

SECTION 11

“PUD-R” PLANNED RESIDENTIAL DISTRICT

11-010 PURPOSE

This district provides for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in a planned multiple family project; together with a framework within which the buildings and uses in the planned project may be interrelated with adjacent developments and areas, to maintain the desired overall intensity of land use, desirable population densities, and desirable areas of open space. The purpose of this district is to accommodate low-rise, multiple family housing at moderate densities. Building units shall be clustered and be carefully planned to provide for the maximum of privacy and preserving adequate open space to serve as a buffer between commercial and districts with different zoning.

11-011 USE REGULATIONS

Principles Uses and Buildings

- a. Apartment houses or townhouses. (Flats)
- b. Row-houses - containing 2 units or more
- c. Two-family dwellings.

Please refer to Appendix A for a list of suggested, permitted uses.

11-012 ACCESSORY USES AND BUILDINGS

- a. Incidental commercial services within an apartment house provided the following conditions are complied with.
 1. Limited to tenants.
 2. Contained within a principal building and shall not exceed (10%) of gross floor area.
 3. No advertising signs or window displays visible from the outside of the building.
 4. No direct access from the outside of the building.
- b. Garages, for the purpose of storing tenant's automobiles, having no repair facilities.
- c. Such accessory buildings and uses as are customarily incidental to the permitted principal use, i.e., storage, recreation, public utilities, etc.

11-013 HEIGHT REGULATION

No building shall exceed 2 1/2 stories or 35 feet in height, except that of an apartment house or portion thereof may be increased to 6 stories or 65 feet provided the building is set back from each required yard line at least one foot for each foot of additional building height above forty-five (45) feet.

11-014 LOCATION AND HEIGHT OF ACCESSORY BUILDINGS

Garages and other accessory buildings shall not exceed one (1) story or fifteen (15) feet in height. No unattached building shall be located in a front yard, and; if located in a rear yard shall not be less than five (5) feet from the rear lot line or side lot line, and; if located in the side yard it shall not be nearer than five (5) feet from the side lot line.

11-015 AREA REGULATIONS

a. Minimum Size Parcel

1. Area - shall contain a minimum of 2 acres.
2. Frontage - shall be a minimum of 200 feet.
3. Depth - shall be a minimum of 200 feet.

b. External Requirements

1. Front and Rear - Set back shall be 1 foot for every foot of building height, but not less than 50 feet.
2. Side Yard - shall be 1 foot for every 2-1/2 feet of building height, but not less than 20 feet.
3. Corner Lots - shall have front yards on each street equivalent to the above front yard requirements.

c. Internal Requirements

1. The minimum horizontal distance between buildings shall be twenty (20) feet, provided:
 - a) Walls containing main window exposures or main entrances shall be located no closer to another building than (75) feet, and generally no closer than twice the difference in elevation between the lowest ground elevation of the buildings and the greatest roof elevation of the buildings.
 - b) Other walls containing secondary windows (side of buildings) shall be located no closer to another building than thirty (30) feet.

11-016 MINIMUM OFF-STREET PARKING REQUIREMENTS

- a. Apartment - 1-1/2 parking spaces per dwelling unit that has one bedroom or less containing 180 square feet (9' x 20') per space on right angle parking or equivalent for 30, 45 and 60 degree parking. Two parking spaces shall be provided for each dwelling unit with two bedrooms or more.
- b. Row houses - 1-1/2 parking spaces per dwelling unit, provided condominiums shall be required only 1 (one) parking space per unit with the additional 1/2 parking space per unit located within the project.
- c. Two family dwellings and row houses shall conform to the requirements of Section 20.

11-017 MINIMUM LOT COVERAGE OF ALL BUILDINGS

All buildings, including accessory buildings, at ground level shall not cover more than twenty (20) percent of the gross lot area.

11-018 MINIMUM OPEN SPACE COVERAGE

At least forty-five (45) percent of the gross lot area, including front side and rear yards, shall be devoted to open space; such as landscaped areas, pedestrian walks, malls, swimming pools, play grounds, bicycle trails, etc. Public streets access ways and parking areas shall not be included as part of the open space requirements.

11-019 MINIMUM FLOOR AREA

Each dwelling unit shall contain a minimum of 380 square feet of habitable floor area for apartments. Minimum floor area for row houses, town-homes and two-family dwellings shall conform to other areas required in RMF1 and RMF2 zoning districts.

11-020 DENSITY

There shall be a minimum lot area of 2,178 square feet per family or a maximum of 20 families per acre.

11-021 APPLYING FOR REZONING

A petition to change to a "PUD-R" Planned Residential District shall be filed in accordance with the application and review procedures provided in Section 27. Included with the petition shall be an Outline Development Plan a Preliminary Development Plan, in accordance with this ordinance. (Amended by Ordinance 1230, 5/29/07)

11-022 PLANNING COMMISSION PROCEDURES

After a petition for "PUD-R," Planned Residential District is filed; it shall be referred to and considered by the City Planning Commission in accordance with the procedures set forth by Section 27. The Planning Commission shall hold a public hearing and after the conclusion of the hearing shall submit its recommendations to the Governing Body, based on the zoning of the land and the Outline Development Plans or the Preliminary Development Plan. (Amended by Ordinance 1230, 5/29/07)

11-023 GOVERNING BODY ACTION

If the City Council is in favor of rezoning, they shall, by ordinance rezone the property, but before any building permits may be issued the Preliminary and Final Development Plans shall be approved by the Governing Body after recommendation by the City Planning Commission according to the requirements under these regulations.

