

ORDINANCE NO. 2021- _____

**AN ORDINANCE TO AMEND ORDINANCE THE ZONING ORDINANCE OF
THE CITY OF PRICEVILLE, AS AMENDED, TO SUBSTITUTE PROVISIONS
RELATING TO THE PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the City Council of the City of Priceville finds that it is in the interest of the City of Priceville to revise its current zoning ordinance to adopt substitute provisions relating to the Planned Development District (PD), as currently set out in Section 5.1500 of the Zoning Code.

BE IT ORDAINED by the City Council of the City of Priceville, on this the ____ day of _____, 2021, that Ordinance #1986-06, the City of Priceville Zoning Ordinance, adopted on the 20th day of November, 1986, as last subsequently amended, is further amended as follows:

Section 5.1500 PLANNED DEVELOPMENT (PD) DISTRICT is amended to read as follows:

5.1500 PLANNED DEVELOPMENT (PD) DISTRICT

§5.1501 General Provisions

- (A) Purpose. This district is intended to allow flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan (MDP), the purpose of which is:
 - (1) To enable creative and harmonious designs to accommodate planned associations of land uses;
 - (2) To permit higher densities of land in conjunction with provisions for usable open space, amenities and community services;
 - (3) To promote economy in the arrangement of uses, buildings, circulation systems and utilities;
 - (4) To coordinate uses, building forms and relationships and architectural styles;
 - (5) To promote the preservation and enhancement of existing natural features, their scenic qualities and amenities to the greatest extent possible and to utilize such features in a harmonious fashion.

- (B) Planned Development, Defined. For the purposes of these regulations, a planned development is:
 - (1) Land under unified control, to be planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all access, lands and buildings;

- (2) Developed according to a Master Development Plan for the entire site that includes plans for utilities, drainage, streets, lots, building sites, typical building plans, and typical floor plans; and
- (3) A program for operation, and maintenance of common open spaces and facilities and any improvements not intended to be maintained by the City.

(C) **Applicability**

- (1) All properties in an approved PD District are bound by the standards in the applicable MDP, even if subsequently sold, unless and until the MDP is voided by the City on request of the owner. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the final MDP. However, to maintain continuity of the MDP, in no case will any portion of a PD District become nonconforming solely as a result of a portion of the tract being rezoned.
- (2) The Board of Adjustment may not grant variances that would have the effect of amending an approved MDP.
- (3) No amendment of this Ordinance affects a PD District approved prior to such amendment. The approved MDP may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the MDP approval expire or be voided, any newly submitted MDP must conform to the regulations in effect at the time of the new submittal.

(D) **Relationship to Other Regulations**

- (1) All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section or within the approved MDP.
- (2) Where there are conflicts between the PD regulations and other zoning, subdivision or other regulations or requirements, these regulations govern unless the City Council finds, in the particular case, that the provisions herein do not serve a public purpose to a degree at least equivalent to the other regulations or requirements.
- (3) Where an action, design or solution proposed by the applicant is not in accord with applicable PD or other applicable regulations, the City Council may nonetheless modify such regulation in the particular case, but only if it finds that the modification serves a public purpose to an equivalent or greater degree.

§5.1502 Minimum Requirements for Establishing a PD District

- (A) PD Districts are established by amendment to the official Zoning Map. The tract must be a minimum of 40 contiguous acres and not encompass any land that is not part of the proposed PD District. Unless otherwise recommended by the Commission and approved

by the Council, sites for any PD proposal must contain at least 40 acres. A smaller site may be considered provided evidence that:

- (1) the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
- (2) the minimum acreage requirement is impractical due to ownership, existing development patterns, or physical or other similar constraints;
- (3) the design concept fully integrates the development into the surrounding neighborhood or business area;
- (4) the arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site subject to the regulations of other available zoning districts.

Additions proposed to an existing PD district are not subject to this area requirement provided the proposed development plan is compatible with the existing PD District. Additions may be of the same or another classification as the existing PD District.

