



MEMORANDUM

TO: Planning Commission

FROM: Brett Lenart, Planning Manager

DATE: September 10, 2024

SUBJECT: **New Processes and Programs for Housing Development at all Income Levels to Support Housing Affordability**

In April of 2024, City Council adopted Resolution [R-24-109](#) - Resolution to Direct the City Administrator to Implement New Processes and Programs for Housing Development at all Income Levels to Support Housing Affordability. This resolution directed 13 measures that are intended to alleviate any undue burden on the land developments that may be caused by city inefficiency. This memo introduces responses to two (several below are incorporated into a single recommendation in the resolution above) of these directives.

Additional amendments are included for consideration that may take these recommendations to a further degree or introduce other amendments while an applicable section of the UDC is being considered for modification.

Amendments to the Citizen Participation Ordinance so that notification of projects is made digitally through city communication channels (in addition to the paper notification currently required in the ordinance), so that notification in effect becomes a city-wide effort, so that a calendar of meetings under this ordinance is kept on the city website, and so that the timing of the Citizen Participation Ordinance meeting is concurrent with site plan submission

Implementation of this item directs modifications to Unified Development Code (UDC) to amend the Citizen Participation Ordinance (Section 5.28.4). The changes included reference the direction above and raise additional potential changes including:

- Change title from “Citizen” to “Resident” Participation to eliminate any concerns about citizenship status as a barrier to participation.
- Consider amending notice requirements for more consistent or reduced buffer requirements.

Hearings before the Design Review Board shall no longer be required by ordinance, and a review of the Design Review Standards for each project will become a city planning staff function

The attached amendments to the UDC would eliminate the Design Review Board and incorporate consistency with the Downtown Design Guidelines as component to Planning Services review (Sections 5.17.6, 5.27.5, 5.28.5). The review would remain advisory only. The required steps/process and required submission materials are modified. The City could additionally consider elimination of the design guidelines completely to eliminate a non-regulatory procedure and process from the steps required of petitioners.

Elimination of the Public Hearing requirement for site plans at the Planning Commission, however Planning Commission meetings should be restructured to allow public comment for each site plan that appears on the agenda

Attached are proposed amendments to the UDC to eliminate public hearing requirement for site plan approval at the Planning Commission (Section 5.28.2, 5.28.3, 5.28.4, 5.29.6, 5.29.7, 5.29.11).

Not specifically included in this direction is the elimination of the same at the City Council. When site plans are accompanying a legislative action (i.e. a rezoning) they are approved at the City Council. Whether a site plan is approved by the Planning Manager, the Planning Commission, or City Council, it remains an administrative function. The city could consider the elimination of public hearings at the City Council level as well. Such petitions would continue to have public hearings at both the Planning Commission and City Council on the associated legislative action with any development petition.

Additional amendments could be considered:

- Eliminate the public hearing requirement that is referenced when a site plan includes a Wetland Use Permit (Section 5.29.4)
- Update the PUD Section to enable more flexibility for petitioners to apply for modifications, with corresponding criteria for the city to consider (Section 5.29.11).

Amend city ordinance to eliminate land division notifications, since we are required under state law to approve these divisions anyway and the notifications serves no real purpose in the approval process

Attached are proposed changes to Section 5.29.9 Subdivisions, which would eliminate the regulation above.

If there is any additional information I can provide, please contact me at blenart@a2gov.org.

Amendments Related to Citizen Participation Requirements

[Amend Section 5.28.4, Citizen-Community Participation Requirements as follows:]

5.28.4 Citizen-Community Participation Requirements⁸³

Commented [BL1]: Propose change to discourage any barrier or concern of citizenship status to participate.

A. Purpose

The intent of this Section 5.28.4 is to:

1. Ensure that Applicants seeking approval of certain applications that ~~require public hearings are set forth in this chapter~~ pursue early and effective citizen-community participation in conjunction with their proposed Developments, giving ~~citizens~~ people an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for ~~citizens-the community~~ citizens to be involved in the Development of their ~~neighborhood and community~~ City.
2. Provide clear expectations and formal guidance for Applicants to gather ~~citizen~~ community comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed Development may have ~~on the community~~.
3. ~~Initiate Facilitate ongoing~~ communications between Applicants and interested or potentially affected ~~citizens-people~~ citizens throughout the application review process.

