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## Sec. 15.02.327 "PD" planned development district

- (a) *Purpose.* The purpose of a planned development ("PD") zoning district is to facilitate a specific development project, in accordance with a PD project plan, that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to generally implement the following:
- (1) Flexible and creative planning;
  - (2) The goals, objectives, and maps of the city's comprehensive plan, including but not limited to, the city's future land use plan;
  - (3) Economic development;
  - (4) Compatibility of land uses;
  - (5) Innovative planning concepts;
  - (6) Higher quality development for the community than would result from the use of the city's standard zoning districts; and
  - (7) Expansion of uses with buildings constructed prior to the adoption of the sustainability overlay district on December 1, 2009, that may be difficult to re-purpose.
- (b) *Applicability.* A PD district shall only be established in one or more of the following circumstances:
- (1) The land is proposed for development as a mixed-use development. **or a traditional neighborhood development** requiring more flexible and innovative design standards;
  - (2) The land is located in close proximity to established residential neighborhoods where standard zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer, or the city to develop and implement mutually agreed, enforceable development standards;
  - (3) The land serves as transition between different and seemingly incompatible land uses;
  - (4) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
  - (5) To provide for the expansion of a lawfully operating nonconforming uses under the conditions that follow:
    - (A) Prior to December 1, 2009, the lawfully operating nonconforming use was both:
      - (i) Fully conforming with the then applicable zoning regulations;
      - (ii) Located within an existing development or building(s), which were specifically designed, both functionally and aesthetically, for its presently legally nonconforming use; and
      - (iii) Rezoning the land on which the lawfully operating nonconforming use operates to a standard zoning district or classification, which would allow the expansion of the nonconforming use as a matter of right, may cause the zoning district designation of the land to be determined to be incompatible with the surrounding uses and zoning districts.
- (c) *Nature of the district.* Each PD district shall be unique and tailored to the specific site and proposed development project. Each PD district shall be governed by "base zoning" comprised of a zoning district specified within section 15.02.301 of this chapter 15 ~~and any additional overlay districts if appropriate~~. Each

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PD district shall also be governed by a PD project plan, as well as any other items specific to the ordinance adopting the PD district as specified in section 15.02.327(d) below.

- (d) *Items specific to the ordinance.* The adopting ordinance establishing a PD district shall set forth the following:
- (1) *Base zoning district.* The adopting ordinance shall specify a base zoning district by which use and development standards shall be applied to subsequent development permits for land within the PD district; unless specifically excepted according to the provisions of this section. The base zoning district specified shall conform to the provisions of the city's comprehensive master plan, including the city's future land use plan.
  - (2) *Permitted or prohibited uses.*
    - (A) The adopting ordinance shall specify any uses not allowed in the base zoning district ~~and applicable overlay districts~~ that shall be permitted in the PD district, provided that such uses do not conflict with any provisions of the city's comprehensive plan.
    - (B) The adopting ordinance shall specify any uses permitted in the base district ~~and any uses permitted in the applicable overlay districts~~ that shall be prohibited in the PD district.
  - (3) *Development standards.*
    - (A) The adopting ordinance shall specify any supplemental design or development standards not required by the base zoning district that shall be applied to subsequent development permits for land within the PD district.
    - (B) The adopting ordinance shall specify any development standards required by the base zoning district ~~and applicable overlay districts~~ that shall be varied for subsequent development permits for land within the PD district.
    - (C) Standards that may be varied include but are not limited to the following:
      - (i) Residential density.
      - (ii) Building setbacks.
      - (iii) Building height.
      - (iv) Lot coverage.
      - (v) Parking and access.
      - (vi) Landscaping and buffering.
      - (vii) Streetscape design.
      - (viii) Architecture.
    - (D) Varied standards may increase or decrease the requirements otherwise applicable to particular uses.
    - (E) Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD district regulations, shall be considered standards that apply to subsequent development applications.
  - (4) *PD project plan.* No PD district may be established without approval of a project plan, containing the documents and minimum information specified in section 15.02.327(e) below.
  - (5) *Additional items.* The adopting ordinance may also specify the following if necessary:
    - (A) Required dedications of land or public improvements;

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- (B) A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable;
  - (C) Any variations from the city's subdivision or utilities standards pertaining to provision of roadway and drainage facilities provided such variance is justified by a city approved traffic impact study, drainage study, or other type of applicable engineering study, which may be required as a prerequisite for approving a PD district. Otherwise, all facilities or improvements within public rights-of-way shall be provided in accordance with design standards set forth within the city subdivision regulations;
  - (D) Identification of the levels of the deviation allowed between the PD project plan and subsequent development applications that may be approved by the planning and zoning director; and
  - (E) Such additional conditions as are established by the council to assure that the PD district is consistent with the city's comprehensive plan.
- (e) *PD project plan requirements.* No PD district may be established without approval of a PD project plan. The PD project plan shall be adopted with the ordinance establishing the PD district and shall be construed in conjunction with the authorized uses and development standards set forth within the PD district.
- (1) *Required documents.* The following documents shall be required to be included in a PD project plan. For smaller projects the following documents may be combined into one or more documents at the discretion of the planning and zoning director.
    - (A) Land use plan.
    - (B) Site plan.
    - (C) Landscape plan.
    - (D) Traffic impact analysis (TIA).
    - (E) Drainage analysis.
  - (2) *Additional documents.* Additional documents may be required to be submitted as part of a PD project plan, including but not limited to the following.
    - (A) Building elevations.
    - (B) Parking plan.
    - (C) Signage plan.
    - (D) Phasing plan.
    - (E) Site or building material specifications.
  - (3) *Form of documents.* All required and additional documents shall be in be fully dimensioned and drawn to scale.- digital format.
  - (4) *Content of documents.* Required PD project plan documents shall include but not be limited to the existing and proposed site features such as the following:
    - (A) Topography.
    - (B) Floodplain information.
    - (C) Adjacent properties.
    - (D) Ingress/egress.