- (B) PD districts must be located in proximity of adequate existing or planned sanitary sewers, water lines, storm and surface drainage systems and other utilities.

§5.1503 Procedure

- (A) Pre-Application Conference. Before submitting an application, the applicant may confer with the Technical Review Committee (TRC) of the Planning Commission to obtain guidance before entering into commitments or incurring substantial expense in the preparation of the preliminary Master Development Plan. The TRC may request attendance of such officials or agency representatives as may be appropriate. No statement made or information given during a pre-application conference is binding on the City, or the applicant, but a record will be kept of recommendations made, and a copy of such record provided to the applicant.

(B) Application

- (1) After the pre-application conference, the applicant may file a rezoning application with the preliminary MDP. If the property is already zoned PD District, the applicant must submit the preliminary MDP for review by the Commission. The preliminary MDP includes a written document, which may include supporting graphic materials, and a plan set illustrating the intents of the development. The applicant must submit five copies of the written document, five copies of the plan set, and an electronic version of the document and plan set in a format approved by the Building Official.
- (2) An application fee, as set from time to time by the Council, must be submitted at the time of application to cover administrative and public notice costs.

- (3) The Building Official will review the application with the TRC and other appropriate officials and agencies. The Building Official will inform the applicant of the need for any special studies or reports. The cost of required studies or reports are the responsibility of the applicant. Required studies or reports may be made by the City, agencies cooperating with the City, or experts acceptable to the City, as appropriate in the particular case.
 - (4) As appropriate, the applicant may be requested to participate in such reviews. Any recommendations will be recorded in writing and will become part of the record in the case. Applicants must indicate, in writing, their agreement or disagreement to such recommendations and reasons therefor; and the applicant's response will also be included in the record.
- (C) Upon completion of its review, the TRC will submit its findings to the Commission and Council regarding:
- (1) Appropriateness of the proposed development to the site and surrounding areas;
 - (2) Compatibility of the proposed development with the Comprehensive Plan;
 - (3) Provision of open space and/or other public benefits or amenities commensurate with the flexibility inherent in the PD designation
 - (4) Traffic access and circulation, stormwater management, utilities and other facilities and services;
 - (5) Adequacy of evidence on unified control and suitability of any proposed agreements, deed restrictions, sureties, dedications, or other instruments, or the need for such instruments, or for changes in instruments proposed (with findings as to such matters based on opinions of the City Attorney);
 - (6) The suitability of plans as proposed, or recommended changes with reasons therefor; and
 - (7) The appropriateness of any requested modifications of applicable regulations.
- (D) Review and Approval by Commission and Council
- (1) Upon receipt of the TRC report, the Commission will schedule a public hearing on the PD rezoning application.
 - (2) After holding a public hearing on the application for rezoning and/or approval of the preliminary MDP, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes.

- (3) If the PD District application involves a subdivision of land, the Commission may hold a public hearing on the subdivision before submitting its recommendation on the PD rezoning application to the Council.
- (4) Once the Commission has rendered its decision, the preliminary MDP and all related materials, including any changes made thereto, are forwarded to the Council. If the proposal is deemed by the Commission to be unacceptable, the reasons for such determination will be set forth in its recommendation to the Council.
- (5) The Council will approve, approve with changes, or disapprove the rezoning following a public hearing on the matter. Any changes approved by the Council will be binding on consideration of the final MDP. If changes are required, the Council will state its reasons therefor in the record.

(E) Commission Action on Final MDP

- (1) Not more than 90 days after the Council approves the PD rezoning the final MDP for the entire development or for its first phase must be submitted to the Commission. The Commission must approve the phasing of development and the following provisions must be complied with:
 - (a) The gross area initially approved or amended may not be exceeded at any phase of development.
 - (b) Each phase must be planned and related to existing surroundings and available facilities and services that failure to proceed to the subsequent phases will not have an adverse impact on the PD District or adjoining development.
 - (c) The commencement of actual construction of any phase must comply with §5.1404.

If the Commission does not receive the final plan within this 90-day period, it may take action as described in §5.1504.

