

ORDINANCE NO. 2022-11-1

AN ORDINANCE TO AMEND ORDINANCE NO. 2005-8-1

THE ZONING ORDINANCE OF THE TOWN OF WOODSTOCK, ALABAMA

TO ESTABLISH PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS (10-25)

BE IT ORDAINED by the Town Council of the Town of Woodstock that Ordinance No. 2005-8-1 be amended to establish the Planned Unit Development (PUD) District as follows:

Article VI- Establishment of Districts- PUD District

Section 63.0 PUD Planned Unit Development District

63.1 Intent

Planned Unit Development is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan; the intent of which is to:

- A. Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing, including multi-family dwellings, attached and detached single-family dwellings, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- B. Permit higher densities of land in conjunction with provisions for functional open space and community service.
- C. Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
- D. Combine and coordinate uses, building forms; building relationships, and architectural styles within the PUD.
- E. Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible and utilize such features in a harmonious fashion.
- F. Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum green belts, off-street parking regulations, minimum floor areas, and other regulations to achieve the intent described herein;
- G. Give the developer reasonable assurance of ultimate approval before expending the complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of concurrence.

63.2 Application and Requirements for PUD

- A. Submission of Application. The owner (or his duly appointed representative) of tract of land shall submit to the Town Clerk a minimum of twenty-one (21) days prior to a regularly scheduled Planning and Zoning Commission meeting an application for approval of a PUD. A \$100.00 fee for the application and first 25 pages and an additional \$200.00 fee for an application with more than 25 pages. to defray the cost of processing the application is required at the time of filing.
- B. Area Requirements. Except when the master development plan of an existing approved PUD is amended by the original applicant, successor or assigns, to include additional area as provided in section 63.7 of this article, any tract of land to be zoned PUD shall have a minimum of **120 acres**, collectively
- a. Five acres, when utilizing a mixed use “village center” design concept comprised of PO Planned Office, PC Planned Commercial uses, hotels, and upper floor and/or townhouse residential components.
 - b. Ten acres, when utilizing PO Planned Office and PC Planned Commercial uses (may also include townhouse residential, multifamily residential components).
 - c. 15 acres, when utilizing PO Planned Office and PC Planned Commercial uses, and detached single- family residential components; or
 - d. 30 acres, when utilizing PI Planned Industrial uses, multi-family residential, or detached single family residential development.
- C. Contents of Application. The application submitted in accordance with this Section 63.2 shall contain the following:
- 1. Name and address of the applicant.
 - 2. Current zoning of the property under consideration.
 - 3. List of owners of the property together with disclosure of name(s) and address(es) of the applicant(s) and/or owner(s):
 - a. If corporation, principal officers and members of the Board of Directors;
 - b. If partnership, general and managing partners;
 - c. Any material changes to the above shall be submitted within 60 days.
 - d. Applicant Designation of Agent for property owners.
 - 4. A Master Development Plan of the PUD and any maps necessary to show the following minimum information:

- a. The direction of North, exact location of the site in relation to the vicinity in which it is located, appropriate scale and topography (in not greater than 5 ft. contour intervals) water ways, and forest cover.
- b. The location of the various land used by PUD land use districts as listed in Section 63.5 of this Article VI.
- c. Location of any existing streets and general outlines of the interior roadway system, green belts, natural or man-made open spaces, schools, parks and community service areas within the adjacent to the project area.

5. The Planning Criteria of the PUD.

The application shall include the following written statements and other matters:

- a. A legal description of the total site proposed for the PUD.
- b. A general description of the surrounding area, including current zoning and/or land uses.
- c. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the overall community growth.
- d. If the development is to be staged, a general indication of how the staging is to proceed. An estimated date when construction of the PUD will begin.
- e. Delineation of the various land use districts, indicating for each area its general extent, size and composition in terms of total number of acres. In residential use districts the total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e., town homes, garden homes, single family detached, condominiums, or duplexes).
- f. A calculation of the residential density in units per acres.
- g. Development criteria which shall include setbacks or other location methods, minimum finished floor areas, sign criteria, loading areas, and off-street parking requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.
- h. The interior open space system, if any.
- i. Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
- j. General statement as to how common open space is to be owned and maintained.
- k. Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function.
- l. A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.
- m. Any planned interim uses.
- n. A traffic study may be required, if determined necessary by the Town Engineer.
- o. Landscaping criteria including open space areas and green space.

63.3 Other Regulations Not Applicable.

It is the intent of this Section 63.0 that the PUD application set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon.