11-024 PROCEDURE FOR SUBMITTING PLANS

If the Outline Development Plans were submitted with the petition, a Preliminary Plat and the Preliminary Development Plans shall be submitted to the Planning Commission Office within six (6) months after the Governing Body rezone the property and approve the Outline Development. The Final Plat and Final Development Plans shall also be submitted in the same manner and with the same considerations as the Preliminary Development Plan procedure, except the applicant shall be given one (1) year to submit it. If the final plat and final development schedule is not submitted within one (1) year, all previous approval shall be voided.

11-025 OUTLINE DEVELOPMENT PLAN

The Outline Development Plan shall include maps and written statements, and shall show enough of the area surrounding the proposed planned development to demonstrate its relationship to adjoining uses, existing and proposed. The maps shall contain the following information:

- a. Boundary of project with dimensions to scale.
- b. Existing topography.
- c. Existing and proposed land use showing the approximate location and dimensions of buildings, open space, parking and drives and other structures.
- d. The character and approximate density of dwellings.
- e. The approximate location of major thoroughfares.
- f. Proposed recreational areas and other open spaces.

The written statements to accompany the outline development plan shall contain the following information:

- a. An explanation of the character of the development.
- b. A general indication of the expected schedule of development.

11-026 PRELIMINARY DEVELOPMENT PLANS

At a scale dimension of not more than 1" = 100' and shall include:

- a. Proposed size, location and area coverage figures of all buildings.
- b. Parking areas and drives with proposed arrangement of stalls, number of cars, entrance and exits driveways and their relationship to existing and proposed streets, and area coverage figures.
- c. Landscape plans, including location and height of all walls, fences and screen plantings and open space coverage figures.
- d. Accessory uses and buildings showing location and dimensions.
- e. Sufficient proposed control grades to interpret the intent of the developer.
- f. Drainage plan, having contour intervals of two (2) feet.

- g. Location of existing and proposed fire hydrants and utilities with a statement from the Fire Chief and the various utility companies involved confirming and approving the locations.
- h. Land use and development within two hundred (200) feet outside the project area, excluding streets and alleys.
- i. Architectural sketches showing building height, bulk, interior layout and proposed use.
- j. Name of owner, name and seal of engineering firm licensed in the state of Kansas developing plan, scale, north point and date of plan.

11-027 FINAL DEVELOPMENT PLANS

The final Development Plans shall conform to the approved Preliminary Development Plans, shall be in final form for the issuance of a building permit, shall have been previously approved by the City Administrator and the City Engineer, and shall include a construction schedule of development. It shall be submitted to the Planning Commission at least seven (7) days before the scheduled meeting for approval and recommendation to the Governing Body. A final approval by the Governing Body shall authorize construction to begin. Any land reserved for public use (utility easements, streets, drives, ways, etc.) shall be processed and approved in accordance with the rules and regulations for platting contained in the "Subdivision Regulations for Tonganoxie, Kansas". Construction of at least the first stage of development shall begin within eighteen (18) months from the date the ordinance of the zoning change was published in the paper. If construction does not begin within this period and no effort is made of an extension of time by the owner, the Planning Commission shall recommend to the City Commission that the ordinance should be voided, and when voided said property shall revert back to its original zoning district.

11-028 BUILDING PERMITS

On final approval by the Governing Body, the owner shall provide a copy of the approved Final Development Plans to the following:

- a. City Planning Commission
- b. City Administrator
- c. City Engineer.

Building permits shall be issued in accordance with the approved final development plan and the procedures set forth by Section 2-011. If any variation or rearrangement of buildings, parking area and drives, entrances, heights or open spaces is requested by the owner, he shall proceed by following the same procedure previously followed and outlined in the "Preliminary Development Plan". (Amended by Ordinance 1230, 5/9/07)

11-029 CHANGE OF OWNERSHIP

- a. In the event of a sale of property approved for rezoning under this ordinance, no development shall take place except according to the approved Final Development Plan.
- b. If new ownership requests a change in the Final Development Plan, they shall be required to file revised Preliminary Development Plans and Final Development Plans, and a construction schedule of improvements in accordance with this ordinance, except no further rezoning will be required. If there is a revision in the location of utility easements, streets, drives, ways, etc., the area shall be re-platted.

11-030 GENERAL REQUIREMENTS

- a. The proposed development shall constitute a residential environment of sustained desirability and stability so that the property contiguous to the development will not be unreasonably affected.
- b. The proposed development shall provide streets, drives or ways that are accessible to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition or unusual inconvenience to the neighborhood.
- c. A building group shall be so arranged that all principal buildings shall be made reasonably accessible to emergency vehicles.
- d. Parking shall be provided in a manner, which reduces to a minimum its adverse physical impact in the area. Screening areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are minimum requirements. The parking areas should be appropriately spaced to serve those units they represent.
- e. The availability of service and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with Preliminary Development Plans.
- f. All streets, drives, and right-of-ways shall be established as permanent easements whether public or private, provided through platting procedures, and shall be improved according to the City Engineer's specifications.
- g. The location, design and calculations of the storm drainage and sanitary sewers shall meet the specifications of the City Engineer.