

**5.1.1 Planned Project Site Plan Modification**

**A. Purpose**

The intent of this Section 5.30.1 is to provide an added degree of flexibility in the placement, design, and interrelationship of the Buildings within a site planned Development and to provide for Permanent Open Space preservation as part of a site planned Development without the need for a PUD rezoning. Modifications of the area, height, placement, and design requirements, and Lot sizes, otherwise required by this chapter, may be permitted if the planned project would result in the preservation of Natural Features, greater minimum Open Space, greater Setback Lines, energy conserving design, preservation of historic or architectural features, higher quality design, expansion of the supply of Affordable Housing Dwelling Units or a beneficial arrangement of Buildings. A planned project shall maintain the permitted uses and requirements for maximum density, maximum Floor Area Ratio and minimum Open Space specified in this chapter for the zoning district(s) in which the proposed planned project is located.

**Commented [LB1]:** Are these still the City's priorities? What about removal of open space? Could there be more detail/intention described in regard to "beneficial arrangement of Buildings."

**B. Submittal Requirements**

The Applicant for a planned project shall submit the following materials in addition to the site plan application:

1. An application identifying the specific sections of this chapter to be modified, as well as explaining how the modifications will help achieve the objectives of the development program and the standards described below.
2. When a planned project modification seeks to permanently preserve Open Space by utilizing reduced Lot size, the Applicant shall provide an alternative concept site plan of the property, drawn to scale. The alternative concept site plan shall illustrate the maximum number of Lots that could reasonably be achieved without application of the reduced Lot size, taking into account the application of all ordinances, laws, and regulations, including but not limited to road rights-of-way, parking, access and provision of utilities, and storm water management, Soil Erosion and Sedimentation Control Facilities.

**C. Standards for Approval**

1. Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height, and placement, and design regulations of the zoning chapter in the form of a planned project site plan:
  - a. The Lot or Lots included in the planned project meets the minimum Lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum Lot size shall be the combined total of the minimum Lot sizes for each dwelling on a parcel. However, the following exceptions may apply.
    - i) For purposes of this section, zero Lot Line duplex or townhouse development shall mean a development containing attached Single-Family Dwelling Units on individual Lots. If a planned project for a zero Lot Line duplex or Townhouse development provides Affordable Housing Dwelling Units, the minimum Lot size and width requirements may be reduced. The number of Dwelling Units permitted shall not exceed the maximum

**Commented [LB2]:** Keep this as is, or consider graduated levels, depending on benefits?

- permitted density in the zoning district in which the proposed Development is located.
- ii) In any residential zoning district allowing three or fewer Dwelling Units per acre, when 20% or more of the total area of a Development is set aside for Permanent Open Space preservation, the gross Lot size may be reduced below the minimum Lot Area per Dwelling Unit and width requirements for the zoning district in which it is located, as provided in this Section 5.30.1.
- b. The proposed modifications of dimensional standards provides one or more of the following:
- i) Open Space in excess of the minimum requirement for the zoning district. Where no minimum Open Space standard is required by the zoning district, a minimum Open Space standard shall be established by the approval of the planned project.
  - ii) Required Setback Lines or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum Required Setback Lines or parking setback is required by the zoning district, a minimum setback standard shall be established by approval of the planned project.
  - iii) Preservation of Natural Features that exceeds the requirements of this chapter, especially for those existing features prioritized in this chapter as being of highest and mid-level concern.
  - iv) Preservation of historical or Architectural features.
  - v) Solar orientation or energy conserving design.
  - vi) An arrangement of Buildings that provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or Impervious Surface.
  - vii) Affordable Housing for Lower Income Households.
  - viii) A recorded conservation easement or similar binding instrument providing for Permanent Open Space of 20% or more of the planned project, in any residential zoning district allowing three or fewer Dwelling Units per acre.
  - ix) In the D1 and D2 zoning districts, Building placement, architectural design or use of building materials that maximizes the extent that a Building satisfies the Downtown Design Guidelines that could not be achieved in strict conformity with the design requirements of Section 5.17.6C.
- c. The planned project is designed in such a manner that traffic to and from the Site will not be Hazardous to adjacent properties.
  - d. The proposed modifications are consistent with the proper Development and use of adjacent land and Buildings.
  - e. Required off-street parking and landscaping shall be provided in accordance with the provisions of Sections 5.19 and 5.20 .

