

EXHIBIT A

ARTICLE 6

PLANNED UNIT DEVELOPMENT

6.1 – Planned Unit Development (PUD)

A. Purpose and Objectives

a. Purpose

The purpose of the Planned Unit Development (PUD) is to provide a flexible development tool that allows for more innovative and creative design of development than is possible with standard zoning district regulations. Utilization of this tool will allow applicants to create a property-specific zoning district with development standards negotiated between the developer and the City. This tool is intended to provide flexibility to developers and landowners to allow a more imaginative approach to site design, to promote the highest efficiency of the use of land. In no case is this tool intended to allow a proposal to deviate from adopted development standards, without an apparent higher quality development being provided.

b. Objectives:

- i. Ensure that all proposed developments utilizing the Planned Unit Development tool are consistent with the adopted Envision Edgerton 2050 Comprehensive Plan, including, but not limited to, its adopted Goals, Policies, and Action Items.
- ii. Provide a development tool to allow for efficient development timelines to help attract quality development.
- iii. To encourage land development that preserves natural vegetation and existing topographic and geologic conditions to the greatest extent possible to refrain from flooding and other adverse ecologic conditions.
- iv. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

B. Master Development Plan

- a. Each application for Planned Unit Development must include a PUD Text and Map. The language included in the PUD Text and the information provided in the PUD Map and Supporting Documents must align with one another. These

items will be reviewed against the Approval Criteria as provided in Section 6. of this Code.

- b. If the Planned Unit Development is approved by the Governing Body, following review as outlined in this Section, the PUD Text and PUD Map and Supporting Information will be recorded in an ordinance for the property described.

6.2 – Specific PUD Standards

A. Applicability

This Section applies to all proposed PUDs and any future modification to a previously approved PUD.

B. Specific Standards

The development standards that are listed below may not be deviated from the standard as adopted in this Unified Development Code (UDC), Edgerton Municipal Code, Technical Specifications and Design Criteria, any adopted City Ordinance, or any other adopted City policy or standard.

- a. Sign Code regulations, as defined in UDC, Article 12.
- b. Adopted lighting standards, as defined in UDC, Section 10.1.G.9.e.
- c. The City adopted Technical Specifications and Design Criteria.

6.3 – Components of a PUD

A. PUD Text

The PUD Text must be provided in a format consistent with the following requirements and consistent with the accompanying PUD Map (Section 6.3.B). The Text must be written in a clear and concise manner, fully addressing each subsection, with any extraneous information being discouraged. The Text must include a written narrative description of each component of the proposed development, including the following, as appropriate. Additional criteria may be requested based upon the character, scope, and location of the proposed development.

1. A description of the proposed development related to the design, character, and architectural style or theme of the development. This description must demonstrate an innovative, unified, cohesive and compatible plan of development for each use proposed in the development. Proposed developments that contain multiple uses or multiple housing types within the same proposed development must demonstrate consistency in development character and design within the Planned Unit Development.
2. The total number of acres included within the Planned Unit Development.

3. A list of permitted uses within the Planned Unit Development.
4. The total number of acres included within the Planned Unit Development for each specific proposed land use.
5. The proposed amount of total proposed dwelling units, with a specific amount provided for each housing type, and the proposed total gross square footage of building space for all proposed non-residential uses.
6. The proposed bulk, height, and area regulations of the proposed development, including, but not limited to height, setbacks, lot coverage, Floor-Area-Ratio (if non-residential), impervious surface ratio (ISR), and required open space.
7. The type, size, and amount of infrastructure required and proposed to serve the development, including, but not limited to, drainage facilities, vehicular and pedestrian access to and within the development, interconnectivity to and within the development, any required dedicated right-of-way to accommodate the development, any proposed private or public parkland (note: public parkland must be explicitly approved and accepted by the Governing Body), adequate water and sewer infrastructure to accommodate the property, anticipated demand for fire protection, and anticipated demand for solid waste collection.
 - a. Additional information pertaining to infrastructure requirements may be requested based upon the type, character, or location of the proposed development.
8. The underlying soils and their suitability for the proposed development of the subject property for the proposed uses at their size and scale.
9. The type and extent of proposed landscaping on site, including, but not limited to, perimeter buffering, building foundation landscaping, screening requirements, ground cover, street trees, parking lot landscaping, and permitted and prohibited species.
10. Description of any proposed use, location, and duration of any temporary uses, such as construction trailers, sales units, model homes, temporary signage related to the construction of the project, as defined by Article 12. For non-residential projects, this may also include temporary construction activities, including but not limited to rock crushing, concrete/asphalt batch plants, temporary sanitary facilities, job trailers, machinery yards, and similar uses.
11. Permitted uses and locations of accessory uses for residential and non-residential structures, including but not limited to Accessory Dwelling Units,

HVAC units, swimming pools (both above and below ground), fencing, clubhouses, playgrounds, or similar uses.

