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ARTICLE 12.000 PLANNED UNIT DEVELOPMENT

Text current through Ordinance #1363 of January 5, 2015.

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12.10 STATEMENT OF PURPOSE

This Article of the Zoning Ordinance of the City of Cambridge is hereby adopted to encourage the construction of Planned Unit Developments. The Planned Unit Development districts and uses created herein are intended to provide greater opportunity for the construction of quality developments on large tracts of land by providing flexible guidelines which allow the integration a variety of land uses and densities in one development.

12.20 AREA OF APPLICABILITY

A Planned Unit Development shall be allowed by Special Permit in PUD districts so designated from time to time on the zoning map and shall be regulated by the general development controls set forth in Section 12.50 and by the specific development controls for the individual PUD district in which the project is located. Planned Unit Development Districts shall be overlay districts on the zoning map and, for any land within a PUD district, a developer may choose to conform either to all the controls which govern the base district or to all the PUD development controls and process.

12.30 REVIEW OF PLANNED UNIT DEVELOPMENT APPLICATIONS

12.31 *Review Scope.* An application to construct a Planned Unit Development must be reviewed in a manner which is consistent with the procedures set forth in this Section 12.30 and those procedures required by Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended.

12.32 *Constitution of Review Authority.* The Planning Board shall review and approve or disapprove all applications for Special Permits to construct Planned Unit Developments. In reviewing an application for a Special Permit for a Planned Unit Development, the Planning Board may also seek the professional opinion of the staff of city departments, including but not limited to, the Community Development Department, Public Works Department, Traffic and Parking Department, Police Department, Fire Department, Water Department, and School Department.

12.33 *Pre-application Conference.* A developer desiring to obtain a Special Permit to construct a Planned Unit Development may request a Pre-Application Conference with the Planning Board prior to submitting an application for the Special Permit.

12.33.1 The purpose of the Pre-Application Conference shall be to familiarize both the developer and the Planning Board with each other's intentions with respect to the PUD. Although a Pre-Application Conference shall not be required, this preliminary meeting between the Planning Board and the developer is desirable since it should help clarify many procedural and policy issues.

12.33.2 At the Pre-Application Conference, the Planning Board shall familiarize the developer with the process for obtaining a Special Permit for a PUD and explain to him issues that should be considered in planning the project. The developer may discuss his range of options concerning development and inform the Planning Board of his development concept. Any statement made by either the Planning Board or the developer concerning potential disposition of a Special Permit application of the final form of the development shall not be legally binding.

12.33.3 The developer shall not be required to present any written or graphic materials at the Pre-Application Conference. The Planning Board shall make available to the developer at this time any forms required for application for a Special Permit for a PUD.

12.34 *Development Proposal.* A developer who wishes to apply for a Special Permit for a PUD must submit to the Planning Board a Development Proposal completed on the appropriate forms which may be obtained from the Planning Board at the Pre-Application Conference or from the Community Development Department.

12.34.1 The written and graphic information specified in Section 12.34.3 and on the appropriate forms must be submitted for the entire proposed project. A copy of the Development Proposal shall remain open to the public during the application process and shall be located in the Community Development Department.

12.34.2 The purpose of the Development Proposal shall be to provide the Planning Board with an opportunity for in-depth substantive review of the PUD before final designs are developed.

12.34.3 The Development Proposal shall include written and graphic materials in the appropriate number as specified by the Planning Board.

(1) Written materials shall include, but not be limited to, the following:

(a) legal description of the total development parcel proposed for development including exact location and a statement of present and proposed ownership;

(b) statement of development concept, including the planning objectives and the character of the development to be achieved through the PUD;

(c) development schedule indicating the appropriate date when construction of the PUD can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development;

(d) statement of intentions regarding the future selling or leasing of all or portions of the PUD, such as land area, dwelling units, and public facilities;

(e) statement of financing plan, including projected sources and amounts of funds;

(f) statement of how utilities and other public works will be provided, including design standards;

(g) the impact of the development on existing city services outside the development.