**Commented [LB3]:** Is this still a priority goal for the City? Additional clarification on type, quality, or configuration of open space?

**Commented [LB4]:** Changes to area, height, placement standards have evolved over time, and come from a changed policy perspective. Setbacks in excess of requirements alone less of a benefit, than in conjunction with other benefits (e.g. protection of natural features, reduced setbacks to integrate better with transit)

**Commented [LB5]:** Opportunity to clarify, drive more specific outcomes. (e.g. provided renewable energy, electrification, high level LEED design)

**Commented [LB6]:** Consider thresholds/standards? Sliding scale?

- f. The standards of density, maximum permitted Floor Area Ratio and required Open Space for the zoning district(s) in which the project is located shall be met.
- g. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.
- h. In any residential zoning district allowing three or fewer Dwelling Units per acre and where 20% or more of the Site is proposed for Permanent Open Space, projects shall meet the following standards:
  - i) The minimum Lot size of the parcel proposed for the planned project shall be two acres. The size and shape of the portions of the planned project designated for Permanent Open Space preservation shall be reviewed and approved in conjunction with a planned project site plan, or a plat, in relation to Natural Features or characteristics specific to that Site.
  - ii) The area of each residential building lot or limited common area of a condominium development shall be 10,000 square feet or greater, exclusive of the Permanent Open Space. Minimum Lot Width and Required Setback shall meet or exceed standards of the R1B residential zoning district.
  - iii) Permanent Open Space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, Natural Features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear Open Space that includes habitats or corridors for wildlife, or links parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.
  - iv) Land in Permanent Open Space may be, but is not required to be, dedicated to the use of the public.
  - v) Prior to the issuance of any permit, the Permanent Open Space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the Permanent Open Space by a responsible party such as, but not limited to, a homeowner's association, an independent agency or trust established for such purposes, or a municipality for Open Space preservation. Such Permanent Open Space shall constitute 20% or more of the total area of a Development.
  - vi) The option of utilizing a conservation easement or plat dedication for Open Space preservation for not less than 20% of the total area may be exercised only one time on a parcel of land.
  - vii) The site plan meets the criteria for approval of site plans in Section 5.29.6D

**Commented [LB7]:** Only R1A and AG

#### **D. Approval Procedure**

##### **1. Preliminary Procedures**

- a. Before submitting a planned project application for formal review, the Applicant shall comply with citizen participation requirements provided in Section 5.28.4.
- b. Before submitting a petition, the Applicant shall contact the Planning Manager to schedule a pre-petition conference. At the conference the Applicant shall present the proposed site plan and development program. The staff may provide the Applicant with their comments regarding compliance with ordinance of the proposed land uses, and the proposal's conformance with adopted Master Plan and policies.
- c. The planned project application, site plan and other required materials shall be filed with the Planning Manager. The Planning Manager shall review the materials filed and, after conferring with the Applicant and appropriate City service areas, shall submit a report and recommendation to the Planning Commission.

## **2. Planning Commission Recommendation**

The Planning Commission shall hold a public hearing and, within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. City Council may add conditions to the approval to achieve conformity to the planned project approval standards.

## **3. City Council Approval**

- a. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or deny the planned project within a reasonable time following the close of the public hearing. City Council may add conditions to the approval to achieve conformity to the planned project approval standards.
- b. Approval of a planned project by City Council shall state the modifications of the zoning ordinance and any specific conditions. Such modifications become part of the approved planned project and site plan and allow the location of improvements on the Site according to the plan.

## **4. Effect of Planned Project Approval**

- a. The approval of the application by the City Council shall allow the PDSU Manager to issue a zoning permit in conformity with the application as approved. This permit shall specify the exact modifications to the provisions of this chapter that have been approved for this planned project. The holder of this zoning permit may then proceed with the project in conformity with other code requirements.
- b. For three years from the date of approval of the planned project, permits may be issued and the land developed consistent with the planned project plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances are made applicable to previously approved planned project plans. After three years from approval, a building permit shall not be issued unless the planned project is reconsidered by the Planning Commission and City Council in the manner provided for new planned projects.