

ORDINANCE NO. 2024

AN ORDINANCE TO AMEND SECTION 205-132 (THE PUD-1 (GENERAL PUD) DISTRICT: APPLICATION PROCEDURES), SECTION 205-134 (THE PUD-2 (SPECIFIC PUD) DISTRICT: APPLICATION PROCEDURES), SECTION 136 (RESERVED) ALL OF ARTICLE XXIII (PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) OF CHAPTER 205 ZONING REGULATIONS OF THE PAPIILLION MUNICIPAL CODE HAVING TO DO WITH REGULATIONS APPLICABLE TO RESIDENTIAL DEVELOPMENT AND OPEN SPACE REQUIREMENTS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Papillion has received a recommendation from the Papillion Planning Commission concerning the proposed changes and additions as set forth in this Ordinance.

BE IT ORDAINED by the Mayor and City Council of the City of Papillion, Nebraska, as follows:

Section 1. That § 205-132 (The PUD-1 (General PUD) District: Application Procedures) of Article XXIII (PUD Planned Unit Development Overlay District) of Chapter 205 Zoning, be amended to read as follows:

§ 205-132. The PUD-1 (General PUD) District: Application Procedures.

- A. Minimum Size. The minimum size of a PUD-1 District shall be three acres.
- B. Pre-application Concept Plan. Prior to filing an application for approval of a PUD-1 District, the applicant shall meet with the Planning Director for the purpose of submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the PUD-1 District and shall include at a minimum the information required in the PUD District Application Requirements Table.
- C. Pre-application concept plan review. The Planning Director shall review and comment on the proposed pre-application concept plan and shall provide the applicant with written comments within thirty days of submission of the pre-application concept plan.
- D. Criteria for pre-application concept plan review. The review of the pre-application concept plan shall include consideration of the following criteria:
 - (1) Land use intensity and density.

- (2) Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.
 - (3) Use of open space.
 - (4) Impact on the surrounding natural and built environment.
 - (5) Adequacy of on- and off-site transportation and utility systems to serve the proposed project.
 - (6) Consistency with the City of Papillion's comprehensive plan.
- E. Filing of a formal PUD-1 application. Following the Planning Director's review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PUD-1 District. This application shall illustrate the development master plan for the PUD-1 District and shall include at a minimum the information required in the PUD District Application Requirements Table under § 205-135.
- F. Development Agreement for PUD-1 District. A PUD-1 application shall include a development agreement establishing the development regulations for the PUD-1 District unless the establishment of such PUD-1 District is initiated by the Planning Commission or City Council. The development agreement shall specify the following regulations:
- (1) Location and quantities of various land uses.
 - (2) Maximum building and impervious coverage.
 - (3) Front, side, and rear yard setbacks.
 - (4) Maximum heights of proposed structures.
 - (5) Design standards applicable to the project.
 - (6) Incorporation of graphic development plans and drawings into the site development regulations.
 - (7) Incorporation of the Planned Unit Development Agreement Requirements for Residential uses as defined in Section 205-136 when residential uses are proposed.
- G. Review by Planning Commission and City Council. The Planning Commission and City Council shall review and evaluate each PUD-1 District application. The Planning

Commission may recommend and City Council may impose reasonable conditions, as deemed necessary to ensure that a PUD-1 District shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.

- H. Planning Commission action. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application. The Planning Commission may recommend amendments to PUD-1 district applications. The recommendation of the Planning Commission shall be transmitted to the City Council for final action. Proper notice shall mean the same notice established for any other zoning amendment.
- I. City Council action. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD-1 District. Proper notice shall mean the same notice established for any other zoning amendment.
- J. Findings of fact. In their respective reviews of the PUD-1 District application, the Planning Commission and City Council shall base decisions on findings of fact based on the Review Criteria Table under § 205-301.
- K. Issuance of Building Permits. The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD-1 District unless it is in compliance with the approved Development Plan and any approved amendments.
- L. Changes or Modifications to Development Plans. The Planning Director is authorized at his/her discretion to approve amendments to an approved development plan, provided that:
 - (1) Major Amendment. Any major amendment to an approved development plan shall be submitted to the Planning Commission for review and City Council for action. A major amendment shall be defined as any of the following changes or modifications:
 - (a) An increase in the density of the development;
 - (b) Substantial changes in circulation or access;
 - (c) Substantial changes in the mix of dwelling unit types included in the project;
 - (d) Substantial changes in grading or utility provision;

