

ORDINANCE NO. 1540

AN ORDINANCE TO AMEND AND RE-ENACT
SECTION 4 OF APPENDIX C,
AND
TO ENACT SECTION 5.4.4 OF APPENDIX C,
ALL OF THE CODE OF THE CITY OF JAMESTOWN, NORTH
DAKOTA,
PERTAINING TO ZONING REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Section 4 of Appendix C, is hereby amended and re-enacted and that Section 5.4.4 of Appendix C, is hereby enacted, all of the Code of the City of Jamestown, North Dakota, to read as follows:

APPENDIX C

Section 4. Establishment of Districts.

A. *Districts established.* The following kinds of districts are hereby established within the City of Jamestown:

(1) through (21) (Same as parent volume.)

(22) PUD - Planned Unit Development District.

B. through E. (Same as parent volume.)

Section 5.4.4. Planned Unit Development District.

Subsections:

- A PUD DISTRICT OVERVIEW**
- B GENERAL STANDARDS**
- C DEVELOPMENT REVIEW CRITERIA**

A. PUD DISTRICT OVERVIEW

1. Description

A Planned Unit Development (PUD) is land that is developed as a single entity, with development characterized by a unified site design. The PUD - Planned Unit Development District is intended to provide a flexible alternative to Jamestown's standard residential, commercial, and industrial zoning districts. In return for greater flexibility in site design requirements, each PUD is expected to deliver exceptional design and community amenities that exceed the standards of Jamestown's base zoning districts.

2. Purpose

The purpose of the Planned Unit Development District (PUD) is to:

- (a) Provide an alternative development approach to produce better design than is achievable through the strict application of the standard residential, commercial, and industrial zoning districts of this Ordinance.
- (b) Provide flexibility for unified site design of large development sites.
- (c) Encourage a blend of supportive land uses that supports the goals and objectives of the Comprehensive Plan.
- (d) Facilitate an efficient arrangement of land uses, buildings, transportation systems, and utilities, with coordinated planning and development phasing.
- (e) Encourage the creation, preservation, and enhancement of open space to provide maximum benefit to residents of the development and the broader community.
- (f) Provide for the development of unique sites that would not be possible under the strict application of this Ordinance.

3. PUD Usage

- (a) The PUD District has a variety of potential applications. A PUD may contain one or more residential developments, one or more public,

quasi-public, commercial, or industrial areas, or a combination of these uses. Alternatively, a PUD may consist of a single building that contains a combination of principal and supportive uses. A PUD may be used for greenfield development as well as redevelopment and infill in established districts. The PUD District is appropriate for the Mixed Residential/Commercial land use designation indicated on Jamestown's Future Land Use Map.

- (b) A PUD shall not be a substitute for rezoning to an appropriate base zoning district.
- (c) A PUD shall not be a substitute for a Special Use Permit or variance. These procedures remain suitable for resolving localized zoning issues, such as those which pertain to a single lot.
- (d) The PUD District can be used for planned residential developments and is encouraged as an alternative to the R4 – Planned Residence District.

4. Zoning Implementation

- (a) The PUD District is a floating zone. This means that Jamestown does not pre-designate land for the PUD District before development is proposed. Use of the PUD District shall be triggered by a development proposal.
- (b) When a PUD is approved, the PUD District zoning designation shall replace the existing zoning designation(s) for the development site and the new PUD standards shall take effect.
- (c) Each approved PUD District shall be numbered on the City's official zoning map.

B. GENERAL STANDARDS

1. Approval Standard

A PUD may be approved only when the applicant demonstrates to the satisfaction of the Planning Commission and the City Council that a proposed PUD project would result in greater benefit to the City than would occur through the use of conventional zoning district regulations. Final approval or denial of a PUD is at the sole discretion of the City Council.

2. Determination of Use

The Planning Commission shall determine when the PUD process is used. A PUD shall be deemed appropriate when no existing base zoning district(s) matches the proposed uses of the developer, and/or when the PUD process is necessary to achieve the desired benefits or amenities of development.

3. Developer's Statement of Intent

Each application shall include a statement by the applicant describing how the proposed development provides greater benefits to the City than a development carried out in accordance with otherwise applicable land development regulations.

4. Ownership Requirement

Each PUD shall be under common ownership and/or unified control. If there are two or more owners, the PUD application must be filed jointly by all such owners.

5. Platting

Nothing in this Ordinance shall negate the necessity for an approved plat filed with the County Recorder as required by City Ordinance.

6. Permitted Uses

- (a) A PUD may include any use that is permitted by right or permitted with a Special Use Permit in the Zoning and Land Use Table. A PUD may also include uses that are not listed in the Zoning and Land Use Table, subject to City Council review and approval.
- (b) Each PUD application shall list all proposed uses. If proposed uses are not listed in the Zoning and Land Use Table, the Zoning Administrator shall make a similar use determination based on the Zoning and Land Use Table.
- (c) All uses shall be compatible with one another and with the existing neighborhood context.
- (d) The approved Development Plan for the PUD shall establish the permitted uses that are desirable and appropriate for achieving the objectives of each PUD.