12. The architectural requirements for the development, including, but not limited to permitted building and roofing materials, percentage of building material requirements on each façade type, proposed color schemes of buildings, required horizontal and vertical articulation, and any additional design elements.
13. The signage that is proposed within the development. All signs that are proposed within a PUD must comply with the City’s sign code chapter as outlined in Article 12.
14. A proposed phasing schedule, which must include the number or percentage of residential (in units) or non-residential (in square feet by use type) development to be completed within a specific phase of a proposed development, with a specific definition of a date of commencement, a specific date of completion, with a specific term of completion defined within the Text. For the purposes of this Section, ‘vertical construction’ refers to the issuance of building permits, and does not prohibit developers from constructing horizontal infrastructure, such as streets, utilities, or similar. Phasing may of the PUD may be defined by either of the two following methods:
 - a. The provision of the estimate of uses to be developed on a yearly basis within phases. The estimated phases may overlap during construction and if this option is selected, the percent (in either square footage of non-residential uses or number of dwelling units for residential uses) of each phase that must be complete prior to commencing vertical construction of subsequent phases must be defined.
 - b. The provision of number of residential units or non-residential square footage that comprises a phase and the provision of specific development conditions related to the specific phase (e.g. prior to the platting of one hundred dwelling units, an amenity tract must be provided.)

B. PUD Map and Supporting Images

The PUD Map must be a detailed site plan, as appropriate, that depicts the proposed development within the PUD, which must be drawn to a legible scale. The Map may require more than one page, based upon scale and scope of the project. Additional information may be required, based on the character, scope, and location of the PUD.

For phased projects, incremental Final Site Plans or Final Plats (depending on development type as determined in Section 6.5.C may be submitted depicting in detail the initial phase of development and a general depiction of the proposed uses for the remaining portions of the project. Incremental Final Site Plans or Final Plats must be submitted that provide detailed construction/site plans for each subsequent phase of a PUD. The PUD Map and Supporting Images must include the following, as appropriate. Additional criteria may be requested based upon the character, scope, and location of the proposed development.

1. The general location of all land uses described in the PUD Text, including the location of all residential lots and all non-residential structures. The general layout of the internal street system in relation to the land uses must also be depicted.
2. The general location, width, extent, and type of buffers and additional landscaping proposed.
3. The general location of any infrastructure requirements, including but not limited to any public infrastructure internal to the PUD, any exterior public infrastructure extensions required to serve the development, any required lift stations, substations, or treatment plants required to serve the proposed development.
4. The general location of parking areas other than residential driveways. Parking calculations must also be noted.
5. The general location of all vehicle and pedestrian access to the proposed development, the internal vehicle and pedestrian access within the proposed development including all sidewalks, and the general location of internal and pedestrian connections between uses.
6. The general location of retention, detention, and other drainage facilities that will be used in the proposed development; however, final engineering may be approved upon review of final construction plans and in accordance with this development code and adopted Technical Specifications.
 - a. A Stormwater Study signed and sealed by a licensed engineer in the State of Kansas must be submitted.
7. The general location of all signage proposed and cut sheets of their proposal as defined in Section 6.3.A.13.
8. A general location map of the subject property in relation to the vicinity.
9. The general location of future access points providing interconnectivity to adjacent properties.

10. A map showing the location of the 100-year floodplain in relation to the proposed development.
11. The general location of any proposed preservation areas, open space areas, and public or private parkland.
12. Existing and proposed topography including contours at two (2) foot intervals.

6.4 – PUD Procedures

A. Applicability

This section applies to any application to amend the Zoning Map to a Planned Unit Development.

B. Pre-Application

The intent of the Pre-Application process is for staff to provide a courtesy review of the development proposal and for the applicant to understand the City's adopted development standards, regulations, and procedures.

