
Sec. 14.05.002 Procedures.

- (a) *Zoning procedure.* The proposed rezoning must be consistent with the future land use element of the comprehensive plan or must be accompanied with a request for an amendment to the comprehensive plan.
- (1) A request for a zoning amendment may be initiated by:
 - (A) Recommendation of the city council;
 - (B) Recommendation of the planning and zoning commission;
 - (C) Recommendation of the city manager;
 - (D) Recommendation of the director of development services; or
 - (E) Application by the property owner or authorized agent; and payment of the required fee.
 - (2) A public hearing shall be required before the planning and zoning commission in accordance with state law and city charter.
 - (3) After the public hearing on the application, the planning and zoning commission shall make a recommendation to the city council with respect to such application.
 - (4) After the planning and zoning commission's recommendation is received, the city council shall conduct a public hearing in accordance with state law. The public hearing shall be conducted within 60 days following the date of the planning and zoning commission's recommendation. If a public hearing is not held before city council within the prescribed 60 days, city council may extend the 60 day period for a maximum of 30 days by resolution of the council; a maximum of two 30-day extensions may be granted in this manner, or the application will be considered withdrawn.
 - (5) Within 60 days of the public hearing before the city council, city council must either:
 - (A) Approve by ordinance, the requested amendment as submitted;
 - (B) Approve by ordinance, the amendment as recommended by the planning and zoning commission;
 - (C) Approve by ordinance, an alternate amendment that is a less intensive use than that which was submitted;
 - (D) Deny the requested rezoning by record vote; or
 - (E) Extend the 60-day period for a maximum of 30 days by a resolution of the council; a maximum of two 30-day extensions may be granted in this manner.

If the city council fails to approve, deny, or extend the request within 60-days after the public hearing on the request, or the delay is due in whole or part to applicant's request for extension(s), the request is deemed withdrawn and no further action shall be taken without a new zoning application being submitted.
 - (6) A zoning map amendment to this code requires the approval by a three-fourths vote of all members of the city council if:
 - (A) The planning and zoning commission has recommended to deny the requested amendment; or
 - (B) A written protest is received by the director of development services against such rezoning or creation and/or amendment of an PUD district and is signed by the owners of 20 percent or more of either:
 - (i) The area of the lots or land included in such proposed amendment; or

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- (ii) The area of the lots or land within 300 feet of the boundary of the subject area, excluding the land included in such proposed amendment. In computing the percentage of land area, the area of streets and alleys shall be included.

(b) *Planned unit development procedures.*

- (1) *Purpose and objectives.* The purpose and intent of the planned unit development district is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the city consistent with this chapter and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the city's comprehensive plan. The PUD rules are designed:
 - (A) To allow development which is harmonious with nearby areas;
 - (B) To enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
 - (C) To provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
 - (D) To encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
 - (E) To facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;
 - (F) To provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
 - (G) To require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the city's comprehensive plan and this chapter, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this chapter.
- (2) *Mixed-use development.* The PUD district shall include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the city. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this chapter. The outer boundary of each such PUD zoning district shall be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references and other information shown thereon, shall be adopted by ordinance.
- (3) *Flexible planning.* When considering a PUD, the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, setbacks, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and streetlights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc. Final approval of a PUD by the city council shall constitute authority and approval for such flexible planning to the

extent that the PUD as approved, departs from existing codes and ordinances. The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

- (4) *Rules applicable.* The city council, after public hearing and proper notice to all parties affected and after recommendation from the commission, may attach a planned unit development district designation to any tract of land equal to or greater than 25 acres. Under the planned development designation, the following rules apply:
- (A) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
 - (B) Permitted uses are those listed under the applicable zoning district(s) for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as a retail, commercial and office development are the respective uses listed for the general retail, commercial and office districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.
 - (C) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development, provided that the plan is consistent with sound urban planning and good engineering practices:
 - (i) Setbacks.
 - (ii) Maximum height.
 - (iii) Maximum lot coverage.
 - (iv) Minimum lot width.
 - (v) Minimum lot area.
 - (vi) Off-street parking requirements.
 - (vii) Maximum dwelling units per acre.
 - (viii) Minimum dwelling unit size.
 - (ix) Accessory building regulations.
 - (x) Sign regulations along with a development agreement.
 - (xi) Landscaping regulations along with a development agreement.
 - (xii) Land uses and land use conditions.
 - (xiii) Architectural standards along with a development agreement.
 - (xiv) Special district requirements pertaining to the base zoning.
 - (D) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.
 - (E) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of

construction, setbacks, lighting, landscaping, management associations, open space and screening.

