

This document is a resource to developers pursuing a Planned Unit Development (PUD) and seeking assistance with the preparation of the PUD Outline Plan element. This information may not be considered or construed as replacing or supplanting specific content requirements and standards enumerated in Article 1357 of the City's Planning and Zoning Code.

The PUD Outline Plan should be approached in the most descriptive and illustrative method necessary to meet or exceed the minimum specifications enumerated in Article 1357 of the City's Planning and Zoning Code. The uses and standards expressed in the PUD Outline Plan constitute the use and development regulations for the PUD site in lieu of the regulations of the underlying district. However, if the PUD Outline Plan is silent on a particular land use, development standard, or other specification of the Zoning Ordinance, the standard of the underlying district or the applicable regulations shall apply. The applicant is therefore advised to systematically review and understand applicable regulations associated with the PUD site in preparing the PUD Outline Plan.

Where there are environmentally sensitive features on the site or the PUD Development Plan is expected to be complex, or there are other important planning implications involved, the Planning Commission may reserve the right to review the PUD Development Plan.

Although not guaranteed, the more thorough, illustrative, and inclusive the PUD Outline Plan is prepared and presented, the more confident the Planning Commission might be in the planning, deliverables, and timelines of the proposal so that PUD Development Plan review and approval could be delegated to City Administration. For instance, PUD Outline Plans that include minimum PUD Development Plan elements could aid the Planning Commission in deciding to delegate PUD Development Plan review and approval to City Administration.

ANTICIPATED PUD ADVANTAGES – RECOMMENDED PLAN ELEMENT

PUD applicants are strongly encouraged to include an "Anticipated PUD Advantages" element in the PUD Outline Plan, organized in the following framework, stating the specific advantage, and comprehensively addressing, in narrative and illustrative form, how the proposed PUD will offer one or more of the following advantages as relevant.

1. Serve to implement the goals, objectives, and strategies of The Morgantown Comprehensive Plan specific to the district or neighborhood in which the PUD is to be located;
2. Apply the design principles of new urbanism, neo-traditionalism, and other emerging smart growth principles, urban development patterns and best management practices;
3. Promote development patterns that maximize compatibility of differing adjacent land uses to avoid the necessity of extensive buffering;
4. Enhance the appearance of neighborhoods by conserving areas of special natural beauty, steep slopes, ecological importance, flood prone areas, and natural green spaces where appropriate, while understanding that land within urban areas is best suited for urban densities and development patterns;

5. Counteract poor urban design and mitigate congestion on streets;
6. Promote architecture that is compatible with the community vernacular, and/or the surroundings;
7. Promote design principles that allow differing types of land uses to coexist while preserving property values and minimizing potential negative consequences;
8. Promote appropriate urban densities that will help make alternative forms of transportation economically and socially feasible; and
9. Promote and protect the environmental integrity of the site and its surroundings by providing suitable design responses to the specific environmental constraints of the site and surrounding area.

WRITTEN STATEMENT OF CHARACTER OF THE PUD – REQUIRED PLAN ELEMENT

In addition to the requisite PUD Outline Plan drawings enumerated in Section 1357.04(B), the PUD applicant must include an explanation of the character of the PUD and the reasons why it has been planned to take advantage of the flexibility of the Planning and Zoning Code. The written statement must address, at least, each of the following elements, which should be organized in the following framework.

1. **Objectives.** A specific explanation of how the proposed PUD meets the objectives of all adopted land use policies which affect the land in question (e.g., 2013 Comprehensive Plan Update, 2010 Downtown Strategic Plan Update, Small Area Studies, Planning and Zoning Code, etc.).

This element can and should be approached as a summary of the more detailed information presented in the “Municipal Review Considerations” element described below.

2. **Ownership.** A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.

3. **Scheduling.** Time of proposed development indicating:

- a. Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped; and,
- b. Projected dates for beginning and completion of each stage of land development.

Scheduling information described should be flexible enough and phased to safeguard development delivery, but realistic enough to ensure accountability.

4. **Proposed Uses.**

- a. Residential Uses: type, gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;

- b. Nonresidential Uses: specific nonresidential uses, including gross floor areas (GFA), architectural concepts (narrative, sketch, or representative photo), and building heights.

Uses permitted in a PUD may be any use that is found in the Planning and Zoning Code in any district, subject to the approval of the Planning Commission and City Council. The uses expressed in the PUD Outline Plan constitute the use regulations for the PUD site in lieu of the regulations for the underlying district. If the Outline Plan is silent on a particular land use, the standard of the underlying district shall apply.

5. Facilities Plan. Preliminary concepts and feasibility reports for:

- a. Streets, roadways and bikeways.
- b. Sidewalks and pedestrian pathways.
- c. Water supply system.
- d. Sanitary sewers.
- e. Stormwater management.
- f. Public utilities.
- g. Streetscaping, furniture and lighting.

6. Traffic Analysis. The Planning Director or the Municipal Planning Commission, shall require study of the traffic impact caused by the proposed PUD and/or any measures proposed to mitigate that impact. Such study shall be conducted by a licensed traffic or transportation engineer.