- a. A Pre-Application meeting must be held between City staff and the applicant prior to formal submittal of the Planned Unit Development application. At this time, the Zoning Administrator and their designee(s) will provide an informal courtesy review that will address high-level topics and provide the applicant with an understanding of the City's review procedures and the current Future Land Use designation of the property as determined by the Envision Edgerton 2050 Comprehensive Plan.

C. Initiation

A Planned Unit Development application may be submitted by the property owner or an agent authorized by the property owners.

- a. A Pre-Application must be submitted to the City no less than 30 days prior to the formal submittal of a PUD application.

D. Application Completeness Check

Upon receipt of an application for a Planned Unit Development, staff will conduct an Application Completeness Check to ensure all required documents have been included with the application. The following are required documents for a Planned Unit Development application:

- a. Application signed by property owner or authorized agent of property owner.
or
- b. Authorization of Agent form (if applicable).
- c. Ownership Affidavit.

- d. Master Development Plan Text, as described in Section 6.3.A of this Code.
- e. Master Development Plan Map, as described in Section 6.3.B of this Code.
- f. Legal description in word document format.
- g. Assurance of adequate facilities including road access, wastewater facilities, access to water supply, stormwater management system(s), and fire protection.
- h. Planned Unit Development application fee, as established in the City's Fee Resolution.
- i. A Traffic Analysis providing information as detailed in UDC, Section 10.1.G.9.t.
- j. Additional information may be required by the Zoning Administrator or Planning Commission on a case-by-case basis dependent upon the type of development proposed.

E. Notice and Public Hearing

- a. The Planning Commission must hold a public hearing on the application for a Planned Unit Development in accordance with the noticing and hearing requirements established in Section 9.2 of this Code.
- b. The public hearing at the Planning Commission will occur in accordance with the City's published Development Calendar.
- c. Following the Public Hearing, the Planning Commission submits a formal recommendation for review to the Governing Body.

F. Protest Petition

Upon conclusion of the Public Hearing, Protest Petition period begins, pursuant to K.S.A. 12-757(f)(1).

G. Governing Body

Following completion of the Protest Petition period defined in Section 6.3.F, the Governing Body will consider the Planned Unit Development application.

- a. The Governing Body may approve the Planned Unit Development application as presented, with stipulations, or may amend the Planning Commission's recommendation.
- b. The Governing Body may deny the Planned Unit Development application.
- c. The Governing Body may remand the Planned Unit Development application back to the Planning Commission for further consideration, with a statement specifying the Governing Body's inability to approve or deny.

H. Review Criteria

Planned Unit Developments are a zoning action and must be reviewed against the City's adopted zoning review and approval criteria, as listed in Section 8.1.F.4 of the UDC.

I. Recordkeeping

- a. Should the Governing Body approve the Planned Unit Development application, an Ordinance will be executed and recorded with the County that the Planned Unit Development is located in.
- b. In addition to standard ordinance language, the Master Development Plan Map and Master Development Plan Text included in the Planned Unit Development application and presented to the Planning Commission and Governing Body will be recorded as exhibits with the ordinance.
- c. The City Clerk maintains a record of all ordinances that change the zoning district to Planned Unit Development.
- d. The Zoning Administrator will notify the appropriate authorities to revise any applicable Zoning Maps.

J. Subsequent Applications

- a. When a Planned Unit Development application is withdrawn by the applicant or denied by the Governing Body, the same application for the same property may not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
- b. An application for a different development proposal may be submitted at any time. This includes a new Planned Unit Development application showing significant changes or revisions to the withdrawn or denied application.

K. Appeals of Final Decisions

Any person, official, or agency aggrieved by a final decision on a Planned Unit Development application may file an appeal in accordance with K.S.A. 12-760.

6.5 – Final PUD Plans and Final PUD Plats

A. Applicability

This Section applies to any application for a Final Planned Unit Development Plan following the approval of a Planned Unit Development by the Governing Body.

B. Purpose

A Final Planned Unit Development Plan must provide the specific location of each component of a development and the exact specifications to which the development will be built.