- (2) After a PD district has been established, no building permit may be issued therein, and no grading, clearing, excavations or filling shall take place, until the Commission has approved the final MDP. Such approval will be based on substantial compliance with the preliminary MDP including any modifications required by the Council in its amending action, and on compliance with regulations applying at the time of rezoning, including any modification in application established by the Council. Where applicable regulations are amended following the rezoning action, applicants or their successors in interest may elect to conform to such amended regulations in the same way.

- (3) Commission consideration of a final MDP does not require a public hearing.
- (4) Upon approval of the final MDP, building or other required permits will be issued in the same manner as applies generally, provided that any requirements or limitations of the approved PD District and MDP are observed.
- (5) Except as provided in §5.1505 Amendments, approved the approved final MDP is binding on the applicant and any successors in title so long as PD zoning applies to the land.

§5.1504 Expiration of Time Limits; Failure to Meet Other Requirements

- (A) Where time limits are set for beginning or completion or other phases of development, or where other requirements are established in connection with a PD amendment, and where such time limits or other requirements are not met, the Building Official or other public official, will call the matter to the attention of the Commission, with a full written account of the circumstances, and the findings and recommendations of the relevant reporting public official. The Commission will then review the case and make one or more of the following recommendations to the Council:
 - (1) That PD zoning for the entire district be continued with revised time limits.
 - (2) That PD zoning be continued for part of the district, with or without revised time limits, that appropriate steps be taken to correct any deficiencies in area or open space requirements in designated portions of the district which have not been developed, and that remaining portions of the district be rezoned to an appropriate category.
 - (3) That the entire district be rezoned from PD to an appropriate category.
 - (4) That such other steps be taken as seem equitable in the circumstances of the case and will appropriately protect the public interest.
- (B) Such recommendations will include proposals for appropriate action concerning any legal instruments in the case.

§5.1505 Amendments

To facilitate minor adjustments to the approved MDP as may be necessary, the Building Official may approve changes that are incidental or minor in scope. The following changes must be referred to the Commission and may be considered without additional public hearings. Changes greater in scope require approval by the Commission and Council, including public hearings as required for original approval.

- (A) A change in land use boundaries, provided the effect on the number of dwelling units or amount of open space, commercial or multifamily areas does not exceed the limits in items (B) or (C) below.

- (B) An increase in the overall number of dwelling units or land devoted to multifamily development greater than five percent but less than 10%.
- (C) A reduction in the amount of open space or land designated for commercial use by more than five percent but less than 10%.
- (D) Rearrangement of streets, or reduction in the extent of pedestrian or bicycle facilities.
- (E) A reduction of off-street parking or loading space greater than five percent.
- (F) Changes to the Development Schedule.

Any deviation from the MDP, which is not approved as provided herein, constitutes a violation of this Ordinance.

§5.1506 Approval Criteria

- (A) The applicant must demonstrate that the proposed development will achieve the following prerequisites:
 - (1) The development will be consistent with the general development pattern and policies of the Comprehensive Plan, including the arrangement of uses, intensities and open spaces and the layout of streets.
 - (2) The development is planned and designed to be compatible with adjoining development with regard to density, scale, character and use. Buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination will be provided for the protection of adjoining properties.
 - (3) The development will feature an overall harmonious design, while incorporating a variety of building types and styles. The floorplans and front elevations of dwellings along residential blocks will be varied.
 - (4) The development will provide facilities appropriate to the needs of the City in the particular location.
 - (5) The placement of buildings—in relation to other buildings, streets and pedestrian facilities—will enable safe, convenient access and mobility for pedestrians within the development and to nearby community destinations.
 - (6) The development will be phased so that public or private facilities will be available at the time the development reaches the stage where they will be needed.
 - (7) The site is suitable for development in the manner proposed, without hazards to persons or property, on or off the tract, from probability of flooding, erosion, slipping of the soil, or other dangers or nuisances. The uses, intensity and layout of the proposed development must be suitable to soil, ground water level,

drainage, and topographic conditions. Scenic assets and natural features must be protected and preserved to the extent possible.