(2) Quantitative data including:

(a) parcel size;

(b) proposed lot coverage of structures;

(c) floor area ratio;

(d) total amount of private open space, both private and public;

(e) total number and type of dwelling units by number of bedrooms;

(f) projected rent levels or selling price by unit size;

(g) approximate gross residential densities;

(h) total amount in square footage of nonresidential construction by type of use;

(i) economic feasibility or market analysis including projected market area and proposed rent levels for commercial development;

(j) number of parking spaces to be provided by use;

(k) total length of streets to be conveyed to the city government;

(l) total length of streets to be held as private ways within the development;

(m) total length by type of other public works to be conveyed to the city government;

(n) number and types of public facilities.

(3) Graphic materials shall include, but not be limited to, the following:

(a) map of existing site conditions, including contours, water course, floor plains, unique nature features, existing vegetation, soil types, existing buildings;

(b) map of existing land use;

(c) existing and proposed lot lines;

(d) location and size of gross floor area of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, and nonresidential structures by use;

(e) location and size in square feet of all private open space and areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;

(f) the existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and all points of access to existing public rights of way;

(g) proposed pedestrian circulation system;

(h) existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;

(i) general landscaped plan indicating the treatment of materials used for private and common open spaces;

(j) description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape;

(k) proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls.

12.34.4 When applying for a Special Permit to construct a PUD, a developer must pay for all expenses incident to advertising for public hearings that may be incurred by the Planning Board.

12.35 *Review of Development Proposal.* Within sixty-five (65) days of the date of receipt of a complete application for a Special Permit to construct a PUD, the Planning Board shall hold a public hearing. The purpose of the public hearing shall be to solicit public opinion concerning the Development Proposal.

12.35.1 Between the date of submission of the application for a Special Permit to construct a PUD and the public hearing concerning the Development Proposal, the Planning Board may submit the Development Proposal for review to city departments, including but not limited to, the Community Development Department, Public Works Department, Traffic and Parking Department, Police Department, Fire Department, Water Department. Any city department desiring to comment on the Development Proposal shall submit comments in writing to the Planning Board within sixty (60) days of the date of receipt of the application for a Special Permit or no later than five (5) days before the date of the public hearing. All written comments shall be made a part of the application for a Special Permit and shall remain on public record.

12.35.2 Within twenty-one (21) days after the public hearing, the Planning Board shall make a determination concerning the Development Proposal. If the Planning Board approves the Development Proposal or conditionally approves the Development Proposal with recommendations for modifications, then the developer must submit a Final Development Plan as specified in Section 12.36. If the Planning Board disapproves the Development Proposal then the application for a Special Permit to construct a PUD shall be denied. If the Planning Board makes no decision within the specified time limit, then the Development Proposal shall be considered approved and the developer shall prepare a Final Development Plan.

12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

(1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;

(2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;

(3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:

(a) quality of site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public;

(b) traffic flow and safety;

(c) adequacy of utilities and other public works;

(d) impact on existing public facilities within the city; and

(e) potential fiscal impact.

12.36 *Final Development Plan.* The purpose of the Final Development Plan shall be to set forth in final form the specifics of the proposed development proposal and to allow review for any additional items not present in the Development Proposal.

12.36.1 The developer shall submit a Final Development Plan to the Planning Board, no later than fifty-nine (59) days after the Public Hearing concerning the Development Proposal. Failure to submit a Final Development Plan within the specified time period shall result in the termination of the application for a Special Permit to construct a PUD.

12.36.2 The Final Development Plan shall consist of final versions of all statements and graphics presented in the Development Proposal and must contain any revisions which are required by the Planning Board at the time of conditional approval of the Development Proposal.

12.36.3 The Planning Board shall hold a public hearing to consider the Final Development Plan no later than sixty-nine (69) days after the public hearing concerning the Development Proposal. The purpose of the public hearing shall be to solicit public opinion on the Final Development Plan with emphasis placed on reviewing modifications made to the Development Proposal.

12.36.4 The Planning Board shall make the decision to approve or disapprove the application for a Special Permit to construct a Planned Unit Development no later than ninety (90) days after the public hearing concerning the Development Proposal Approval of the Final Development Plan shall be granted only upon determination by the Planning Board that the Final Development Plan meets the evaluation criteria set forth in Section 12.35.3 and contains any revisions to the Development Proposal required by the Planning Board. If the Planning Board grants the Special Permit with conditions, the conditions must be agreed to in writing by the developer before the Special Permit is granted. The Planning Board shall make its final decision in writing and shall specify its reason for not granting a Special Permit to construct a PUD. If the Planning Board makes no decision within the specified time limit, then the Final Development

Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

12.37 *Amendments to Final Development Plan.* After approval of the Final Development Plan by the Planning Board, the developer may seek amendments to the Final Development Plan, only if he encounters difficulties in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other complications.