- (e) Substantial changes in the mixture of land uses;
 - (f) Reduction in approved open space, landscaping, or buffering;
 - (g) Substantial changes in architectural or site design features of the development;
 - (h) Any other change or modification that the Planning Director finds is a major divergence from the approved development plan. All other changes or modifications in the approved development plan shall be considered minor amendments.
- (2) Minor Amendments. The Planning Director is authorized at his/her discretion to approve minor amendments to an approved development plan, provided that:
- (a) A written request is filed with the Planning Director, along with information specifying the exact nature of the proposed amendment.
 - (b) The amendment is consistent with the provisions of this section.
 - (c) The amendment does not constitute a major amendment as defined in § 205-132(L)(1).
 - (d) Any amendment not conforming to these provisions shall be submitted to the Planning Commission for review and City Council for action.
- M. Termination of PUD-1 District. If no substantial development has taken place in a Planned Development District for three years following approval of the District, the Planning Director or Planning Commission may initiate an action to terminate the PUD-1 District and rezone the property. Such action follows the procedure for zoning map amendments set forth in § 205-303.

Section 2. That § 205-134 (The PUD-2 (Specific PUD) District: Application Procedures) of Article XXIII (PUD Planned Unit Development Overlay District) of Chapter 205 Zoning, be amended to read as follows:

§ 205-134. The PUD-2 (Specific PUD) District: Application Procedures.

- A. Minimum Size. A PUD-2 District may be established on a site of any size.
- B. Pre-application Concept Plan. Prior to filing an application for approval of a PUD-2 District, the applicant shall meet with the Planning Director for the purpose of

submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the PUD-2 District and shall include at a minimum the information required in PUD Application Requirements Table.

C. Pre-application concept plan review. The Planning Director shall review and comment on the proposed pre-application concept plan and shall provide the applicant with written comments within thirty days of submission of the pre-application concept plan.

D. Criteria for pre-application concept plan review. The review of the pre-application concept plan shall include consideration of the following criteria:

(1) If located within a pre-existing PUD-1 District, consistency with the terms and conditions of such PUD-1 District.

(2) Land use intensity and density.

(3) Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.

(4) Use of open space.

(5) Impact on the surrounding natural and built environment.

(6) Adequacy of on- and off-site transportation systems to serve the proposed project.

(7) Architectural quality and compatibility of the proposed project with the scale and appearance of surrounding areas.

(8) Consistency with the City of Papillion's comprehensive plan.

E. Filing of a formal PUD-2 application. Following the Planning Director's review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PUD-2 District. This application shall illustrate the development master plan for the PUD-2 District and shall include at a minimum the information required in the PUD Application Requirements Table.

F. Development Agreement for PUD-2 District. A PUD-2 application shall, when required by the Planning Director, include a development agreement establishing the development regulations for the PUD-2 District. The development agreement may specify the following regulations:

(1) Location and quantities of various land uses.

- (2) Maximum building and impervious coverage.
 - (3) Front, side, and rear yard setbacks.
 - (4) Maximum heights of proposed structures.
 - (5) Design standards applicable to the project.
 - (6) Incorporation of graphic development plans and drawings into the site development regulation.
 - (7) Incorporation of the Planned Unit Development Agreement Requirements for Residential uses as defined in Section 205-136 when residential uses are proposed.
- G. Review by Planning Commission and City Council. The Planning Commission and City Council shall review and evaluate each PUD-2 District application. For PUD-2 applications within a pre-existing PUD-1 District, the review shall be limited to:
- (1) An evaluation of consistency with the land uses, development standards, and other requirements and regulations of the PUD-1 District.
 - (2) Detailed components of the project that were not included in the development standards previously established under the PUD-1 District.
- H. Planning Commission action. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application. The Planning Commission may recommend amendments to PUD-2 District applications. The recommendation of the Planning Commission shall be transmitted to the City Council for final action. Proper notice shall mean the same notice established for any other zoning amendment.
- I. City Council action. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD-2 Planned Unit Development District. Proper notice shall mean the same notice established for any other zoning amendment.
- J. Findings of fact. In their respective reviews of the PUD-2 application, the Planning Commission and City Council shall base decisions on findings of fact findings of fact based on the Review Criteria Table under § 205-301. The Planning Commission and City Council may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.