- (B) In addition, the applicant must demonstrate that, in exchange for the flexibility conferred by the PD Designation, the proposed development will feature one or more of the following benefits:
- (1) Proposed buildings will feature quality, durable materials.
 - (2) Driveways, garages and parking areas will not dominate public views along streets. Residential garages along residential blocks will be varied, set back behind the front building line and/or oriented away from street view.
 - (3) Residential developments will feature a range of housing types and sizes appropriate to different stages in life.
 - (4) Usable open spaces will be provided in accessible locations within the development. A greater amount of common open space will be provided in more intensively developed portions of the development.
 - (5) Bicycle or shared uses paths will be provided to enable the safe movement of residents, on foot or bike, throughout the development. The frontages of existing streets within or at the perimeter of the site will be improved with similar facilities to enable connection to adjoining neighborhoods or community destinations.

§5.1507 Development Standards

- (A) Density, building height, building spacing and setbacks must meet or exceed the standards in Table 5.15-1. Requirements in excess of those in the following Table 5.15-1 must be specified in the MDP as well as any additional proposed standards.

TABLE 5.15-1 PD DISTRICT DEVELOPMENT STANDARDS		
Min. Setback from PDD Boundary	15 ft	
	Residential	Mixed-Use/Commercial
Max. Residential Density	9 du per gross acre	12 du per gross acre
Min. Common Open Space	10%	15%
Min. Land Area Designated for Commercial Uses	n/a	50%
Max. Building Height	3 stories	4 stories
Min. front yard setback *		
Along arterial	25 ft	25 ft
Along collector	15 ft	10 ft

Along local street	10 ft	0 ft
Minimum Building Separation for Attached and Multifamily Dwellings		
Front to front; Front to back; back to back	40 ft	
Front to end, Back to end	20 ft if end wall is unpierced 30 ft if end wall is pierced	
End to end	15 ft if end wall is unpierced 25 ft if end wall is pierced	
Any other situation	15 ft	
*Buildings must be set back as necessary and easements provided for utility location, if not within the street right-of-way.		

(B) Uses. A PD District must comprise one or more land use districts. Uses in each land use district must be in accordance with the following Table 5.15-2. Final approval of uses is contingent on approval of the MDP. Any use listed as a “Conditional Use” in Table 5.15-2 that is not specifically approved as part of the final MDP must be individually approved by the Commission.

TABLE 5.15-2 PDD LAND USE DISTRICT PERMITTED USES	
Residential	
Permitted Residential Uses: residential accessory structures, detached single-family dwellings, duplex dwellings, child day care home, child day care group home	
Permitted Nonresidential Uses: common open space, public building, public facilities and services	
Conditional Uses: accessory dwellings, attached single-family dwellings, bed and breakfast, boarding home, country club, day care center, golf course, outdoor recreation, place of assembly, public or private school	
Mixed-Use/Commercial	
Permitted Residential Uses: residential accessory uses and structures, detached and attached single-family dwellings, duplex, triplex, quadplex and multifamily dwellings, accessory dwellings	
Permitted Nonresidential Uses: accessory structures, bakery (minor), bank, business or professional office, medical clinic, clubs, commercial parking, commercial school, common open space, entertainment (indoor), garden center or nursery, general retail (enclosed), group home, personal services, alcohol sales for off-premises consumption, nursing care facility, personal services, place of assembly, printing service, public building, public facilities and services, recreation (indoor and outdoor), recording studio, repair services, restaurant (standard), studio, vehicle repair (minor)	
Conditional Uses: veterinary hospital, car wash, entertainment (outdoor), gas station, alcohol sales for on-premises consumption, fast food restaurants, mini-warehouse, vehicle sales and rental	

(C) Circulation Standards

- (1) A traffic study is required with all PD District applications.
- (2) Vehicular access must be from streets capable of supporting existing traffic and traffic to be generated by the development. Along major streets, driveways must be separated from one another and from intersections, in accordance with the access management standards of the Subdivision Regulations.
- (3) Sidewalks or other pedestrian facilities must be arranged to provide safe, convenient routes to, from and within a PD District. Pedestrian access must be provided between residential areas and any recreational facilities, schools, libraries and similar community destinations within or adjacent to the development.