The applicant's traffic or transportation engineer must first meet with the City Engineer, and together with the West Virginia Division of Highways (WVDOH) if applicable, to consult on and approve the traffic impact study scope of work (e.g., extent of area to be studied; study horizon; analysis time periods; data collection; trip generation; modal split; trip distribution; trip assignment; traffic analysis; traffic impact mitigation thresholds; etc.). Continued consultation with the City and WVDOH, if applicable, is expected during the analysis and preliminary development of findings and recommendations.

MUNICIPAL REVIEW CONSIDERATIONS – RECOMMENDED PLAN ELEMENT

In their consideration of a PUD Outline Plan, the Planning Division in its report to the Planning Commission, the Planning Commission in their recommendation to City Council, and the City Council in its decision, is required to evaluate the project in light of as many of the following objectives as may be relevant to the specific proposals. PUD applicants are strongly encouraged to include a “Municipal Review Considerations” element in the PUD Outline Plan, organized in the following framework, stating the specific objective, and comprehensively addressing, in narrative and illustrative form, as many of these objectives as relevant.

1. The extent to which the PUD meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the City of Morgantown.

2. The extent to which the proposed plan meets the requirements, standards, and stated purpose of the PUD regulations.
3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
4. The proposal will not be injurious to the public health, safety, and general welfare.
5. The physical design of the PUD and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic and promotes alternative forms of transportation, provides for and protects designated permanent open space, and furthers the amenities of urban ambience, light and air, recreation and visual enjoyment.
6. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
7. The desirability of the proposed plan to the City of Morgantown's physical development, tax base and economic well-being. At the discretion of the Planning Commission and City Council, special consideration in the form of increased development flexibility may be given to projects that are intended to rehabilitate or replace dilapidated areas, brownfields, or other areas of general visual or economic blight. Such special consideration shall not be granted to projects intended for construction on lands that consist of 60 percent or more previously undeveloped lands.
8. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
9. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.
10. The proposal will enhance the appearance, image, function, and economic sustainability of the community at large.
11. Projects which are designed to a more human scale, support multi-modal transportation options, preserve useful open space, provide significant amenities to residents, and incorporate architectural detailing, massing and scale that is consistent with historical community norms shall have a significant advantage in the review process over those that merely seek to maximize inappropriate forms of density, circumvent customary development standards, or promote a pattern of development that can be generally recognized as "urban sprawl," as defined in the definition section of the Zoning Ordinance. Projects that fail to achieve these objectives will likely result in a recommendation for denial by the Planning Director and/or Planning Commission.
12. The proposal makes reasonable accommodations in housing, recreational amenities, and pedestrian facilities for individuals with disabilities.

13. The proposal dedicates and provides a percentage of the total number of dwelling units to be offered at sale or rental prices deemed affordable to individuals of low and moderate income, as defined by the U.S. Department of Housing and Urban Development. Generally, between 3 to 5 percent of all units should meet this goal.
14. For PUD's containing only residential uses, clustering of units should be utilized (and may be required by the City) in order to preserve meaningful open space and/or recreational amenities for the residents. In addition, such projects shall be required to provide a mixture of different dwelling types and sizes. Examples of dwelling types include townhouses, row houses, patio homes, zero lot line houses, single-family detached housing, apartments, duplexes, condominiums, etc.

The following terms are defined in Section 1329.02 of the City's Planning and Zoning Code.

NEO-TRADITIONAL DEVELOPMENT – An approach to land-use planning and urban design that promotes the building of neighborhoods with a mix of uses and housing types, disciplined architectural variety, a central public gathering place, interconnecting streets and alleys, and edges defined by greenbelts or boulevards. The basic goal is integration of the activities of potential residents with work, shopping, recreation, and transit all within reasonable walking distance.

SMART GROWTH – Planning, regulatory, and development practices and techniques founded upon and promoting the following principles: (1) using land resources more efficiently through compact building forms, infill development, and modernization in street and parking standards in order to lessen land consumption and preserve natural resources; (2) supporting the location of stores, offices, residences, schools, recreational spaces, and other public facilities within walking distance of each other in compact neighborhoods that are designed to provide alternate opportunities for easier movement and interaction; (3) providing a variety of housing choices so that the young and old, single persons and families, and those of varying economic ability may find places to live; (4) supporting walking, cycling, and transit as attractive alternatives to driving; providing alternate routes that disperse, rather than concentrate, traffic congestion; and lowering traffic speeds in neighborhoods; (5) connecting infrastructure and development decisions to minimize future costs by creating neighborhoods where more people use existing services and facilities; and by integrating land use and development with transit routes and stations; and (6) improving the development review process and development standards so that the developers are encouraged to apply the principles stated above.

The definition for the following term is provided by the Congress for New Urbanism.¹

NEW URBANISM – The process of reintegrating the components of modern life – housing, workplace, shopping, and recreation – into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit and set in a larger regional open space framework. Initially dubbed “neotraditional planning,” the principles that define new urbanism can be applied successfully to infill and redevelopment sites within existing urbanized areas.

¹ Davidson, M., & Dolnick, F. (2004). A planners dictionary. Chicago, IL: American Planning Association, Planning Advisory Service.