63.4 Review Procedure

A. General. The application shall be reviewed as provided in ordinance 2005-8-1, and Section 6.3

B. Approval. Approval for the application for the PUD by the Town Council shall be an approval of the Master Development Plan and Planning Criteria of the application (the "Plan"). The developer of the PUD may proceed with the development of the property in accordance with the Plan, and no further approvals shall be required except as set forth in Section 63.6 of this Article VI.

63.5 PUD Land Use Districts

The following PUD land use districts shall apply to all or part of a PUD.

A. Planned Single Family (PR-1)

1. Intent. To provide for maximum flexibility in the development of single-family residences and to coordinate with appropriate community services.
2. Permitted Principal Uses. Attached and detached single family dwellings, duplexes, condominiums, town homes, garden homes open spaces and accessory structures.
3. Special Exception Uses. Public elementary or high school, or parochial or private school having a curriculum compatible to the above public school, but not providing residential accommodations; child day- care centers; church; museum; library; art gallery; residential information offices and community buildings; recreational facilities operated on a non- profit basis; golf courses; swimming pools; tennis courts; parks; including playgrounds, tot-lots, ballfields; picnic areas; home occupations; convenience commercial uses, an other uses, all as may be approved by the Board of Zoning Adjustment.
4. Maximum Building Height. Buildings in the PR-1 District shall not exceed three stories in height and shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code as adopted and amended by the Town of Woodstock.

B. Planned Multi- Family (PR-2)

1. Intent. To provide for maximum flexibility in the development of multi- family residences and to coordinate with appropriate community services.

2. Permitted Principal Uses. Multi- family dwellings, town homes, condominiums and accessory structures.

3. Special Exception Uses. Those principal and special exception uses allowed by the PR-1; plus, nursing homes, assisted living care facilities and offices of doctors, dentist, attorneys, and other professionals; and other uses, all as may be approved by the Board of Zoning Adjustment. A building which is more than 500 feet from a single-family residential district boundary, may exceed six stories in height upon approval as a special exception use.

4. Maximum Building Height. When a building is within 300 feet of a single-family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception. All buildings shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code; as adopted and amended by the Town of Woodstock.

C. Planned Office (PO)

1. Intent. To provide for maximum flexibility in the development of areas for coordinated employment activity, services and compatible residential uses which do not materially detract from nearby residential areas.

2. Permitted Principal Uses. Public Buildings, banks and other lending institutions, professional offices occupied by physicians, dentist, surgeons, attorneys, architects, engineers and other similar professionals; and offices used exclusively for office purposes, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of; together with usual related support businesses (such as, but not limited to, restaurants and food service restaurants, drug stores, barber shops, beauty parlors, and like uses), provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above.

3. Special Exception Uses. Those principal and special exception uses allowed by PR-2, except detached single- family dwellings, duplexes and accessory structures; and other uses, all as may be approved by the Board of Zoning Adjustment. A building which is located more than 500 feet from a single-family residential district boundary, may exceed six stories in height upon approval as a special exception use.

4. Maximum Building Height. When a building is within 300 feet of a single-family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a residential district boundary, said building shall not exceed **six stories** in height, unless approved as a special exception. All buildings shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code as adopted and amended by the Town of Woodstock.

D. Planned Commercial (PC)

1. Intent. To provide for maximum flexibility in the development of retail business districts and other compatible uses.

2. Permitted Principal Uses. Those permitted principal uses allowed by PO; plus retail establishments, including but not limited to barber or beauty shop; banks; convenience stores; drug stores; dry cleaning outlets; coin operated laundromats; day care or nurseries; grocery stores; neighborhood service facilities; schools; shopping centers; nursing homes; veterinary clinics (no outside kennels) auto dealerships; auto parts store; bakery which bakes goods for on- premise retail stores; radio and TV stations (no antennas); domestic equipment rental; furniture stores; motels or hotels; motion picture theaters; hospitals; gasoline service establishment which serve auto functions such as muffler, tire, battery, brake and transmission shops; appliance and small engine repair; art supply and/or frame shop, bicycle shop (including repairs), car wash, card/gift shop, cosmetic studio, art craft or hobby shop, dance studio, photographic studio, duplicating or copying service, florist shop, tanning salon, assisted living care facility, hardware store; jewelry store; health food store, interior decorating store, optician, medical clinics, shoe repairs, audio video, sporting goods store; sales showrooms for appliances, furniture, carpet, lighting fixtures, medical and office equipment; toy stores, outdoor amusements and recreation facilities, such as: carpet, golf, par 3 golf, go- carts, batting cages, bumper boats; water slides. etc.

