

## **SECTION 91**

## **PLANNED UNIT DEVELOPMENT - PUD**

**91.01 General Description:** The purpose of this district is to provide a means for developing open space areas in larger developments, to take advantage of natural features of the landscape in this design, to improve the quality of urban environment and to reduce the costs of developing and providing public resources and utilities. The owners of any tract of land containing at least five (5) acres may submit a plan for the use and development of the entire tract for residential, compatible business, and related uses as a single and unified project. The basic control of development intensity shall be the requirements of one or more of the residential districts. The cluster development concept may be used under the Planned Unit Development regulations. The Planned Unit Development shall be a superimposed designation providing a broader latitude of design to achieve the above stated goals. A permit is required; see Section 38, Land Development Code Checklist.

**91.02 Site Plan Required:** A detailed site plan of the proposed Planned Unit Development District shall be submitted to the Site Plan Review Committee for study and approval; which shall be considered as a recommendation to the Hattiesburg Planning Commission. Final approval shall be made by the City Council based on the recommendation of the Hattiesburg Planning Commission.

**91.03 Uses Permitted:** Uses permitted in the Planned Unit Development District are those normally necessary to make up a total neighborhood, specifically including the following:

1. **Residential Uses:** Any use permitted in the R-3, Multi-Family Residential District.
2. **Business Uses:** Permitted commercial uses shall be those of retail type and personal service type businesses associated with community shopping centers and office park development.
3. **Public and Semi-public Facilities:** Community centers, schools, parks and other recreational facilities, churches, clubs, public utilities, libraries and other public buildings and structures required to provide essential public services and any other use which primarily serves the residents of such a development.

**91.04 Regulations:**

1. **Residential Lot Size:** No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
2. **Open Space Reservation:** In any Planned Unit Development, the amount of land not used by residential buildings, accessory structures, and yards but required by the residential zoning of the site, shall be reserved collectively in contiguous units

accessible to all the building sites in the development as maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the the Land Development Code Administrator shall be posted with the City for completion of said open space improvements prior to such sale. The open space developed will constitute no less than an equivalent proportional amount to the area being developed in the case of partial development.

3. **Development Density:** Business uses in any Planned Unit Development District shall not constitute over twenty-five (25) percent of the land area of such development. Land area occupied by residential, business, public and other buildings and accessory structures shall not exceed forty-five (45) percent of the total land area of such development. Parking areas for business facilities are considered a commercial use of land. Be it further provided that business development may not be started until the residential development is at least one-fourth (1/4) complete.
4. **Homes Association:** As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Homes Association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.
5. **Responsibility for Open Space:** Nothing in this Section of the Code shall be construed as a responsibility of the City of Hattiesburg, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.
6. Common open spaces shall be provided within a planned unit development in accordance with the Land Development Code of Hattiesburg, Mississippi. The size, shape, dimension and location of the open spaces shall be determined by the Site Plan Review Committee in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should

also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the planned unit development. The developer shall file, at the time the approved final plat is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

7. In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of preliminary plat submission showing the spacing, sizes, and specific types of landscaping material. The Site Plan Review Committee shall review the landscaping plan in conjunction with the review of the preliminary plat.

The preservation of the natural amenities within the planned unit development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Site Plan Review Committee shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Site Plan Review Committee.

8. Transportation: The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within planned unit developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Site Plan Review Committee, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

9. Land Subdivision: In the construction and installation of all subdivision improvements in the planned unit development, said improvements shall conform to all requirements and standards as set forth in Article 6, unless exception to the requirements is recommended by the Site Plan Review Committee.

10. **Private Streets:** Private streets and drives of planned unit developments need not meet the requirements of this Code which would otherwise be applicable if the Site Plan Review Committee finds that the design of the proposed streets and common vehicular ways is adequate to protect the public health, safety, and welfare, there is provided adequate off-street parking, separate vehicular and pedestrian traffic, and it will promote the purposes and intent of this Code.

If the owners in the future should request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

11. **Appearance of Public Utility Facilities:** Public utility facilities and structures shall be architecturally compatible, or shall be properly screened and landscaped in keeping with the character and appearance of the neighborhood. See Section 97, Utilities.
12. **City Council Approval:** Planned Unit Development Districts and establishment of zoning therefor must be approved by the Hattiesburg City Council. However, the development shall be in accordance with the approved site plan. Any contemplated deviation from the approved site plan shall be reviewed by the Site Plan Review Committee, may be reviewed by Hattiesburg Planning Commission if the Site Plan Review Committee considers the changes to require Hattiesburg Planning Commission consideration, and all recommendations shall be submitted to the Hattiesburg City Council for approval. The Hattiesburg Planning Commission has the authority to require reasonable plan changes for the Planned Unit Development as a prerequisite to approval.