K. Issuance of Building Permits. The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD-2 District unless it is in compliance with the approved Development Plan and any approved amendments.

L. Changes or Modifications to Development Plans in the PUD-2 District.

(1) Major Amendment. Any major amendment to an approved development plan shall be submitted to the Planning Commission for review and City Council for action. A major amendment shall be defined as any of the following changes or modifications:

- (a) An increase in the density of the development;
- (b) Substantial changes in circulation or access;
- (c) Substantial changes in the mix of dwelling unit types included in the project;
- (d) Substantial changes in grading or utility provision;
- (e) Substantial changes in the mixture of land uses;
- (f) Reduction in approved open space, landscaping, or buffering;
- (g) Substantial changes in architectural or site design features of the development;
- (h) Any other change or modification that the Planning Director finds is a major divergence from the development plan. All other changes or modifications in the development plan shall be considered minor amendments.

(2) Minor Amendments. The Planning Director is authorized at his/her discretion to approve minor amendments to an approved development plan, provided that:

- (a) A written request is filed with the Planning Director, along with information specifying the exact nature of the proposed amendment.
- (b) The amendment is consistent with the provisions of this section.
- (c) The amendment does not constitute a major amendment as defined in § 205-134(L)(1).
- (d) Any amendment not conforming to these provisions shall be submitted to the Planning Commission for review and City Council for action.

- L. Termination of a PUD-2 District. If no substantial development has taken place in a PUD-2 District for three years following approval of such PUD-2 District, the Planning Director or Planning Commission may reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property. Such action follows procedure for zoning map amendments set forth in § 205-303.

Section 3. That § 205-136 (Reserved) of Article XXIII (PUD Planned Unit Development Overlay District) of Chapter 205 Zoning, be amended to read as follows:

§ 205-136. Planned Unit Development Agreement Requirements for Residential uses.

- A. Agreement requirement for residential Planned Unit Developments. Each Planned Unit Development Agreement for a PUD-1 or PUD-2 for any zoning district that permits any residential uses shall incorporate the following regulations.

1. Garages and driveways. The following standards shall apply to the location and orientation of garages and driveways for all duplex, multiple-family residential with fewer than five (5) units, single-family (attached), single-family (detached), townhouse residential, and two-family use types within a Planned Unit Development:

- a. Any attached or detached garages shall be constructed to the side or rear of the principal structure so that the garage face does not face the street. In the event that the Planning Director determines that a lot configuration makes it infeasible to construct a side or rear entry garage, the garage may face the street under the following conditions:

- i. The garage shall be recessed at least 10 feet from the front building line. An area equivalent to the square footage of the recessed garage may be reallocated to the front façade of the building as additional square footage to the living area and may project up to 5 feet into the front build-to/setback line established for that block.

- ii. The garage width shall be limited to a width equivalent to a maximum of 50% of the width of the principal dwelling unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door.

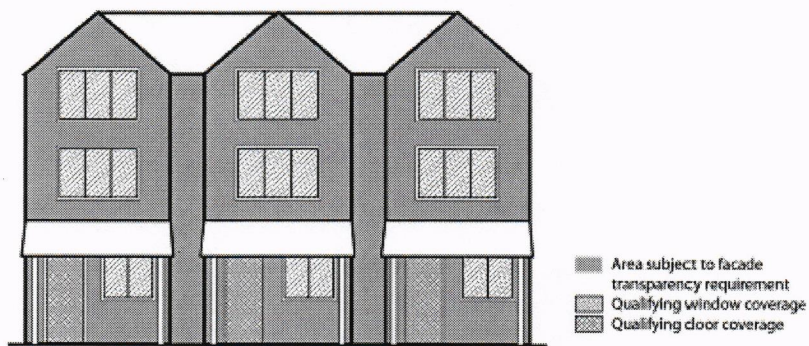
- iii. Garage doors shall have architectural features that complement the structure with appropriate materials, colors, windows, and architectural hardware. A pair of smaller doors shall be preferred over one large garage door.

