1.3430: Adoption of PUD

Applications for a PUD shall be considered amendments to this code. In addition, guarantees, in a form satisfactory to the city attorney, shall be required from any applicant to ensure the accomplishment of any public improvements.

Sec. 9-1.3435: Implementation of PUD

The regulations of the PUD are intended to provide for a diversity of uses, land use relationships and open spaces in an innovative land plan and design. Therefore, a PUD shall be implemented by the following methods:

A. Via a precise plan incorporated into the PUD, which provides the means for the regulation of buildings, structures and uses of land in order to facilitate the implementation of the general plan;

B. Through a development plan review process as stipulated in Article 8 of this Development Code;

C. A PUD adoption or amendment/revision is subject to the approval of the Development Advisory Board (DAB), Planning Commission and as a legislative act by the City Council, all of which shall be processed as a zoning map amendment and zoning text amendment pursuant to Articles 3 and 4 of this Development Code.

Sec. 9-1.3440: Revisions to PUD (property owner initiated)

A revision to any PUD may be applied for to permit a change in any of the conditions of approval, a change in the standards of development and any partial change in the land use concept or placement and type of buildings. The following procedure shall be used to revise a PUD:

A. A property owner, or his or her duly authorized agent, whose property is subject to an existing PUD may apply for a PUD revision. All other property owners within the PUD will receive all documentation pertinent to the case prior to the public hearing. Advertising and notification of the case shall be provided as required by this title.

B. Any PUD revision shall require the adoption of an ordinance by the City Council. The revised regulations shall include a map and legal description of the property affected by the revision as well as any conditions of approval that are part of the revision.

Sec. 9-1.3445: Revisions to PUD (city initiated)

The Planning Commission or the City Council may initiate proceedings to reclassify the area included in an adopted PUD, change any of the conditions of approval, change the standards of development and any partial change in the land use concept or placement and type of buildings, as is deemed appropriate under the following conditions:

A. If building permits have not been issued and no construction activity has occurred within 24 months after adoption of the PUD ordinance; or

B. Upon expiration of any extension of time for starting development granted by the Planning Commission, whichever is the later date; or

C. For the public health, safety and welfare;

D. Any such PUD revision shall require the adoption of an ordinance by the City Council. The revised regulations shall include a map and the legal description of the property affected by the revision as well as any conditions of approval that are part of the revision.