3. Special Exception Uses. Those principal and special exception uses allowed by PO except attached single family dwellings; duplexes; and accessory structures; commercial and recreation and amusement facilities and other uses may be approved by the Board of Zoning Adjustment. On premises and off premise sale of alcoholic beverages, including private clubs, night clubs; liquor stores and lounges shall be approved by the Town Council. A building which is more than 500 feet from a single-family residential district boundary, may exceed **six stories** in height upon approval as a special exception use.

4. Maximum Building Height. When a building is within 300 feet of a single-family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception. All buildings shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code; as adopted and amended by the Town of Woodstock.

E. Planned Business (PB)

1. Intent. To provide for maximum flexibility in the establishment of areas compatible with office commercial and limited light industrial uses which are performed inside building with limited outside storage or operations that may be adjacent to residential districts.

2. Permitted Principal Uses. Those principals permitted uses allowed by PC; plus light industrial, fabricating, processing assembling and manufactured uses; warehouses (including mini- warehouses and self- storage facilities); wood working shops; research laboratories; plumbing, heating and cooling, electrical and other supply and service facilities; office/warehouse; bulk distribution facilities and janitorial and maintenance services.

3. Special Exception Uses. Those principal and special exception uses allowed by PC, and other uses, all as may be approved by the Board of Zoning Adjustment. A building which is located more than 500 feet from a single-family residential district boundary, may exceed **six stories** in height upon approval as a special exception use.

4. Maximum Building Height. When a building is within 300 feet of a single-family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception. All buildings shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code; as adopted and amended by the Town of Woodstock.

F. Planned Light Industrial (PI)

1. Intent. To provide for maximum flexibility in the establishment of areas compatible with commercial and light industrial uses.

2. Permitted Principal Uses. Those principal permitted uses allowed by PC; plus major auto repair or renovation facilities not housed in the same structure or accessory structure to an auto sales establishment, bakery, bottling plant; building material sales either outside storage and lumber yards; construction yards, domestic animal kennels; farm machinery and farm supply sales; heavy equipment sales and service, highway maintenance yards and buildings; laundry and dry cleaning plant; printing establishments; sanitary sewage treatment facilities; water or liquid storage tanks; ice plants, clothing, textile or drying plant, cold storage plant, truck or bus terminals; heavy equipment sales and service and recycling collection point. Radio and telecommunications shall be subject to approval by the Telecommunications Site Review Committee.

3. Special Exception Uses. Those principal and special exception uses allowed by PB, except multi-family and nursing homes; and other uses; all as may be approved by the Board of Zoning Adjustment. A building which is located more than 500 feet from a single-family residential district boundary, **may exceed six stories** in height upon approval as a special exception use.

4. Maximum Building Height. When a building is within 300 feet of a single-family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception. All buildings shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code; as adopted and amended by the Town of Woodstock.

G. Sign, Off-Street Parking and Loading Requirements. It is intended that the development criteria submitted with the application for the PUD will set forth sign, off-street parking and loading requirements, subject to Town approval. In the event the application does not contain such information other ordinances will apply.

H. Mixed Uses. It is intended that the flexibility of the PUD will allow, in appropriate circumstances, mixed uses on any particular parcel within the PUD, taking into consideration the compatibility of the intended uses with the surrounding use(s). "Mixed Use", as used herein, shall be defined as a combination of principal permitted use(s) and special exception use(s) and shall be considered as a "special exception use" under each land use district for the purposes of this Section 63.0.

63.6 Building Permit

A. General. The developer of the PUD shall proceed with the development of the property in accordance with the plan and no further approvals shall be required except as set forth in this Section 63.6. If plans are submitted for the construction of improvements on any particular parcel within the PUD, a building permit shall be approved or disapproved according to the procedure set forth in this Section 63.6.

B. Issuance of Building Permits for Principal Permitted Uses. Upon application for a building permit for the construction of improvements on any parcel within the PUD, if the Building Official shall determine that the intended use of the improvements is a "principal permitted use" within the applicable land use district of the PUD, then a building permit shall be issued in accordance with the provisions of Section 131 of Article VIII of the current Woodstock Zoning Ordinance.