- b. Driveways shall not be more than 10 feet wide between the turning radius at the curb and a distance of at least 20 feet therefrom.

- c. Shared driveway access for not more than two lots shall be permitted. An easement providing for the maintenance of the shared access shall be filed

with the Sarpy County Register of Deeds and the Permits and Inspections division of the Building Department at the time of application for a building permit for each lot sharing such access.

2. Building elevations for Single-Family (Attached), Single-Family (Detached), and Duplex residential.
 - a. In order to provide a positive environment and appropriately varied streetscape, similar front building elevations shall not be repeated on adjoining lots. For high visibility rear façades such as those visible from public right-way, rear building elevations shall not be repeated on the adjacent lots. Alternative elevations shall reflect noticeable modifications such as a change in rooflines, wall planes, window sizes, etc.
 - b. A minimum of 20% of the area of any street-facing façade elevation shall include windows and doors. Any street-facing façade that is separated from the street by another dwelling unit is exempt from this requirement.



3. Mixing of residential uses. Residential uses in a Planned Unit Development shall be mixed as follows:
 - a. A maximum of 75% of the authorized dwelling units in a Planned Unit Development may be single-family (detached) dwellings.
 - b. A minimum of 25% of the authorized dwelling units in a Planned Unit Development shall consist of single-family (attached), duplexes, triplexes, townhouses, two-family or multiple-family residential buildings.
4. Open space. At least 20% of any Planned Unit Development with residential uses shall be devoted to common open space, regardless of the project size. Open space shall be land devoid of any aboveground structures or buildings, except for (1) landscape structures such as terraces, planters, walls, or retaining walls or (2) open-air structure and buildings such as pergolas, gazebos, pavilions, or similar open-air structures or buildings. Open space may include: (1) natural areas, (2) landscape buffer areas, (3) upland habitats, including those areas of on-site preservation, (4) conservation areas, (5) recreation areas which may include parks, golf courses, sports fields, bicycle, pedestrian or equestrian paths and facilities but shall not include swimming pools, tennis courts, or other impervious

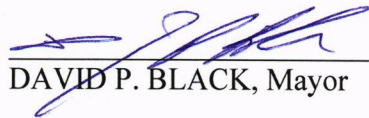
activity area, (6) common open space which may include common landscaping or planting areas, (7) stormwater detention and retention facilities provided that no more than 30% of the overall open space requirement shall be satisfied in this manner, (8) water features other than stormwater detention and retention facilities, or (9) areas intended for public purposes other than street or road rights-of-way. No more than 30% of the overall open space requirement shall be satisfied by areas that are encumbered by utility easements.

Section 4. That Papillion Municipal code § 205-132, § 205-134, and § 205-136 as previously existing, is hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect fifteen (15) days after its passage. The City Clerk is directed to effectuate the publishing of this Ordinance for at least one (1) week in a newspaper in general circulation within the City of Papillion, which publication must take place within fifteen days of the passage of this Ordinance by the City Council. The City Clerk shall cause this Ordinance to be published in book or pamphlet form. That this Ordinance shall have the same force and effect as though it had been published at large. That a copy of said Ordinance shall be filed for use and examination by the public in the office of the City Clerk.

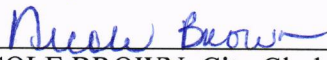
PASSED AND APPROVED this 16th day of July, 2024.

CITY OF PAPIILLION,



DAVID P. BLACK, Mayor

Attest:



NICOLE BROWN, City Clerk

(SEAL)



Planning Commission: 05/29/2024

City Council:

First Reading: 06/18/2024

Second Reading: 07/02/2024

Third Reading: 07/16/2024