12.37.1 Amendments to the Final Development Plan shall be considered major or minor. Minor amendments, as specified in Section 12.37.2 shall be authorized by written approval of the Planning Board. Major amendments, as specified in Section 12.37.3, shall be considered as an original application for a Special Permit to construct a PUD and shall be subject to procedures specified in Section 12.34 through 12.36. The Planning Board shall decide whether proposed changes are major or minor.

12.37.2 Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets.

12.37.3 Major amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

12.40 ENFORCEMENT

12.41 *Commencement of Construction.* The developer shall begin construction of the PUD within twelve (12) months of the date of the granting of the Special Permit to construct a PUD. The Planning Board may grant in writing an extension of this time period of up to twelve (12) months upon determination of good cause by the developer. If the developer fails to commence construction of the PUD within the specified time, the Special Permit shall lapse.

12.41.1 If the PUD is to be developed in stages, then the developer must begin the construction of each stage within the time limits specified in the Final Development Plan. Construction in each phase shall include all the elements of that phase specified in the Final Development Plan.

12.42 The Planning Board, or its Designee, shall periodically monitor the construction of the PUD, with respect to start of construction and development phasing. If the Planning Board, or its designee, finds that either the developer has failed to begin development within the specified time period or that the developer is not preceding in accordance with the approved development phasing, with respect to either timing or construction of an approved mix of project elements, then the Planning Board shall review the PUD

and may extend the time for start of construction or the length of time needed to complete a phase, revoke the Special Permit, or recommend that the developer amend the Final Development Plan subject to procedures specified in Section 12.37. If the Planning Board revokes the Special Permit for the PUD then the Final Development Plan shall be null and void.

12.50 GENERAL DEVELOPMENT CONTROLS

12.51 *Applicability and Conformance with Existing Policy Plans.* The following regulations in this Section 12.50 shall control development within each PUD district. Each development proposal for a PUD shall, to the extent feasible, be made to conform to existing policy plans established by the Planning Board or City Council from time to time for the specific area of the city in which the PUD is located.

12.52 *PUD Development Parcel Size.* The minimum size of a development parcel for a planned unit development shall be as indicated in each planned unit development's individual regulations; however the Planning Board may, at its discretion, allow development parcels containing less than the minimum parcel size required but at least five times the minimum required area for a lot in the base zoning district in which the development would be located. The Planning Board shall permit a development parcel containing less than the minimum parcel size required only upon its written determination that public review and approval of such a small development is necessary for accomplishing the planning objectives of the PUD district in which the development is located.

12.53 *Standards for Construction of Roadways.* All new roadways within a PUD shall be constructed in conformance with standards established by the Department of Traffic and Parking.

12.53.1 Any existing private way or subsequently constructed private way in a PUD may be accepted by the City as a public way only if it meets the Minimum Standards for Acceptance of Existing Private Ways as Public Ways as adopted by the Planning Board.

12.53.2 The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in "*Recommended Practices for Subdivision Streets"* prepared by the Institute of Traffic Engineers (1965).

12.54 *Standards for Construction of Utilities and Public Works.* All improvements to the site which include the installation of utilities, public lighting, sewers, and other public works shall be constructed according to criteria established by the Public Works Department, Water Department, Electrical Department, the Planning Board and other appropriate departments. If the developer provides public works, roadways, and utility improvement to the site, the Planning Board may require the developer to post a performance bond.

12.55 *Landscaping.* All open areas within a PUD which are not used as driveways, walkways, or parking lots shall be landscaped in an appropriate manner utilizing both natural and manmade materials such as grass, trees, shrubs, and benches.

Wherever possible, deciduous trees should be planted along new and existing streets. Plazas, arcades, malls, and similar manmade developments shall be counted as landscaped area. In addition, landscaping within a PUD shall conform to any landscaping criteria or requirements which may be adopted by the Planning Board or City Council from time to time, except that any PUD development prior to the establishment of formal landscaping regulations shall not have to conform to them. Outdoor lighting shall be considered in a landscaping plan and shall be designed to complement both manmade and natural elements of the PUD.

12.56 *Environmental Performance Standards.* All uses in the PUD district shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.