(D) Open Space Standards. Common Open Space must be provided in each land use district in the amounts shown in Table 5.15-1. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than those permitted as listed above unless approved through an amendment to the MDP.

- (1) The following are excluded from calculation of common open space:
 - (a) open spaces, for which the only access is from individual residential lots;
 - (b) land encumbered by any substantial structure, enclosure or parking facility;
 - (c) land within eight feet of any building;
 - (d) land within a roadway, except a median that is at least 50 ft wide at its narrowest point and is designed for use as a recreational space;
 - (e) remnant strips of land less than 40 ft wide at their narrowest
 - (f) land to be used as or be in any required drainage area or easement, unless such area is designed and maintained for use as open space.
- (2) Maintenance provisions must be included in the MDP, consistent with applicable requirements of the Subdivision Regulations, for all common open spaces not left in a natural state. Open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the development.
- (3) The area of common open spaces in each development phase must meet the requirements in Table 5.15-1 unless otherwise expressly approved as part of the final MDP.

- (E) Signage. A Signage Plan must be submitted as part of the MDP and must generally conform to Section 5.40 Signs and this Subsection. The Commission uses the most compatible sign height, size and location requirements in Section 5.40 as a guide in reviewing proposed Signage Plans. All permitting and building code requirements apply to signs in a PD District.
- (1) Off-premises signs are prohibited.
 - (2) Street signs must be uniform in design throughout a PD development. If a standard other than that of the City is used, the developer or property owners' association will be responsible for maintenance.
- (F) Landscaping. The MDP must include standards for the following:
- (1) Buffering, including a combination of increased setbacks, shrubs, trees and fences (or walls) to mitigate the incompatibility between a use proposed to be located adjoining a use of lower intensity or density. This includes buffering between uses within the planned development and as necessary to protect lower intensity uses adjoining the planned development.
 - (2) Screening of outdoor storage and work areas, trash receptacles, exterior HVAC equipment (nonresidential, multifamily and attached single-family dwellings)
 - (3) Landscaping for parking and vehicular areas serving nonresidential and multifamily uses and common parking areas serving any other residential uses. Landscaping, consisting of walls, fences, shrubs, shade trees or a combination of these should be provided along the perimeter of parking and vehicular areas when adjoining a street and alongside or rear lot lines adjoining any single-family residential areas. Five percent of the interior of all such parking and vehicular areas should be devoted to landscaping, including shade trees.
- (G) Exterior Materials. Standards for exterior building materials must be specified in the MDP consistent with the following standards. Unless an alternative set of materials standards is specifically approved by the City, the standards in this subsection and in Table 5.15-3 will apply. Materials standards approved as part of the MDP must be included within covenants for all applicable property within the planned development. An Architectural Review Committee representing the interests of property owners within a PD development is recommended.
- (1) Area of window and door openings are not included in calculation of exterior building requirements in Table 5.15-3.
 - (2) Cement block may only be used on residential building exteriors at the foundation up to a height of three ft. Cement block foundations along front facades must be screened with shrubs or other landscaping. Cement block may only be used on nonresidential building exteriors along rear and side elevations.

- (3) Vinyl and metal siding are discouraged as primary exterior materials for buildings but may be used in combination with other materials upon express approval of the Commission.

TABLE 15.5-3 MATERIALS STANDARDS		
	All exterior walls	Front Facade
Detached Single-family dwellings	Min. 30% masonry	Min. 40% masonry
Attached Single-family and Multifamily Dwellings	Min. 50% masonry	Min. 60% masonry
Nonresidential Buildings	Min. 30% masonry	Min. 40% masonry
For the purposes of these standards, masonry includes brick, stone, terra cotta, split face concrete block, concrete tilt wall or a combination of these. Stucco and plaster are only considered a masonry material when applied using a three-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications. Synthetic products (e.g., EIFS—exterior insulation and finish systems, fiber cement lap siding, or other materials of similar characteristics) are not considered a masonry material.		