C. Special Exception Uses. Upon application for a building permit for the construction of improvements on any parcel within the PUD, if the Building Official shall determine that the intended use of the improvements is a "special exception use" or "mixed use" with the applicable land use district of the PUD, the building official shall defer said applicant and application to the Board of Zoning Adjustment. Request for special exception uses as stipulated within the zone district regulations including the PUD, are permitted only after review by the Board of Zoning Adjustment. The following review procedure shall be adhered to:

- A. The applicant shall submit a complete special exception use application to the Town clerk at least 10 days prior to the Board of Zoning Adjustment meeting at which the special exception use request is to be considered, containing as a minimum, the following information:
 1. A \$100.00 fee to defray the cost of processing the application.
 2. A site development plan which shall include:
 - a. Existing and proposed topography
 - b. Property lines
 - c. Scale

- d. Storm drainage facilities and other utility easements
- e. Existing and proposed structures and their uses
- f. Exterior lighting
- g. General landscaping and fences
- h. Outside storage areas
- i. Parking and loading areas
- j. Points of ingress and egress.
- k. Signs

B. A minimum of five days prior to the Board of Zoning Adjustment meeting at which the special exception use request is to be considered, the Town Clerk shall mail notification to all adjacent property owners. The notice shall state:

1. Location of the special exception use request.
2. The nature of the request, indication the current zoning of the site and the proposed special exception use.
3. The time, date and location of the Board of Zoning Adjustment meeting at which the request will be considered.

C. The board of Zoning Adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

D. Subdivision Plats Road. Nothing in this Section 63.0 shall be construed to require a building permit for approval of subdivision plats or road designs. The construction of roads within the PUD require excavation permits to build roads and infrastructures.

63.7 Amendment of the Plan

A. Intent. It is the intent of this Section 63.0 to provide for flexibility in the devolvement of the property submitted for the PUD, and to allow minor changes in the plan without any additional approvals. Accordingly, additional approvals shall be required only for major changes as defined in Section 63.7B of this Article VI.

B. Major Change. A “major change” in the plan shall be defined as a change in the boundaries of any land use district reflected on the master development plan, and any changes in the planning criteria or land uses submitted with the master development plan. No segment, tract, lot or parcel of land within the approved PUD shall be processed for a change of land use districts, to other PUD land use district or conventional zoning districts unless the total PUD is submitted along with the re zoning request. Any other changes shall be considered “minor changes” and shall not require additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the Town of Woodstock and all said plats for a PUD will be reviewed and approved on the basis of the approved planning criteria of the PUD only.

C. Approval of Major Changes. Whenever the developer of the PUD shall request a major change in the plan, the developer shall file an application for change which shall be reviewed in accordance with the provisions of Section 63.4 of this Article VI.

63.8 Time Limit for Development Plan

If no construction has begun within (12) months from the estimated and approved startup date of the PUD, as indicated by Section 63.2, C, 5, d of this Article VI, said approval shall lapse and be of no further effect. The Planning and Zoning Commission, upon showing of good cause by the developer, may extend for period(s) of three (3) months for the beginning of construction and development shall commence each year on 10 percent of the total PUD or 50 acres (whichever is less) and said construction should continue and be completed within a reasonable time.

63.9 Definitions

A. Intent.

The intent of this Section 63.9 is to clarify terms of this Section 63.0. For purpose of this Section 63.0 of this ordinance, certain terms used herein are herewith defined, and if any terms defined herewith in this Section 63.9 shall contradict or conflict with any terms defined in The Woodstock Zoning Ordinance as amended before this Ordinance, the meanings herein shall be control.

B. Definitions

1. Attached Single Family Dwelling

Shall refer to those buildings so designed and arranged to provide separate sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy of more than two families where by the living units are built for sale, fee simple, and not for lease; including condominiums and townhouses.

2. Detached Single Family Dwelling

A detached building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy by one family only.

3. Multi- Family Dwellings

Shall refer to a structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, or similar housing types, but not including hotels, motels, hospitals, or nursing homes.

4. Open Space

Any green belt, park, lake, river or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located and/or maintained so as to provide relatively permanent recreation opportunities, and which is developed, located and/or maintained so as to provide relatively permanent recreation opportunity either in the passive sense (such as the viewing of pleasant vistas, gardens, etc.) or in the active sense, (such as participation in athletic endeavors, playground activities, etc.), to the general public or may be restricted to use for a homeowner or business association membership or segment thereof.

5. Interim Uses

An interim use shall be any temporary use of land in any areas of a PUD which has been approved as a part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principal permitted use or special exception use of the land use district in which it is located.

6. Plat

Any drawing or drawings and related written material indicating the proposed manner or layout of a road, parcel, and/or subdivision to be submitted to the Town of Woodstock for approvals and/ or recording purposes.

63.10 Changes to Zoning Ordinances

No amendment or modifications of this Zoning Ordinance shall be effective as to a PUD approval issued prior to such amendment or modification; it being intended that the PUD shall continue to be developed in accordance with the Zoning Ordinance in effect at the time of such prior approval.

Severability: If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be constructed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Effective Date: This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED AND APPROVED this ____ day of _____, 2022.

JEFF DODSON
Mayor, Town of Woodstock, Alabama

ATTEST:

TIFFNEY McCULLEY
Town Clerk, Town of Woodstock, Alabama