

City of Clayton Land Use Code

Planning and Development Services Staff Clarification SC16-01

Date: May 10, 2016

Subject: PUD and SDD rezoning in TOD Overlay Districts & Clayton Plaza Overlay District

Code Section: Special Development District (SDD) or Planned Unit Development (PUD) , Article IX, Section 405.1160.B.; Article X, Section 405.1360. B-C; Article XII-A, Section 410.757.5; Article XII-B, Section 410.759.5

Initiated by: Planning Staff

Background/Considerations:

Planned Unit Development (“PUD”) districts are a zoning district that provides a voluntary regulatory framework to encourage and promote superior development by allowing greater creativity in site design as compared to the standard zoning and subdivision standards. Special Development Districts (SDD) are a distinct zoning district and are appropriate where a development project is proposed to be large scale and constructed in multiple phases.

There are three zoning overlay districts wherein it is mandatory (the Central Station and Forsyth Transit Oriented Development Overlay and the Clayton Plaza Overlay) to rezone property to PUD and/or SDD, before a building permit can be obtained.

The Central Station and Forsyth Transit Oriented Development Overlays (TODs) require that “any person requesting a building permit involving construction of a new building or structure shall submit an application for rezoning to Special Development District (SDD) or Planned Unit Development District (PUD) in Accordance with Chapter 405.” The Clayton Plaza Overlay District requires that “any person requesting a building permit involving construction of a new building or structure shall submit an application for rezoning to Planned Unit Development District (PUD) in accordance with Chapter 405.”

Article X. Planned Unit Development, Section 405.1360 imposes a minimum lot size of 30,000 square feet in order to be eligible for a residential PUD and Subsection C imposes a minimum building size of 50,000 square feet to be eligible for a commercial PUD. Article IX. Special Development District, (the SDD provision), requires a three 3-acre lot size minimum, pursuant to Section 405.1160.B.

Currently, there exists properties and buildings within all three overlay districts that do not meet the minimum lot and/or building size restrictions set forth by the PUD and SDD provisions of the Zoning Regulations. Given the requirement to rezone to PUD or SDD, the existing lot size and building size limitations could potentially leave a property owner with no way to develop or redevelop property or build a structure on existing parcels. This may result in diminution of the property’s use or value and potential deprivation of all economically viable uses of the property.

Determination/Clarification:

For purposes of development, property located in any of these three overlays district subject to the requirements for rezoning to PUD or SDD, the properties shall be rezoned to PUD and/or SDD, however the minimum lot area requirements and building size requirements in Article X. Planned Unit Development and Article IX. Special Development Districts shall not apply.

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