§5.1508 Submittal Requirements

Applications must be submitted as required for other subdivision and zoning requests, except as provided herein. Materials required with the application, or on subsequent requests, must include all plans, maps, studies or reports reasonably necessary to the City for the purpose of determining compliance with the requirements of the PD District and all other applicable regulations. At the time of application all of the following must be included:

- (1) A location map at a scale of 1" = 800'
- (2) A boundary and topographic survey of 1" = 200' with 5-ft contour intervals and extending 500 ft beyond the district boundaries. Existing features or conditions to be shown are public and private roads, pedestrian ways, utilities, easements.
- (3) A description of physical features establishing limits on location or kind of development or access, including but not limited to:
 - (a) Slopes
 - (b) Soils (erosion characteristics, construction limitations)
 - (c) Flood hazards (flood plains, major flash flood channels)
 - (d) Sinkholes, springholes, caves

- (e) Areas subject to slippage, sedimentation or rockfalls from above
 - (f) Areas requiring special treatment to avoid hazards to property below from slippage, sedimentation, runoff, rockfalls
 - (g) Existing streams, creeks, lakes and natural drainage features.
- (4) A description of natural or cultural features to be considered in relation to preservation which may establish further limits on location or kind of development or access, including but not limited to:
- (a) Significant tree stands, understory vegetation or other ground cover
 - (b) Buildings or sites of historic or cultural significance
 - (c) Major trails and other established pedestrian ways
 - (d) Cemeteries
- (5) A report identifying all property owners within the area of the proposed PD district, and giving evidence of unified control of its entire area. The report must state agreement of all present property owners and/or their prospective successors in title:
- (a) To proceed with the proposed development according to the regulations in effect when the map amendment creating the district is passed, with such modifications as are set by the City Council in the course of such action; and
 - (b) To provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the City Council for completion of such development according to approved plans; and for continuing operation and maintenance of such areas, facilities, and services; and
 - (c) To bind successors in title to any commitments made under (a) and (b) above.
- (6) A preliminary development plan including the following:
- (a) Identification of the proposed planned development, the developers and the persons or firm preparing the plan
 - (b) Scale, north arrow, date
 - (c) Delineation and area of land use districts, if more than one is proposed

- (d) Relation to adjoining land uses and zoning districts, including, where view protection is an objective, location of principle public viewpoints within, into, or through the development
- (e) Use, location, orientation, height, and floor area of existing and proposed structures
- (f) Proposed street plan, including points of access to existing street, bicycle and pedestrian networks, layout of streets and bicycle and pedestrian facilities within the development, identification of collector and minor streets and typical cross sections of streets and off-street bicycle or pedestrian facilities
- (g) Location of water, sewer and stormwater facilities; lines and easements of other utilities, within the development and as connected outside the development
- (h) Lot and block layout, both existing and proposed
- (i) Proposed modifications of any provisions within the Subdivision Regulations with reasons therefor
- (j) Location, area, dimensions and manner of improvement of proposed common open spaces and facilities, including proposed ownership and maintenance plans
- (k) Location, character and scale of off-street parking and loading facilities
- (l) Signage master plan, including any proposed height, design, size and other standards and any proposed modifications from the provisions of Section 5.40 Signs
- (m) Landscaping plan, including proposed methods of buffering, screening and landscaping
- (n) Pattern book or similar set of typical lot dimensions, floorplans, front elevations and exterior materials standards for proposed dwelling types
- (o) The extent and timing of any proposed phases of development.

This ordinance shall be effective upon its adoption and publication as required by law.

READ, APPROVED, AND ADOPTED AT A REGULARLY SCHEDULED MEETING
OF THE CITY COUNCIL OF THE CITY OF PRICEVILLE, ALABAMA, ON THIS _____
DAY OF _____, 2021.

Sam Heflin
Mayor and Presiding Officer of the City Council,
City of Priceville, Alabama

ATTEST:

City Clerk