- (F) The commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.
- (5) *Preliminary site plan.* A preliminary site plan of the entire property within the planned unit development will be considered by the commission prior to any recommendation to, or consideration by, the city council of the planned unit development district ordinance.
- (A) A preliminary site plan may be approved for a portion of a planned unit development district where the district is divided by a major thoroughfare, and the preliminary site plan includes all the property located on one side of the street.
 - (B) Approval of a preliminary site plan will determine the location and mix of proposed uses, proposed points of ingress and egress, parking spaces, building locations and height, lot coverage, yards and open spaces, landscaping, screening walls or fences, topography and other development and protective requirements, considered necessary to create a reasonable transition to, and protection of, the adjacent property.
 - (C) The commission and/or city council may approve, conditionally approve, request modifications, or deny approval of the preliminary site plan based on evaluation of details with respect to:
 - (i) The plan's compliance with all provisions of this chapter and other ordinances of the city.
 - (ii) The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - (iii) The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values and negative impacts.
 - (iv) The provision of a safe and efficient vehicular and pedestrian circulation system.
 - (v) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - (vi) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
 - (vii) The coordination of streets so as to compose a convenient system consistent with the thoroughfare plan of the city.
 - (viii) The use of landscaping and screening: (1) to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and (2) to complement the design and location of buildings and be integrated into the overall site design.
 - (ix) The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - (x) The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- (6) *Final site plan.* Following approval of the preliminary site plan, a final site plan for any portion of the planned unit development may be approved. The preliminary site plan establishes the general development standards according to a base district. The final site plan providing all the detail required

for development, subdivision, zoning and enforcement of the special conditions and regulations must be approved by ordinance prior to the zoning being in effect and construction being authorized."

- (7) *Amendments.* Consideration of amendments to a planned unit development will take into consideration the effect of the proposed development on the remainder of the property, adjacent properties and the neighboring communities. Amendments to the final site plan or any planned development conditions, which are substantive, shall require public hearings in the manner required for any other zoning change.
 - (8) *Reserved.*
 - (9) *Ordinance amendment.* Every planned unit development district approved under the provisions of this chapter is considered an amendment of this chapter as to the property involved, and to the master plan. All planned unit development districts will be referenced on the zoning district map, and a list of such planned unit development districts shall be maintained as an appendix to this chapter.
 - (10) *Certificate of occupancy.* All planned unit development district conditions and special regulations must be complied with in the PUD, or in the separate section or phase, before a certificate of occupancy is issued for the use of land or any structure which is part of a planned unit development district, or, if applicable, the separate section or phase being developed.
- (c) *Comprehensive plan amendment procedures.*
- (1) *Purpose.* For the purpose of establishing and maintaining sound, stable, and desirable development within the city, the comprehensive plan, specifically, the future land use plan and the transportation master plan, shall be amended only based upon changed or changing conditions in a particular area or in the city.
 - (2) *Applicability.* If it is determined that a proposed rezoning is not in accordance with the future land use plan located within the master plan, a comprehensive plan amendment petition shall be required to accompany the rezoning application of the applicant who initiated the rezoning request with the applicable review fees in accordance with Appendix A.
 - (3) *Initiation of amendment.* An amendment may be initiated by:
 - (A) City council;
 - (B) The planning and zoning commission; or
 - (C) The city manager.
 - (4) *Procedure.* An applicant who wishes to develop land within the city's jurisdiction and who will require an amendment to the future land use map or transportation master plan may petition the city council to initiate the process to amend the comprehensive plan by submitting a petition in the form provided by the city to the city's development services director.
 - (A) *Amendment petition.* A complete petition for a future land use map or transportation master plan amendment shall be submitted to the development services director with letter of explanation for the request and any support information related to the request.
 - (B) *Review and report by development services director.* Once the petition is complete, the development services director shall review the proposed amendment in light of the remainder of the comprehensive plan and conditions in the city and give a report and recommendation to the city council.
 - (C) *City council petition review.* Approval of a petition will not constitute approval of the proposed amendment and will not bind the city council to approve the proposed amendment. If the city council approves the petition, the petition shall be forwarded to the planning and zoning

commission for review and recommendation. Failure of the city council to act on a petition within 60 days of its submission shall be deemed a denial of the petition. An approved petition shall expire within six months of the date of approval if the amendment is not finally approved by the city council within that time.

- (D) *Review by the planning and zoning commission.* Once a petition has been approved by the city council, the planning and zoning commission shall hold a public hearing to review the amendment and recommend approving, approving with conditions, or denying. The planning and zoning commission will advise the city council of its recommendation regarding the requested comprehensive plan amendment, or any element of the comprehensive plan.
 - (E) *Final review and action by the city council.* After receiving a recommendation by the planning and zoning commission, the city council at a public hearing may then adopt or reject all or certain elements of the proposed comprehensive plan amendment. The city council may also adopt additional elements it deems necessary to fulfill the goals and intent of the comprehensive plan. The City Council may:
 - (i) Adopt or reject the plan as submitted by the planning and zoning commission;
 - (ii) Adopt or reject the comprehensive plan amendment with changes or amendments; or
 - (iii) Direct the planning and zoning commission to further study or review the comprehensive plan amendment, or a portion thereof.
- (5) *Approval criteria.*
- (A) The city council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.
 - (i) The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and
 - (ii) The amendment promotes the health, safety or general welfare of the city and the safe, orderly, and healthful development of the city.
 - (B) In considering amendments to the comprehensive plan, the city council should be guided by the following:
 - (i) The need for the proposed change;
 - (ii) The effect of the proposed change on the need for city services and facilities;
 - (iii) The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and
 - (iv) The implications, if any, that the amendment may have for other parts of the plan.

(Ord. No. 565 , § 2, 2-19-2020; Ord. No. 599 , § 32, 1-6-2021; Ord. No. 615 , § 32, 7-7-2021; Ord. No. 703 , §§ 20—22, 5-3-2023)