

# CHAPTER 12

## PLANNED UNIT DEVELOPMENTS

### 12.1 PURPOSE. (AMENDED 11/97)

(1) A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the City and developer will seek to achieve one or more of the following specific objectives:

- (a) Creation of a more desirable environment than would be possible through strict application of other City land use regulations:
- (b) Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
- (c) Combination and coordination of architectural styles, building forms and building relationships;
- (d) The creation, landscaping and preservation of open space and recreational facilities;
- (e) Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- (f) Use of design, landscape or architectural features to create a pleasing environment;
- (g) Preservation of buildings which are architecturally or historically significant contribute to the character of the City;
- (h) Establishment of interconnecting paths and trails for alternative transportation routes which lead to common and popular destinations and interface with automobile traffic at few and specific points;
- (i) Provision of a variety of housing, in accordance with the City's general plans;
- (j) Promote infill development into the core of the City;
- (k) Inclusion of special development features; and
- (l) Elimination of blighted structures or incompatible uses through

redevelopment or rehabilitation.

**12.2 AUTHORITY TO MODIFY REGULATIONS. (AMENDED 11/97)**

(1) The Planning Commission shall have the authority in approving any planned development to change, alter, modify or waive any provisions of this Code as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the Planning Commission shall find that the proposed planned unit development:

- (a) Will achieve one or more the purposes for which a planned development may be approved pursuant to Section 12.1; and all of the applicable standards of Section 7.8 have been met to the satisfaction of the Planning Commission.
- (b) Will not violate the general purposes, goals and objectives of this Code and of any plans adopted by the Planning Commission or the City Council.

(2) No change, alteration, modification or waiver authorized by this Section shall authorize a change in the uses permitted in any district, a modification with respect to any standard established by this Chapter or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

**12.3 MINIMUM AREA. (AMENDED 4/97, 4/00)**

(1) A planned development proposed for any parcel or tract of land under single ownership or control shall have a contiguous minimum net site area for each zoning district as set forth below:

<u>Zoning District</u>	<u>Minimum Planned Development Size</u>
Agriculture District, A.....	80 Acres
Rural Residential District, RR-5.....	20 Acres
Rural Residential District, RR-1.....	10 Acres
Residential District R-1-21.....	10 Acres
Residential District, R-1-12.....	5 Acres
Multiple Residential District,..... RM-7. (Amended 4/97). . .	7000 Square Feet
Multiple Residential District,..... RM-15.....	5 Acres
Neighborhood Commercial District, C-N.....	20,000 Square Feet
Shopping Commercial District, C-S.....	60,000 Square Feet
General Commercial District, C-G.....	2 Acres
Light Manufacturing and Distribution District, M-D.....	5 Acres
General Manufacturing District, M-G.....	5 Acres
Central Business District, D-1.....	20,000 Square Feet
Downtown Support District, D-2.....	40,000 Square Feet
Sensitive Area District, S-A.....	10 Acres

(2) Notwithstanding any provision herein to the contrary, any lot or parcel legally created or existing as of the effective date of this Code (July 15, 1996), that is currently located in a commercial or industrial zoning district, may in the discretion of the Planning

Commission and City Council, be developed as a Planned Unit Development, even if said lot or parcel does not contain the above stated minimum net site area, provided said development is determined to comply with the other requirements of this Chapter.

**(Amended 4/00)**

#### **12.4 APPLICATION PROCEDURE. (Amended 98, 11/99)**

(1) Except as required by this section, the application and approval procedures for planned unit developments are the same as is specified in the Subdivision Regulations contained in Section 2 of Chapter 21 of this Code. Planned unit developments shall also comply with the other provisions of Chapter 21, where applicable, including design standards for subdivision. Applications for a planned unit development concept shall be filed with the City at least 21 days prior to the Planning Commission meeting where it will first be considered.

(2) In addition to the application requirements for subdivisions, an applicant for a planned unit development shall submit the following information with the concept plan application:

- (a) At the concept phase, the applicant shall submit a written statement addressing each of the standards set forth in Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 of this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective; (Amended 11/99)
- (b) At the preliminary phase, the applicant shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulation is being sought by the developer, if any. (Amended 11/99)

(3) The Chairman of the Planning Commission in consultation with the Zoning Administrator or the Planning Commission itself may set a public hearing regarding any proposed planned unit development, prior to considering an application or at any time prior to final approval of the development by the Planning Commission. If a public hearing is set on a proposed planned unit development, written notice to adjoining property owners shall be required in addition to the regular notice placed in the local newspaper. The chairman of the Planning Commission or the Planning Commission itself may specify that written notice be given to property owners beyond adjoining property owners. The applicant shall be responsible for all of the costs incurred by the City to provide written and published notice of any such public hearing.

(4) The Final Plat approval shall include approval of the final development plan and all special conditions applicable to the planned unit development. The Final Plat together with the final development plan and special conditions for the planned unit development, rather than any other provision of this Ordinance, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than a home occupation or temporary uses, not allowed by the Final Plat and development plan and conditions shall be permitted within the area of the planned unit development. The Final Plat shall include a notation of any changes, alterations, modifications or waivers of the regular standards of the zoning district and shall list any special conditions.

(5) (Amended 98) Any party aggrieved by the final decision of the Planning Commission, with respect to a Concept Phase, Preliminary Phase or Final Plat and Development Plan regarding a planned unit development, may appeal such decision to the City Council, whose decision shall then be final. All appeals to the City Council must be in writing and filed with the Zoning Administrator within thirty (30) days of the date of the decision appealed from and prior to any further consideration by the Planning Commission of a subsequent step in the planned unit development approval process. Only the final decision of the City Council with respect to the Final Plat and Development Plan may be appealed to the District Court, provided such appeal is filed within thirty (30) days of the decision of the City Council. Said appeal shall be filed with the City Recorder and with the Clerk of the District Court. No planned unit development permit shall be valid for a period longer than one year unless a building permit has been issued, construction has actually begun within that period and construction has been diligently pursued. Upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further hearing.

## **12.5 ADJUSTMENTS TO DEVELOPMENT PLAN.**

(1) No alteration or amendment shall be made in the construction, development or use without a new application under the provisions of this Code. However, minor alterations may be made subject to written approval of the Planning Commission and the date for completion may be extended by the Planning Commission. During the build-out of the planned unit development, the Planning Commission may authorize minor adjustments to the approved Final Development Plan pursuant to the provisions for modifications to an approved site plan, when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:

(a) Adjusting the distance as shown on the approved final  
Development Plan between any one structure or group of structures, and any  
other structure or group of structures, or any vehicular circulation  
element or any boundary of the site;

(b) Adjusting the location of any open space. The size or amount of open space that was approved shall not be compromised.

(c) Adjusting any final grade, and

(d) Altering the types of landscaping elements and their  
arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of the Code and the Final Development Plan as approved pursuant to this Section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this Code.

(3) Any adjustment to the approved Final Development Plan not authorized by this Section, shall be considered to be a major adjustment. The Planning Commission following notice to at least all adjoining property owners, may approve an application for a major adjustment of the Final Development Plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity to the final Development Plan. If the Planning Commission determines that a major adjustment is not in substantial conformity with the Final Development Plan as approved, then the Planning Commission shall review the request in accordance with the procedures set forth in Section 12.4.