

**ARTICLE 8
PUD, PLANNED UNIT DEVELOPMENT DISTRICT**

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Sec. 8.1. Description and Intent.

This zoning district is intended primarily to implement the “Single-family residential” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch, in a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is also intended to implement the “suburban residential” character area established in the comprehensive plan but may also be used to implement the “traditional neighborhood development” character area.

Sec. 8.2. Objectives.

The Planned Unit Development District is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.

- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. Character.

Design of detached single-family neighborhoods and residential communities in the PUD district may follow principles of conventional suburban subdivision design which typically include curvilinear streets with some cul-de-sacs. However, PUD districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. In addition, neotraditional development or conservation subdivision design principles are particularly encouraged when this district is applied to urban and suburban areas, respectively. This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

Sec. 8.4. Permitted Uses.

Permitted uses shall be proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by the Governing Body; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as residential on the adopted future land use map of the City of Flowery Branch:

- (a) Retail, service, office, and civic and institutional residential uses shall not exceed twenty-five (25) percent of the total site area of the district.
- (b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district, and such area shall be counted within the percent limit for uses specified in paragraph (a) of this section.
- (c) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (d) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

In the case of a PUD zoning district that was already developed or partially developed on the effective date of this zoning ordinance, said development shall continue to be governed by the conditions of zoning, site or development plan approval, architectural elevations, approved mixes of uses, and any other development-specific stipulations of the original PUD approval, until or unless otherwise amended by the Governing Body, and the land use parameters described in this Section shall not apply to such prior PUD zoning district approvals by the Governing Body.

The applicant for PUD zoning shall include in the application a list of all land uses proposed to be included in the PUD, which shall be limiting on the application if approved, unless otherwise specifically provided by the Governing Body. In addition, the application shall contain a

development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. This information shall also specify the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses.

Sec. 8.5. Dimensional Requirements.

Lot sizes, maximum densities (units per acre), setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PUD and as may be approved by the Governing Body. The applicant for PUD zoning shall submit the dimensional requirements for, at minimum, the types of requirements for conventional residential zoning districts as specified in Table 6.2 of this zoning ordinance and compare the proposed dimensional requirements with said requirements in Table 6.2 for the R-1 and/or R-2 zoning district. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Governing Body.

In addition, other dimensional requirements of this zoning ordinance, including but not limited to Article 25 (regulations for steep slopes) where applicable, shall also be proposed by the applicant.

Sec. 8.6. Design Review.

Design review and approval shall be required, except in the following instances:

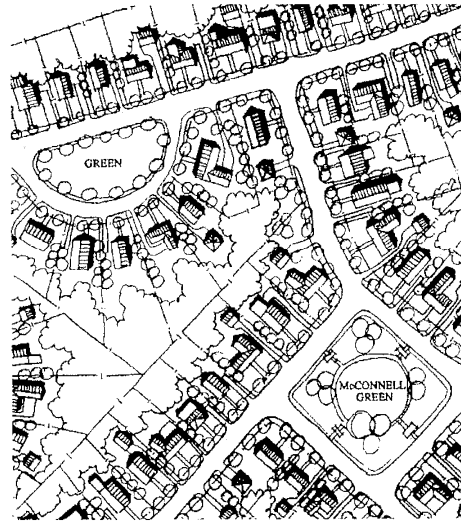
- (a) For uses that have been lawfully established on a lot of record that existed on the effective date of this zoning ordinance, no design review shall be required.
- (b) For uses that are a part of a previously approved PUD, and which have no architectural elevations on record with the Zoning Administrator that were made a part of the development application and have been approved by the Governing Body, design review and approval shall be required.

An applicant must apply for design review and approval at the time of rezoning to PUD. Major revisions to development plan approval shall also require design review and approval. The Zoning Administrator may authorize minor revisions to development plan approval and the erection of accessory buildings and structures via design review and approval (See Article 40 of this zoning ordinance).

Sec. 8.7. Design Guidelines.