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- (E) Existing buildings.
  - (F) Parking and loading bays.
  - (G) Landscaping.
  - (H) Large tree groupings.
  - (I) Fire lanes and hydrants.
  - (J) Trash receptacle locations.
  - (K) Lots.
  - ~~(L) Building materials.~~
  - ~~(M) Facade features.~~
  - (N) Street rights-of-way, curblines, widths, and street names.
  - (O) Screening fences or walls.
- (5) *Consistency required.* All development applications within the PD district shall be consistent with the incorporated PD project plan. Failure of a subsequent development application to conform to the approved PD project plan for the PD district shall result in denial of the application unless the PD district regulations are first amended through incorporation of a PD project plan with which the development application is consistent. The degree of conformity required between the project plan and subsequent development applications shall be set forth in the adopting ordinance.
- (6) *Location and arrangement of uses.* The location and arrangement of all authorized uses in the PD district shall be consistent with the PD project plan approved with the PD district.
- (7) *Deviations from approved PD project plan.*
- (A) *Minor deviations.* In determining whether development applications are consistent with the PD project plan, minor deviations from the PD project plan may be approved by the planning and zoning director. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:
    - (i) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
    - (ii) Change in building layout, when shown, that is less than a ten percent increase in size.
    - (iii) Changes in the proposed property lines internal to the PD district, as long as the originally approved district boundaries are not altered.
    - (iv) Changes in parking layouts as long as the number of required spaces is not decreased, and the general original design is maintained.
  - (B) *Major deviations from the approved PD project plan.* All major deviations from the approved PD project plan shall be submitted to the planning and zoning commission for recommendation and city council for approval as an amendment to the PD district.
- (f) *Procedures for establishment.*
- (1) *Steps for approval.* The review process for a PD district application shall include but not be limited to the following steps:
- (A) Pre-application conference;
  - (B) Application submittal;

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- (C) Project plan review by the planning and zoning director or designees;
  - (D) Preliminary feedback from the planning and zoning commission;
  - (E) Recommendation from the planning and zoning commission;
  - (F) Final approval from city council.
- (2) *Application requirements.* No application for a PD district shall be accepted by the city until the following items have been submitted to the city by the applicant.
- (A) A completed city zone change application, including all requirements as stated on the application form;
  - (B) A statement from the property owner giving authorization to the applicant to file the request for rezoning shall be required as part of the rezoning application, if necessary;
  - (C) A legal description of the property under consideration;
  - (D) A PD project plan;
  - (E) A description of any uses and development standards requested to be modified or varied from those in the base zoning district, as well as the purpose of the variation (i.e., why they are necessary);
  - (F) A description of how the proposed PD district fulfills the goals and objectives of the city's adopted comprehensive plan or any other formally adopted city planning document;
  - (G) A development schedule outlining a timetable for completion of the entire project;
  - (H) A copy of all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PD district and any of its common areas, if applicable;
  - (I) The required application fee.
- (g) *Criteria for approval of PD districts.* No PD district shall be established which does not meet all of the following criteria:
- (1) The land covered by the proposed PD district fits one or more of the special circumstances warranting a PD district classification;
  - (2) The proposed PD district furthers the policies of the city's adopted comprehensive plan (as amended) and other formally adopted city planning documents;
  - (3) The proposed PD district demonstrates a more superior development than could be achieved through standard zoning classifications;
  - (4) The proposed PD district demonstrates the resolution of compatibility issues with surrounding development;
  - (5) The proposed and the configuration of uses depicted in the PD project plan are compatible with existing and planned adjoining uses;
  - (6) The proposed PD district demonstrates consistency with adopted public facilities plans, including those related to water, wastewater, transportation, drainage, and other public facilities; and
  - (7) The proposed PD district **(if a mixed-use or traditional neighborhood project)** demonstrates the provision of open space and recreational amenities within the development that provides for a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

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- (h) *Conditions for approval.* The city council may impose such conditions to the PD district regulations and project plan as are necessary to assure that the purpose of the PD district is implemented.
- (i) *Subsequent development applications.* The development standards for a PD district shall be applied to the authorized uses through a plat, site development plan, general site plan, or other development applications as set forth in the adopting ordinance.
- (j) *Documentation of PD districts.* All PD districts approved after adoption of this Code section, as may be amended, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be shown on the zoning map.
- (k) *Expiration of a planned development district.*
- (1) Except for the base zoning, ~~including any applicable overlay districts established by a PD district ordinance,~~ all provisions of PD district, including the project plan, shall initially be valid for a period of 24 months.
  - (2) If a building permit has not been issued or construction begun on the detail plan within the 24 months, the PD district shall automatically expire and no longer be valid, and the zoning of the property shall automatically convert to the base zoning specified.
  - (3) The city council may, prior to the 24-month expiration, for good cause shown, extend for up to 24 additional months; during which time all provisions of the original PD district ordinance may remain valid. Only one extension may be granted.
  - (4) Following both the issuance and commencement of progress pursuant to the adopted PD project plan, all provisions of the PD district shall remain effective without expiration.