C. DEVELOPMENT REVIEW CRITERIA

1. Site Dimensional and Bulk Requirements

- (a) A PUD Development Plan shall identify proposed dimensions for setbacks, lots, and buildings. The dimensional requirements for Jamestown's base zoning districts may serve as a guide.
- (b) The City Council is authorized to approve all dimensional requirements for a PUD.
- (c) No single-family detached or attached dwelling or accessory structure shall be erected closer than 15 feet to any public street right-of-way line unless approved by the City Council.

2. Density

- (a) The allowable density for residential uses shall be within the ranges established in the Comprehensive Plan, unless the City Council agrees to allow increased density in exchange for additional development benefits. In this case, the average gross density for residential areas may be increased by up to 33 percent from the maximum described in the Comprehensive Plan. **(See Table 5.4.4.1).**
- (b) A PUD featuring predominantly rural residential uses may cluster housing in exchange for the preservation and enhancement of natural open space, provided that the average gross density of the entire PUD is consistent with the Comprehensive Plan's guidance for rural residential, and that open space preservation will be ensured through a development covenant, land transfer, or other means.
- (c) The Future Land Use Map shall be a guide for determining appropriate housing densities, including density bonuses, if applicable.

Table 5.4.4.1 - PUD Density Guide for Residential Uses

LAND USE	DENSITY RANGE	AVERAGE GROSS DENSITY	MAXIMUM DENSITY BONUS
Rural Residential	1 unit/acre or less	NA	NA
Low-Density Urban Residential	2-6 units/acre	3 units/acre	4 units/acre (max 33% increase)
Medium-Density Urban Residential	4-8 units/acre	6 units/acre	8 units/acre (max 33% increase)

High-Density Urban Residential	20 units/acre	12 units/acre	16 units/acre (max 33% increase)
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3. Building Spacing, Orientation, and Buffering

- (a) Building spacing, orientation, and buffering shall minimize negative site impacts to adjacent properties.
- (b) In residential areas, building spacing, orientation, and buffering shall ensure indoor privacy between living spaces.
- (c) In residential areas, building spacing and orientation shall create courtyards and common open space to the extent possible.

4. Streets and Driveways

- (a) The PUD shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development.
- (b) Streets and driveways within the PUD shall be adequate to serve the uses within the development.
- (c) The PUD may be designed to discourage through traffic, subject to City Council approval.

5. Infrastructure, Services, and Utilities

- (a) The PUD shall not create an excessive burden on infrastructure, services, and utilities which serve or are proposed to serve the development which may include but are not limited to existing streets, water, and sewer systems.
- (b) The construction and maintenance of all utilities, roads, parking, and other improvements must be in accordance with the requirements of this Ordinance and all City regulations.
- (c) At the City Council's request, an agreement to complete all infrastructure and utility improvements shall be established between the developer and the City.

6. Parking and Loading, Landscaping, and Signs

Each PUD shall adhere to all applicable requirements for parking and loading, landscaping, and signage, as prescribed herein.

7. Open Space

Common open space shall be improved for its intended use, unless it contains natural features worthy of preservation. Improvements shall demonstrate consideration for the site's existing topography and natural features.

8. Homeowner Associations

If the PUD establishes a homeowner association (HOA), the following shall apply:

- (a) The applicant shall submit to the City Attorney all required HOA documents prior to Development Plan approval. These documents shall list all items owned in common by members of the HOA, including roads, recreation facilities, parking, common open space, and utilities.
- (b) Parcels of land to be set aside for parks, ponding, or other purposes shall be approved by the Park District and/or City as applicable. If such open space is intended to be public, an agreement must be included with the appropriate entity responsible for maintenance (e.g. Park District, City, etc.). If such areas are not intended to be publicly owned, an HOA or similar private entity must maintain such areas.

D. STEP 1 - PUD CONCEPT PLAN

1. Concept Elements

Prior to submitting a Development Plan to the Zoning Administrator, applicants shall prepare a Concept Plan that includes the following:

- (a) Project description
- (b) Proposed land uses with an indication of the zoning districts under which these uses are typically permitted (e.g., R1, R2, C1, M1, etc.)
- (c) Proposed density for residential uses (units/acre) and intensity for commercial/industrial uses (square footage)
- (d) General location of proposed open space
- (e) General location of existing and proposed buildings
- (f) Conceptual transportation connections
- (g) Existing and proposed utilities and public services

2. Preapplication Meeting

When submitting the Concept Plan, applicants are required to meet with the Zoning Administrator to review their concept for the site, application submittal requirements, and general PUD requirements to identify and resolve potential issues before proceeding with the Development Plan.

E. STEP 2 - PUD DEVELOPMENT PLAN

1. Public Hearing Requirements

- (a) Meetings of the Planning Commission and City Council to review a proposed PUD Development Plan shall adhere to City requirements for public hearings and notification thereof (See Section 11, Amendments).
- (b) Once a PUD is approved, any major change shall adhere to City requirements for public hearings and notification thereof (See Section 5.4.4.E.6, Major Changes and Section 11, Amendments for the public hearing and notification process).