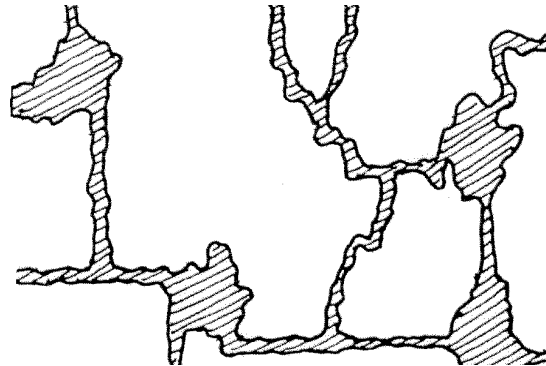
The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the PUD district.

- (a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs.



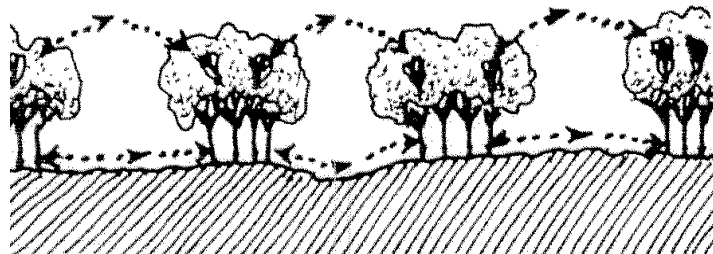
Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New.* PAS Report No. 487/488, Figure 109, p. 67. Chicago: American Planning Association.

- (b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.



Habitat Patch Preservation and Connection

- (c) Drainage. Natural on-site drainage patterns should be used where practicable. Detain runoff with open, natural drainage systems where possible. Man-made lakes and stormwater ponds should be designed for maximum habitat value.



Stepping Stones

Source: Dramstad, Wenche, James Olson, and Richard Forman. 1996. *Landscape Ecology Principles in Landscape Architecture and Land Use Planning.* Washington, DC: Island Press. Figure M6, page 43.(top) and Figure C6, page 37 (bottom)

- (d) Site clearing and grading. Developments should be designed to fit the existing contours and landform of the site and to minimize the amount of earthwork.

Excavation and earthwork should be kept to a minimum to reduce visual impacts and erosion. Existing vegetation should be retained to the maximum extent possible. Clearing of native vegetation should be limited to that required for the provision of essential purposes (i.e., access, building, septic tank drainfields, etc.). Where cut and fill is required, balancing the cut and fill is highly encouraged. Abrupt or unnatural-appearing grading is strongly discouraged. Avoid the creation of harsh, easily eroded banks and cuts. Existing native vegetation should be enhanced where necessary with plantings of the same variety.

Sec. 8.8. Community Benefit Statement Required.

The applicant for PUD zoning shall at the time the rezoning application is made submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

Sec. 8.9. Rezoning Decision Criteria.

In considering and acting upon applications for PUDs, the Governing Body shall consider and base its decision on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:

- (a) Consistency with the comprehensive plan of the city;
- (b) Consistency with the objectives of this Article;
- (c) The character, location, and appropriateness of the proposed mix of land uses and residential dwelling types;
- (d) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious;
- (e) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants;
- (f) Consistency with any design guidelines of this Article or otherwise determined to be applicable via character area designation.

Sec. 8.10. Amendments.

Amendments to approved PUDs shall be permitted but governed by the procedures and provisions for changing the official zoning map as specified in Article 34 of this zoning ordinance, and any amendments shall require type 2 design plan review and approval unless waived by the Zoning Administrator in cases where design plan approval would not be warranted given the nature of the amendment proposed.

Sec. 8.11. Permits and Certificates.

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, for any new PUD that has not been approved in accordance with the provisions of this Article. The Zoning Administrator shall authorize the issuance of building permits for buildings and structures in the area covered by the approved PUD if they are in conformity with the approved PUD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The Zoning Administrator shall authorize the issuance of a certificate of occupancy for any completed building, structure, or use located in the area covered by the PUD if it conforms to the requirements of the approved PUD and all other applicable regulations. After completion of a PUD, the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area covered by the PUD shall continue to be regulated by the approved development plan, architectural elevations, conditions of zoning approval, and any other specifications for the PUD.