C. Procedures

1. All Planned Unit Development Final Plans that include mixed-use development, non-residential development, and/or multi-family residential development must follow the development procedures and submittal requirements for a Final Site Plan as provided in Article 10 prior to issuance of a Building Permit.
 - i. Provided that the Final Plan is does not meet the criteria for a Major or Minor Change, as provided in Section 6.6, a Public Hearing is not required for the Final Plan.
2. All Planned Unit Development Final Plans that only include single-family detached, single-family attached, or duplex development must submit a Final Plat and subdivision construction plans as provided in Article 13.3.F prior to commencement of construction.

6.6 – Changes to a Planned Unit Development

A. Applicability

This Section applies to any proposed change to a Planned Unit Development that has previously been approved by the Governing Body.

B. Types of Changes

1. Major Changes

Major Changes to a previously approved Planned Unit Development must be approved by the Governing Body, following a public hearing before the Planning Commission, as outlined in Section 9.2. Major Changes will be processed in the same manner as an initial PUD, with a revised PUD Text and Map, as defined in Section 6.3.

Previously approved Planned Unit Developments that are proposed to be changed in the following ways must follow the Major Change procedure.

- a. Any change to the list of permitted uses, whether it be an addition or deletion.
- b. Changes in the acreage of land within the PUD for any dedicated land use by greater than five percent (5%).

- c. Increases in residential gross density of the PUD by greater than five percent (5%).
- d. Increases in intensity of square footage per net acre for non-residential projects by greater than five percent (5%).
- e. An Increase in ground coverage or height of a minimum of any one (1) proposed building by greater than five percent (5%).
- f. A decrease in the required Yard of an approved Planned Unit Development by ten percent (10%), or greater.
- g. Any changes to the type, location, or number of vehicular or pedestrian access points to the exterior of the PUD.
- h. An increase in traffic generation by more than five percent (5%).
- i. There is a decrease in architectural standard by permitting a greater amount of lower classified building materials as provided in Articles 4 and 5, there is a reduction of frequency or scale of Vertical or Horizontal Articulation, there is a reduction in size or scale of Focal Point Elements provided on any one (1) building,
- j. An extension of 180 days or more for the commencement and/or completion date of the PUD.
- k. Introduction of any additional change to a Planned Unit Development that would otherwise not at least meet the standards of the Unified Development Code.

2. Minor Changes

Minor Changes to a previously approved Planned Unit Development may be approved by the Planning Commission, following a public hearing in accordance with UDC, Section 9.2. Unless otherwise determined to be a Small Adjustment, the Planning Commission may approve Minor Changes to a PUD, upon finding that the following are met:

- a. The proposed change is in keeping with the Goals, Policies, and Action items of the Envision Edgerton 2050 Comprehensive Plan and adopted Technical Specifications.
- b. The proposed change does not modify the type of permitted uses within the PUD.
- c. The change in acreage of land or location of use within the Planned Unit Development for any land use is less than five percent (5%).
- d. The increase in residential gross density of the Planned Unit Development is less than five percent (5%).

- e. The increase in non-residential intensity of square footage of the Planned Unit Development is less than five percent (5%).
- f. The increase in ground coverage or height of any one (1) building in the PUD does not exceed five percent (5%).
- g. The decrease in the required Yard of any lot within the Planned Unit Development does not exceed ten percent (10%).
- h. The change does not include the type, location, or number of vehicular or pedestrian access points to the PUD.
- i. The traffic generation of the PUD is increased by less than five percent (5%).
- j. The extension of the commencement and/or completion date of the PUD is for less than 180 days.

3. Small Adjustments

Small Adjustments to approved Planned Unit Developments may be allowed by the Zoning Administrator following application and review, upon finding that the following are met:

- a. The proposed change is in keeping with the Goals, Policies, and Action items of the Envision Edgerton 2050 Comprehensive Plan and adopted Technical Specifications.
- b. The proposed change does not modify the location or type of permitted uses within the Planned Unit Development.
- c. The change does not modify acreage of land or location of use within the PUD.
- d. There is no increase in residential gross density within the Planned Unit Development.
- e. There is no increase in the non-residential intensity of square footage of the Planned Unit Development.
- f. There is no increase in the ground coverage or height of any building within the PUD.
- g. There is no decrease in the required Yard of any lot within the PUD.
- h. There is no increase in the traffic generated by the PUD.
- i. The extension of the commencement and/or completion date of the PUD is for 30 days or less.
- j. There is no reduction in quality of architectural design of any one (1) building within the PUD.