B. Type 1 Applications

1. For purposes of this Section 5.28.4, a Type 1 application includes:
 - a. any application for a new or amended planned project site plan
 - b. a new or amended Planned Unit Development zoning district
 - c. an amendment to the zoning map
 - d. a proposed project containing over 80 Dwelling Units
 - e. a proposed project over 65 feet in height
 - f. a proposed project containing over 50,000 square feet of Floor Area
 - g. a Special Exception Use Permit
 - h. any proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning Manager.

2. For Type 1 applications, the following requirements shall be completed by the Applicant:

a. Preliminary Meeting

The Applicant ~~shall~~ may meet with the PDSU to review the requirements set forth in this Section 5.28.4, but it is incumbent on the Applicant to satisfy the requirements of this Section.

b. Required Notification

The Applicant shall mail written information about ~~citizen-community~~ participation after acceptance of the application by PDSU to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed project site, as well as the PDSU, at least ten business days prior to the date of the citizen participation meeting. Addresses shall be provided by the PDSU. An electronic copy of the information must also be provided to the PDSU at least ~~ten~~ twelve business days prior to the date of the citizen participation meeting to be ~~forwarded to other interested citizens registered with the PDSU~~ included on the PDSU website. At a minimum, the written and electronic information shall include all of the following in a format provided by the PDSU:

- ~~i)~~ i) A statement explaining the ~~citizen-community~~ participation requirements, including identification of who is sending the notice, an explanation of why and to whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the Applicant.
- ~~ii)~~ ii) A statement that an application ~~is being~~ has been prepared for submittal submitted to the City along with a written description of the proposal and a conceptual sketch of the Development and site plan.
- ~~iii)~~ iii) ~~The Applicant's schedule for citizen participation meetings, the anticipated application submittal date and the anticipated City review and approval schedule.~~
- ~~iv)~~ iii) The date, time, and location of the meeting(s).
- ~~iv-v)~~ iv) The name, email address, and phone number of a project representative that can be contacted to answer questions or receive comments outside of the meeting.
- ~~v-vi)~~ iv) How ~~citizens-people~~ will be provided an opportunity to discuss the application with the Applicant and express any

Commented [BL2]: Ordinance was originally developed to provide a wider notification. If the intention is to augment with a city-resourced calendar online, a case can be made to reduce to 300 feet to be consistent with Michigan Zoning Enabling Act.

concerns, issues, or problems they may have with the proposed project.

c. ~~Citizen-Community~~ Participation Meeting

The Applicant shall hold at least one ~~citizen-community~~ participation meeting after acceptance of the application by PDSU. The meeting shall be held at least ~~ten-fifteen~~ Business days prior to the date on which the application is reviewed by the Planning Commission. ~~established application submittal deadline.~~ The meeting shall be organized and held in accordance with the ~~Citizen-Community~~ Participation Meeting Guidelines provided by the PDSU.

d. Final ~~Citizen-Community~~ Participation Report

The Applicant shall provide a written report in a format provided by the PDSU on the results of its ~~citizen-community~~ participation activities as part of the required information submitted for approval a minimum of ten business days prior to consideration at the Planning Commission. At a minimum, the report shall include all of the following information in a format provided by the PDSU:

- ~~i) Detailed description of the Applicant's efforts used to involve citizens, including dates and locations of all meetings, and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications.~~
- ~~ii) A written statement of the number of citizens sent notices by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.~~
- ~~iii)i) A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the Applicant has addressed or intends to address these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed, and copies of all written materials or presentation materials provided at the meeting including letters, meeting notices, newsletters, and other materials.~~

C. Type 2 Applications

Type 2 Applications include any other type of application that requires a public hearing site plan approval under this chapter but is not covered by Subsection B for Type 1 applications. The following requirements shall be completed by the Applicant:

1. Required Notification

The Applicant shall mail a written announcement about ~~citizen-community~~ participation after acceptance of the application by PDSA-PDSU to all property owners, addresses and registered neighborhood groups within 500 feet of the

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proposed project site, as well as the PDSU, within ~~five ten-~~business days of acceptance of the application by the PDSU. Addresses shall be provided by the PDSU. An electronic copy of the announcement must also be provided to the PDSU within five Business days of acceptance of the application to be ~~forwarded to other interested citizens registered with the PDSU included on the PDSU webpage.~~ At a minimum, the written announcement shall include all-of the following information in a format provided by the PDSU:

- a. A statement that an application has been submitted with a written description of the proposal and a conceptual sketch of the Development and site plan.
- ~~b.~~ How ~~citizens who have been sent notices~~people will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.
- ~~b.c.~~ The name, email address, and phone number of a project representative that can be contacted by people to answer questions about the proposed development or receive feedback.

2. ~~Citizen-Community~~ Participation Report

The Applicant shall provide the PDSU with written documentation of any meetings or discussions that are held with citizens at least ten business days prior to the Planning Commission public hearing on the application.

D. Waiver of Requirements

The Planning Manager may waive these requirements for applications to amend the zoning map when:

1. The requested zoning designation is PL (Public Land).
2. The application is to annex a parcel of less than two acres and zone the parcel for Single-Family residential use.
3. There is no proposed change in land use and no Development is proposed.
4. The Planning Manager may waive these requirements for any Special Exception Use Permit that they determine to be a temporary use.

Amendment Related to Design Review

[Amend Section 5.17, Area, Height and Placement Regulations, subsection 5.17.6 – Downtown Character – Overlay Zoning Districts, C.1. Materials as follows:]

C. Building Design Requirements on Primary and Secondary Streets⁶²

1. Materials

~~Buildings and additions constructed after October 25, 2017, on~~ Lots zoned D1 or D2 that have primary or secondary Street Frontages shall comply with the following building design requirements:

- a. The following materials are permitted on facades visible from primary or secondary streets: wood, glass, brick, cut stone, cast stone, ~~or~~ high quality, finished metal, such as architectural grade cast or machined steel, or exterior insulation finishing systems.
- b. The following materials are prohibited on facades visible from primary and secondary streets: aluminum or vinyl siding, ~~or an exterior insulation finishing system, except for minor design accents eight feet above the level of the adjacent Sidewalk.~~
- ~~c. The following materials are permitted only as trim or accent materials when visible from a primary or secondary street: fiber cement board.~~
- ~~d.c.~~ Other materials may be permitted if recommended by the ~~Design Review Board~~ PDSU and approved by the Planning Commission for inclusion in a site plan.

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[Amend Section 5.27.5 as follows:]

5.27.5 ~~Design Review Board~~ Reserved

A. — Membership

The Design Review Board shall consist of seven members nominated by the mayor and approved by the City Council. In making appointments of members of the Design Review Board, the City Council shall appoint persons who, insofar as possible, have an interest in the design of the built environment and its relationship to the downtown and the broader community. To support a comprehensive design review, two members of the Design Review Board shall be landscape Architects, two shall be Architects, one shall be an urban planner, one shall be a developer, and one shall be a construction contractor.

B. — Term

Members of the Design Review Board shall serve three year terms. The terms of Office of the first Design Review Board members shall be fixed by the City Council so that the terms of three members will be for one year, two members will be for two years, and two will be for three years. After the initial board is formed, all members thereafter will be appointed for three year terms.

C. — Powers and Duties

The Design Review Board shall have the following powers and duties:

- ~~1. To review the design of certain downtown projects listed in Section B.~~
- ~~2. To provide comments to property owners, developers and Architects on the proposed project design in relation to the Downtown Design Guidelines.~~
- ~~3. To report annually to City Council regarding the effectiveness of the design review process and make recommendations for any changes to the Downtown Design Guidelines.~~
- ~~4. To have all other powers and duties granted by the City Council by resolution.~~

[Amend Section 5.28.5, Design Review as follows:]

5.28.5 Design Review

A. Intent

The intent of this section is to foster excellence in the design of the City's built environment by review of certain projects in the downtown area for consistency and conformance and apply to the Downtown Design Guidelines, as approved by City Council, by requiring a mandatory review of certain projects in the downtown area by the Design Review Board PDSU. This section provides Applicants with the requirements of the Design Review Board's PDSU for the applicability, requirements, and expectations of the design review process. It is further the intent of design review to do the following:

- ~~1. To review the design of certain downtown projects listed in Section 5.27.5 B.~~
- ~~2. To provide comments to property owners, developers and Architects on the proposed project design in relation to the Downtown Design Guidelines.~~
- ~~3. To report annually to City Council regarding the effectiveness of the design review process and make recommendations for any changes to the Downtown Design Guidelines.~~
- ~~4. To have all other powers and duties granted by the City Council by resolution.~~

B. Applicability

Projects that meet all of the following criteria shall ~~submit an application to be reviewed by the Design Review Board~~ PDSU are subject to the design review process of this section:

Commented [BL2]: Consider changes to applicability.

1. The project is on a Lot zoned, ~~or proposed to be zoned,~~ D1 or D2;
- ~~2. The project ~~or~~ is located within the Downtown Development Authority boundary on a Lot currently zoned or proposed to be zoned PUD.~~
- ~~3. The project is on a Lot that is not located within a historic district; and~~
- ~~4. The project proposes an increase in Floor Area visible from the street.~~
4. ~~The project is a:~~
 - a. ~~Site Plan for City Council Approval.~~
 - b. ~~a Planned Unit Development Site Plan.~~
 - c. ~~a Site Plan for Planning Commission Approval.~~
 - d. ~~a Planned Project Site Plan.~~
 - e. ~~A Site Plan for Administrative Approval that significantly alters the appearance of the Building from the Public Right of Way, as determined by the Planning Manager.~~

C. Submittal Requirements

~~The following steps shall be undertaken by the Applicant as part of the design review process. In addition to the required information per Section 5.29.8, applications for projects subject to design review shall provide the following information: -~~

~~1. Optional Pre Application Meeting~~

~~The Applicant may meet with PDSU staff prior to submittal of a development an application to the Design Review Board to review the Downtown Design Guidelines and Design review requirements set forth in this Section 5.25.5. This meeting may be held concurrently with other meetings that are required with PDSU.~~

~~2.1. Application~~

~~As part of any submission that requires Design Review, The Applicant shall submit an application for Design Review Board PDSU design review. Preliminary project design plans shall be submitted with the application and shall include the following scaled drawings:~~

- a. Site plan, Statement identifying applicable guidelines of the Downtown Design Guidelines and how the proposed design is or is not consistent.
- ~~a-b.~~ Detailed list of proposed façade materials.
- ~~b-c.~~ Floor plan(s).
- ~~c-d.~~ Elevations.
- e. Sections.
- ~~d-f.~~ Three dimensional rendering(s) that communicate the scale of the proposed development in the context of the surrounding area.

D. Review Results

1. The Planning Manager shall provide applicants with written comments on how the proposed project does or does not comply with the Downtown Design Guidelines.
2. The Planning Manager shall report to the City Council on the effectiveness of the design review process and make recommendations for any changes to the process or the Downtown Design Guidelines.

D. Timing

Submission of the Design Review Board PDSU design review application shall be made such that the Design Review Board's PDSU's design review meeting occurs prior to the Type 1 Citizens Participation Meeting, if applicable, otherwise prior to submitting for site plan.

E. Number of Reviews

One review by the Design Review Board PDSU is required for each project that meets the applicability criteria of this Section 5.28.5.B. Additional reviews for projects with design changes are optional and must follow the requirements of this section. The PDSU design review may be incorporated in other reports prepare by PDSU.

F. Required Notice [Note—Should this still be required]

A Design Review Board PDSU design review meeting notice shall be mailed by the City to all property owners, addresses, and neighborhood groups within 500 feet of the Site at least ten business days prior to the date of the Design Review Board PDSU design review meeting.

G. PDSU Design Review Board Meeting and Report

The Applicant shall present the project to the Design Review Board PDSU. The Design Review Board PDSU and the Applicant shall have an opportunity to discuss the design of the project and its consistency with the Downtown Design Guidelines. Following the discussion, the Design Review Board PDSU shall make a report of its discussion. This report shall be distributed to the

Planning Commission and City Council as part of the submission of other reports regarding the site plan review and approval process.

Amendments Related To General Public Hearing and Notice Requirements

[Amend Section 5.28, General Procedures, subsections 5.28.2 Public Notice, and subsection 5.25.3, Public Hearings as follows:]

5.28.2 Public Notice

A. Published Notice

Notice of all public hearings shall be published in a newspaper of general circulation not less than 15 days prior to the public hearing.

B. Mailed Notice

1. Prior to ~~the any~~ public hearing, ~~Planning Commission or City Council's before the Planning Commission, City Council, or Zoning Board of Appeals, whichever is applicable,~~ the City shall mail a notice ~~letter~~ to the Person being assessed for the property that is subject of any area plan, site plan, land division, preliminary plat, ~~or as otherwise to a public hearing~~ required by this chapter; all Persons being assessed for property within 300 feet; neighborhood associations duly registered with the PDSU that represent owners of property within 300 feet; and to occupants within 300 feet, regardless of whether the property or Structure is located in the zoning jurisdiction.
 - a. The mailed notice shall do all of the following:
 - i) Describe the nature of the request.
 - ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - iii) State when and where the request will be considered.
 - iv) Indicate when and where written comments will be received concerning the request.
 - v) State the date, time, and place of the ~~Planning Commission or City Council~~ public hearing, and the body responsible for conducting the hearing.

- b. The notice shall be mailed not less than 15 days before the ~~Planning Commission or City Council's~~ public hearing.
- c. If the name of the occupant is not known, the other terms such as "occupant", "postal customer" may be used for the intended recipient of the mailed notice.
- d. For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the requirements of this section that street addresses be listed do not apply to that group of adjacent properties.

C. Posted Notice for Public Hearings

A notice shall be posted by the City on a property that is the subject of a public hearing held by the Planning Commission required by this chapter, except for zonings associated ~~with annexation and~~ Single-Family residential zoning district designation or chapter text amendments. This notice shall include the same information provided in the mailed notice for public hearings. It shall be placed in a conspicuous location within ten feet of the Front Lot Line of the affected property at least one week prior to the public hearing.

~~D. Public Display of Plans~~

~~Area plans, site plans, PUD site plans, and preliminary plats under review. Any application and associated plans that are subject to a public hearing required by this chapter shall be displayed in a publicly accessible location in City Hall for at least one week prior to the City Council and Planning Commission public hearing. Plans shall be current at the time of placement and subsequent revisions, if any, shall be available in the PDSU Office.~~

E. Published Notice of Approval

Following amendment of this chapter, including the zoning map, by City Council, one notice of the amendment shall be posted in a paper of general circulation in the local unit of government within 15 days of adoption. The notice shall include:

1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
2. The effective date of the amendment.
3. The time and place where a copy of the amendment may be inspected or purchased.

5.28.3 Public Hearings

A. General Requirements

4. Prior to Planning Commission recommendation and City Council final action of any ~~area plan, site plan, PUD site plan,~~ rezoning, ~~land division,~~ or tentative or

final preliminary plat, each body shall hold a public hearing. ~~Prior to its final action on a site plan for Planning Commission approval, the Planning Commission shall hold a public hearing. Whenever a Wetland Use Permit is required under this chapter, the public hearing or hearings required in this subsection shall be held concurrently with the public hearing or hearings required by Section.~~ Also, Public hearings shall be held by the City Council, Planning Commission, and Zoning Board of Appeals as otherwise required by the procedures in this chapter.

1. A public hearing ~~will be~~ that is continued to or re-opened on a later date ~~and the continued or reopened hearing~~ shall be conducted in the same manner if either:
 - a. Final action by the Planning Commission, ~~or~~ City Council or Zoning Board of Appeals is delayed more than six months after the initial public hearing.
 - b. In the judgment of Planning Manager, the proposal has been substantially revised.

Amendments Related to Area Plan Approval

[Amend Section 5.29.7 Area Plans, subsection C. Approval Procedures as follows:]

C. Approval Procedures

1. Preliminary Procedures

Before submitting an ~~area~~ Area plan ~~Plan~~ for formal review, the Applicant shall meet with the Planning Manager to review the proposal and applicable City requirements. To initiate a formal review, all drawings and other required materials, as specified in this chapter shall be filed with the Planning Manager. An ~~area~~ Area plan ~~Plan~~ may be rejected if these materials are inadequate to make the foregoing determinations. The Planning Manager shall review the materials filed and, after conferring with the Applicant and appropriate City departments, shall submit a report and recommendation to the Planning Commission.

2. Planning Commission Recommendation

The Planning Commission shall review the application ~~hold a public hearing; when required by this chapter;~~ and, within a reasonable time following the ~~close~~ of the public hearing meeting ~~or public hearing, when required;~~ at which the Area Plan is considered, the Planning Commission shall make a recommendation to the City Council to approve or deny the area plan.

3. City Council Approval

Upon receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing and approve or reject the area plan within a reasonable time following the close of the public hearing.

4. Administrative Approval of Conditions

If approval by the City Council is conditioned on changes to the area plan, the Applicant must submit revised drawings with the necessary changes to the Planning Manager within ~~30 days~~ six months of approval by City Council or the area plan approval shall lapse. If the revised drawings include all changes and conditions required by City Council, the Planning Manager shall approve the area plan.

Section 5.29.11

Planned Unit Development (PUD) Zoning District

The City provides for PUD zoning for property owners to obtain more flexibility in *development* than is provided by the City's standard base and overlay zoning districts, as described below.

Applicability

The provisions of this Section ~~05.29.11~~ shall apply to all PUD zoning districts:

Alternative Standards Permitted

The Planning Commission may recommend and City Council may approve, as *Supplemental Regulations*, modifications that increase, decrease, or eliminate the requirements in the areas listed below for equivalent land uses and intensities:

1. Use regulations, and area, height and placement regulations otherwise applicable to the property pursuant to this chapter, except that a modification allowing greater residential density may be approved only if the PUD zoning district proposed provides for *dwelling units as affordable housing dwelling unit* as specified in Section 5.
2. Off-street parking requirements in Section ~~5.19~~ **Error! Reference source not found.**
3. Landscaping, screening, and buffering requirements in Section ~~5.20~~ **Error! Reference source not found.**

The PUD Process

The PUD process involves five consecutive steps: citizen participation, pre-application conference with staff, pre-petition conference with Planning Commission, PUD zoning district review, and PUD site plan review. The pre-application conference occurs before the *applicant* has submitted a formal application. zoning district and site plan reviews occur after the *applicant* has submitted a formal application. The PUD site plan review may occur only if the PUD zoning district has been approved as required by this section or the Planning Commission has approved an *applicant's* request for PUD zoning district and PUD site plan approvals to be presented together at the same meeting per Section ~~05.29.11C.3~~ below.

Citizen Participation

Before submitting a PUD application for formal review, the *applicant* shall comply with Section ~~5.28.4~~ **Error! Reference source not found.**

Pre-Application Conference with Staff

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 *conceptual PUD plan* and *PUD Development Program*. The staff may provide the *applicant* with their comments regarding compliance with ordinance of the proposed land uses, the proposal's conformance with adopted Master Plan

and policies.

Pre-Application Conference with Planning Commission

Before submitting a PUD application, the *applicant* shall contact the Planning Manager to schedule a pre-application conference at a regularly scheduled meeting or a working session of the Planning Commission. At the conference, the *applicant* shall present the proposed *conceptual PUD plan* and *PUD Development Program*. The Planning Commission and staff may provide the *applicant* with their comments regarding the appropriateness of the proposed land uses, the proposal's conformance with adopted master plan and policies, and the beneficial effects to be achieved. The Planning Commission shall decide whether or not a model may be required and whether *applicant's* requests for zoning district approval and PUD site plan approval should be presented together at the same meeting or independently at separate meetings.

PUD Zoning District Review

PUD zoning district review involves PDSU and Planning Commission review of the *conceptual PUD plan*, the *PUD Development Program*, and *Supplemental Regulations* to determine consistency with or the appropriateness for deviating from the City's adopted plans and policies and its suitability for inclusion in the land use and zoning plans of the City and adoption by City Council as part of the zoning ordinance. Once approved by the City Council, the property shall be zoned to a PUD zoning district, and use of the property shall be regulated by the *Supplemental Regulations* in the approved PUD and all other applicable code requirements.

PUD Site Plan Review

Review and approval of a PUD site plan is required prior to the issuance of permits. If the PUD zoning district provides that a PUD may be developed in *phases*, as shown on the *conceptual PUD plan*, approval of a PUD site plan for each *phase* is required prior to the issuance of permits for that *phase*. An approved PUD site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved PUD site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of *natural features*.

PUD Zoning District Review Submittal Requirements

The *applicant* for any PUD zoning district shall submit a complete application together with the following materials:

1. The entire parcel or parcels for which application is made shall be under one ownership, or the application shall be made with the written authorization of all property owners who have a legal or equitable ownership interest in the property or properties. Application for a PUD zoning district may be made only by or with the written authorization of the owner(s) of the parcel(s) involved. All property that is proposed to be part of the *development* shall be included in the PUD zoning district request.

2. A *conceptual PUD plan* containing the information required by Section [Error! Reference source not found.](#)~~5-29-6~~ for area plans. The plan shall include but not be limited to area, height, and placement standards, the location and relationships of permitted land uses, parking and circulation systems, landscape features, preserved *natural features*, proposed phasing, and any other unique physical characteristics which warrant the PUD zoning.
3. A boundary survey and legal description of the parcel(s) to be zoned PUD.
4. A *PUD Development Program* describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district, why this beneficial effect cannot be achieved under any other zoning designation, and its conformity to the adopted master plan and policies of the City or detailed compelling justification for departures from the plan and policies.
5. Proposed *Supplemental Regulations* for the PUD zoning district shall include, but not be limited to, permitted land uses; *accessory uses*; minimum and maximum standards of *lot area* and *lot area per dwelling unit*, if applicable; minimum *open space* as a percentage of *lot area*; *required setbacks*; height and number of *stories*. The *Supplemental Regulations* shall include sufficient analysis and justification for the beneficial effect and detailed performance standards by which the *development* will be evaluated and the beneficial effect achieved. Such analysis and justification may include, but are not limited to:
 - a. A comprehensive analysis of the surrounding neighborhood, providing such details as scale of *structures*, minimum and maximum height and number of *stories*, minimum and maximum *required setbacks*, historic or architectural styles or features, *building materials* and colors, and other unique features and a detailed analysis of how the PUD site plan and design contribute to the neighborhood.
 - b. A comprehensive analysis of the unique features of the *site*, including such components as topography, site orientation, circulation, or special condition and a detailed analysis of how the PUD site plan and design contribute to the preservation, protection, utilization, and enhancement of the *site's* unique features.
6. Any additional visual materials, such as a three-dimensional study model, a virtual model, graphics, photographs, or written materials requested by the Planning Manager, Planning Commission or City Council to assist the City in visualizing and understanding the proposal and assessing the possible benefits and impacts.
7. Materials supporting a request for additional residential density in accordance with Section 5 if applicable.

Procedure for PUD Zoning District Review

A PUD zoning district is established as follows:

1. All required materials shall be filed with the Planning Manager. Copies of the materials will be distributed by the Planning Manager to the appropriate City service units and other reviewing agencies for review to determine the following:
 - a. If the *development* can be accommodated by the existing *public utility*, Street, and general City service facilities, or if any additions to, or extension of facilities are necessary for the project.
 - b. If the proposal meets the standards for PUD zoning district approval listed below.
 - c. If the *development* will comply with all applicable local, state, or federal laws, ordinances, standards, and regulations or provides sufficient compelling justification for modifications of those local ordinances, standards or regulations as permitted for PUD.
 - d. If the proposal conforms to the adopted master plan and policies, or provides sufficient compelling justification for departure from the adopted plan and policies.
2. The Planning Manager will notify the *applicant* of any questions raised by the City service units and other reviewing agencies and shall submit a report to the Planning Commission for its consideration including an evaluation of the planning aspects of the project and its impact on the present and future development of the City.
3. The Planning Commission shall hold a public hearing with notification as required by Sections [Error! Reference source not found.5-28.2](#) and [Error! Reference source not found.5-28.3](#).
4. The Planning Commission shall recommend to City Council action as it deems proper and shall transmit its recommendation together with any recommended conditions of approval and all related reports and minutes to City Council.
5. Before taking final action on the application, the City Council shall hold a public hearing with notification as required by Sections [Error! Reference source not found.5-28.2](#) and [Error! Reference source not found.5-28.3](#).
6. A protest of a proposed PUD zoning district may be presented as provided in Section [Error! Reference source not found.5-29.10E](#).
7. The Planning Manager shall keep a record of all approved PUD zoning districts and *Supplemental Regulations*. Notice of approvals shall be published as required by Section [Error! Reference source not found.5-29.10](#).

Standards for PUD Zoning District Review

The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:

1. The use(s), physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination of those impacts, on present and potential surrounding land uses. The beneficial effects for the City that warrant the zoning include, but are not limited to, features such as:
 - a. Innovation in land use and variety in design, layout and type of *structures* that furthers the stated design goals and physical character of adopted land use plans and policies.
 - b. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities.
 - c. Provision of *open space*.
 - d. Preservation and protection of *natural features* that exceeds the requirements of this chapter, especially for those *natural features* prioritized in this chapter as being of highest concern, or that preserves existing conditions instead of merely providing mitigation.
 - e. Employment and shopping opportunities particularly suited to the needs of the residents of the City.
 - f. Expansion of the supply of *affordable housing dwelling units*.
 - g. The use and reuse of existing *sites* and *buildings* that contributes to the desired character and form of an established neighborhood.
2. This beneficial effect for the City shall be one that could not be achieved under any other zoning classification and shall be one that is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.
3. The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.
4. The use or uses proposed shall be consistent with the master plan and policies adopted by the City or the *applicant* shall provide adequate justification for departures from the approved plans and policies.
5. If the proposed district allows residential uses, the residential density proposed shall be consistent with the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide *affordable housing dwelling units* in the following manner:
 - a. For proposed PUD projects exceeding the residential density recommendation of the master plan by up to 25%, the PUD

project shall provide 10% of the total *dwelling units* as *affordable housing dwelling units* or 15% when exceeding by more than 25%. When the master plan does not contain a residential density recommendation and the proposed PUD project exceeds the FAR of the underlying zoning by up to 25%, the proposed PUD project shall provide 10% of the *floor area* as *affordable housing dwelling units* or 15% when exceeding by more than 25%.

- b. *Affordable housing dwelling units* shall be provided by the *development* as units on-site, or payment of an affordable housing contribution in lieu of units consistent with the formula adopted by annual resolution of City Council, or by a combination of affordable housing development and contributions. When a number of *affordable housing dwelling units* is required, the payment in lieu shall be based on the average size of all *dwelling units* in the PUD project.
 - c. When the required percentage of affordable housing results in a fractional unit, either a whole *affordable housing dwelling unit* shall be provided or a payment of an affordable housing contribution in lieu shall be made for the fractional unit based on the following formula: (average *floor area* of all *dwelling units* in the PUD project) x (fractional unit) x (contribution in lieu payment).
 - d. The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council, in its sole discretion, may approve or deny payment of an affordable housing contribution in lieu of units.
 - e. Provisions to implement the affordable housing proposal shall be included in the PUD *Supplemental Regulations* or the Development Agreement, or both, as determined by the City.
- 6. The *Supplemental Regulations* shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.
 - 7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.
 - 8. Disturbance of existing *natural features*, historical features and historically Significant Architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.

Ordinance ORD-19-34, November 17, 2019.

Effect of PUD Zoning District Approval

1. Approval of the PUD zoning district by City Council shall rezone the property to a "PUD" zoning classification for the land uses, the area, height, and placement standards, and the objectives, purposes, beneficial effects, and special conditions provided in the *PUD Development Program*, the *conceptual PUD plan*, and *Supplemental Regulations* for the zoning district. In the case of differences between plans and written documents, written documents shall govern.
2. The approval shall confer upon the owner(s) or subsequent owner(s) the right to seek PUD site plan approval for the proposal or for any of its approved *phases* in accordance with Section ~~05.29.11H~~, the approved PUD zoning district and *Supplemental Regulations* and City regulations and ordinances.
3. A PUD zoning district and its *Supplemental Regulations* shall remain in effect as approved until a change to the PUD zoning district has been approved.

Planned Unit Development (PUD) Site Plan

Requirement

An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any *natural feature* for all planned unit developments.

Procedure for PUD Site Plan Review

- a. The *applicant* for PUD site plan approval shall file with the Planning Manager all drawings and other materials required for site plans in Section ~~5.29.8~~; all drawings and other materials required in this chapter for PUD zoning district approval; and the additional information listed below. A PUD site plan application shall not be considered technically complete and filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.
- b. The *applicant* for a PUD site plan approval shall file a Development Agreement as described in Section ~~5.28.6~~.
- c. Before submitting a site plan application for formal review, the *applicant* shall comply with the requirements for citizen participation in Section ~~5.28.4~~.
- d. 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 PUD site plan and *PUD Development Program*. The staff may provide the *applicant* with their comments regarding compliance with

required site plan information, the appropriate approving body, and the type of citizen participation required.

- e. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information including but not limited to plans, elevations, *building* and *site* sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
- f. The Planning Manager will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district *Supplemental Regulations* and *conceptual PUD plan*, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a Development Agreement as provided in this chapter. The Planning Manager will notify the *applicant* of any questions raised by the City departments and other reviewing agencies and negotiate a Development Agreement with the *applicant* if it is determined that such an agreement is needed. The Planning Manager shall submit a report and recommendation to the Planning Commission based on this review.
- g. The Planning Commission, ~~after holding a public hearing on the PUD site plan with notification as required by Sections 5.28.2 and 5.28.3,~~ shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to City Council.

Standards for PUD Site Plan Review

City Council, ~~after holding a public hearing on the PUD site plan with notification as required by Sections 5.28.2 and 5.28.3,~~ and after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, approve with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:

- a. The *development* would comply with the PUD zoning established pursuant to the requirements of this chapter, and with all applicable local, state, or federal laws, ordinances, standards and regulations.
- b. The *development* would limit the disturbance of *natural features* to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a Natural Features Plan as provided in Section ~~Error! Reference source not found.~~ 5.29.6F.
- c. The *development* would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.

Effect of PUD Site Plan Approval

For three years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved *developments*. After three years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided in [Error! Reference source not found.5.30.3A](#).