2. Application Materials

- (a) A complete application shall include all items specified by the Zoning Administrator. Application forms and checklists may be obtained from the Zoning Administrator or from the City's website.
- (b) Submittal of a PUD Development Plan shall include a standard application fee. The City Council is authorized to set the fee amount and change it at any time.

3. Application Submittal and Review

- (a) The Development Plan shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission's regularly scheduled meeting.
- (b) Upon receipt of the Development Plan, the Zoning Administrator will notify the applicant of any missing information and provide for revision and resubmittal, if necessary.
- (c) At its regularly scheduled meeting, the Planning Commission will review the Development Plan and either:
 - (1) recommend approval or denial of the General Development Plan and submit its recommendation to the City Council.

(2) Advise the applicant in writing of any recommended additions, modifications, or corrections to the Development Plan. The applicant may then submit a revised Development Plan for a second Planning Commission review without paying an additional application fee. The Planning Commission will then recommend approval or denial of the Development Plan and submit its recommendation to the City Council.

(d) The City Council, after receipt of the recommendations from the Planning Commission, may approve or deny the Development Plan.

(e) The Planning Commission's motion to the City Council and the City Council's action of approval or denial of the Development Plan must set forth their reasoning in writing, including, but not limited to, findings of fact on the following:

(1) The proposed PUD does not endanger public health, safety, or general welfare for any portion the community.

(2) The proposed PUD is not injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted.

(3) The proposed PUD does not impede the normal and orderly development and improvement of surrounding property.

(4) The proposed PUD makes adequate provision for roads, utilities, drainage, off-street parking and loading, pedestrian facilities, and vehicular ingress and egress designed to minimize congestion and promote safety on all streets.

(5) The location and arrangement of structures, parking areas, walkways, lighting, signage, and other appurtenances present a unified development concept and are compatible with the surrounding neighborhood and adjacent land uses.

(6) The proposed PUD is consistent with the spirit and intent of the Comprehensive Plan and meets all applicable Ordinance requirements.

(7) Those areas of the PUD that are not paved or built upon are suitably landscaped.

(8) The Development Plan supports the public interest.

4. Subdivision Review

- (a) If a subdivision application is involved with the Development Plan, then the applicant may submit a preliminary plat application to run concurrently with review of the PUD Development Plan at the Planning Commission and City Council meeting.
- (b) Once the City Council has approved the Development Plan and the preliminary plat, the applicant may proceed with developing the final plat.

5. Post Approval

- (a) The applicant shall submit a revised Development Plan, as necessary, incorporating any modifications or conditions from the Planning Commission or City Council. The final approved Development Plan will be filed with the Zoning Administrator.
- (b) Jamestown's official zoning map will be amended to show the boundaries of the new PUD District and the number assigned to it (e.g., PUD-1, PUD-2, etc.).
- (c) All subsequent building permits and development approvals shall conform with the objectives of the approved PUD District. The City Building Inspector or Zoning Administrator is not authorized to issue permits for improvements that are not indicated on the approved Development Plan unless said improvements have been approved as a Minor Change in Subsection 5.4.4.E.6 below.

6. PUD Amendments

- (a) A PUD amendment may be requested by any owner of individual property regulated within approved PUD District.
- (b) A minor change that does not alter the overall concept, density, intensity traffic impact, or environmental impact of a PUD may be authorized by the Zoning Administrator. Minor changes shall be defined as:
 - (1) A one-time building addition of up to 25% of the existing floor area, including a permitted accessory use, if applicable, and subject to HOA conditions.
 - (2) A one-time increase of up to 50% in the impervious surface coverage on a single-family lot, including a permitted accessory use, if applicable, and subject to HOA conditions.

(3) A change in the landscaping, exterior building colors, or materials.

(c) A major change that alters the overall concept, density, intensity, traffic impact, or environmental impact of a PUD shall require approval of the Planning Commission and City Council through the process as specified in Sections 5.4.4.D and 5.4.4.E.1 through 5.4.4.E.5. Major changes shall be defined as:

(1) Any change in principal use.

(2) Any building addition of 25% or more.

(3) Any increase in impervious lot coverage of 50% or more.

(4) Any decrease of more than 10% to the amount of common open space.

(5) Any addition, closure, or relocation of a roadway access.

(6) Any increase in building height, excluding approved appurtenances such as building-mounted telecommunication facilities or solar panels.

(7) Any new building construction, except for detached garage or storage shed that does not increase impervious lot coverage by 25% or more.

(8) Any change in the configuration of lots, blocks, public rights-of-way, or easements that requires a re-plat.

ATTEST:

Sarah Hellekson
City Administrator

APPROVED:

Dwaine Heinrich
Mayor

Introduced by Council Member Kamlitz
Seconded by Council Member Steele
First Reading: September 8, 2020
Second Reading: November 12, 2020
Final Passage: November 12, 2020

Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent.