

B. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official. (Ord. 471 §13.6, 1976).

17.48.070 Special exceptions. Any use for which a special exception is permitted as provided in this title shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district. (Ord. 471 §13.7, 1976).

Chapter 17.52

RESIDENTIAL PLANNED UNIT DEVELOPMENT

Sections:

- 17.52.010 Procedure.
- 17.52.020 Preliminary development plan.
- 17.52.030 Final development plan.
- 17.52.040 Standards and requirements.
- 17.52.050 Environmental incentives.
- 17.52.060 Changes to approved planned unit development.

17.52.010 Procedure. A. A preapplication conference between the developer and the zoning board of appeals is required for the purpose of establishing guidelines and general information before entering into building commitments or incurring substantial expense in the preparation of plans.

B. Preliminary development plans drawn to the requirements of Section 17.26.020 shall be filed with the zoning administrator, who shall forward five copies to the zoning board of appeals. The cost of all plans shall be borne by the developer.

C. The zoning board of appeals shall be given fourteen working days to review the preliminary plans and determine which environmental incentives shall apply under the provisions of this chapter, and shall hold a hearing on the preliminary plans and make their recommendation to the city council. The planning commission may submit its comments and recommendations to the zoning board for consideration in its deliberations.

D. The city council shall take action only on the preliminary plans and proposed density.

E. The petitioner shall submit final plans to the zoning board of appeals within six months after the city

council approves preliminary plans. The zoning board of appeals shall be given fourteen days to act on the final plans. In the event the zoning board of appeals rejects or denies the final plan, the petitioner shall have the right to appeal to the city council.

F. The final site plan as adopted shall be filed with the county recorder. (Ord. 471 §14.1, 1976).

17.52.020 Preliminary development plan. The preliminary development plan shall contain all of the following material:

A. The name and address of all owners of the site proposed for development as well as the names and addresses of all professional site planners, architects, engineers, surveyors or other consultants;

B. A legal description of the site proposed for development;

C. A general area plan drawing reflecting the intended use and future street locations for adjacent areas when the proposed planned unit development is intended to represent a single phase of a longer-range development;

D. The location of all property lines, existing streets, easements, utilities and any other significant physical features;

E. Date, north arrow and graphic scale (not less than one inch equals one hundred feet) of all drawings submitted;

F. Present and proposed zoning (if applicable);

G. An indication of the existing conditions on the tract including contour lines (five-foot intervals), water-courses and existing drainage facilities, wooded areas and isolated trees, walks or other improvements, and existing buildings and structures with an indication of those which will be removed and those which will be retained as part of the development;

H. An indication of the area surrounding the site showing land use, peculiar physical features, public facilities and existing zoning;

I. A site plan of the proposed development indicating the general location of the following:

1. All buildings, structures and other improvements,
2. Common open space,
3. Off-street parking facilities and number of spaces to be provided,
4. Sidewalks,
5. Illuminated areas,
6. Use of open space being provided,
7. Screening or buffering of the development perimeter,
8. Indication as to which areas and streets are intended to be public,

9. All utilities, including storm drainage, sanitary sewers and water service,
10. Such other documents explaining other circumstances as the planning commission may require;
- J. Quantitative data indicating the following:
 1. Total number of dwelling units by type (if applicable),
 2. Total number of dwelling units by number of bedrooms per unit,
 3. Proposed lot coverage of buildings and structures (percent of total),
 4. Approximate gross and net residential densities, excluding all streets and roadways (if applicable),
 5. Total amount of useable open space area provided in the tract,
 6. Such other calculations as the zoning board of appeals may require;
- K. Elevation or perspective drawings of all buildings and improvements sufficient to show the developer's intent;
- L. A development schedule indicating:
 1. The approximate date when construction of the project will begin,
 2. The stages in which the project will be built and the approximate date when construction of each stage will begin,
 3. The approximate dates when the development of each of the stages will be completed, and
 4. The area and location of common open space that will be provided at each stage;
- M. If the applicant intends to sell or lease all or a portion of the planned unit development after the project is approved, a statement shall be presented to the zoning board of appeals. The conditions of sale and maintenance of such developed properties shall be stipulated. Any covenants, deed restrictions or other similar agreements between the applicant and future owners shall be presented. (Ord. 471 §14.1, 1976).

17.52.030 Final development plan. A. Within six months following the approval of the preliminary development plan by the city council, the applicant shall submit the final development plan. Five copies of the final development plan shall be filed containing all information, plans and data as required by this section:

1. All material listed in Section 17.52.020 for the preliminary development plan;
2. An accurate legal description and property survey of the entire area included within the planned development;
3. Designation of the location of all proposed structures, and the internal uses, in sufficient detail to determine off-street parking requirements;

4. Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks illumination, landscaping and any other pertinent features of the planned development;
5. Certificates, seals and signatures required for the dedication of land, recording the documents and such other legal documents as may be required;
6. Accurate tabulations on the use of the area including land area, number of buildings, number of dwelling units per acre (if applicable), total common open space, percentage of paved area and total number of parking spaces provided;
7. All curb cuts, driving lanes, parking and loading areas, public transportation points, street signs and illuminated facilities for the same;
8. Any other plans or specifications that may be necessary for final engineering approval of drainage, street design and other facilities by the planning commission;
9. A development schedule indicating:
 - a. The date when construction of the project will begin,
 - b. The stages in which the project will be built and the date when construction of each stage will begin,
 - c. The dates when the development of each of the stages will be completed, and
 - d. The area and location of common open space that will be provided at each stage.

Failure to maintain the schedule will authorize revocation of the approval for the planned development and no further building permits or occupancy permits shall be granted.

B. The applicant shall conform to the development schedule as required in this section. If no construction has begun or no approved principal use is established in the planned unit development within one year from the approval of the final development plan by the zoning board of appeals, the approval of the final development plan shall lapse and be voided and no longer in effect.

C. In its discretion and for good cause, the zoning board of appeals may recommend to the city council the extension, for one additional year, of the period for the beginning of construction, the establishment of an approved principal use or completion of a phase of development as indicated in the development schedule. If a final development plan lapses under the provisions of this section, the zoning administrator shall notify the applicant, at the address given on the plan submitted, of the revocation or approval of the planned unit development.

B. If the applicant intends to sell or lease all or a portion of the planned unit development after the project

is approved, a statement shall be presented to the zoning board of appeals. The conditions of sale and maintenance of such developed properties shall be stipulated. Any covenants, deed restrictions or other similar agreements between the applicant and future owners shall be presented.

E. The applicant shall set forth in detail his proposal for the perpetual maintenance of common areas and other community facilities, such as, but not limited to: landscaped areas, pedestrian way, recreation facilities, parking areas, project gates, project security or protective devices, wastewater treatment facilities or potable water supply. This proposal for such maintenance may include one or more of the following devices: mandatory homeowners' association or community association permanent trust, public ownership and maintenance of the fee or a lesser interest, public utility maintenance or operation by the landlord, a combination of one or more of these arrangements, or a similar device. The proposal for perpetual maintenance shall be subject to city approval with or without modification deemed necessary to insure perpetuity. (Ord. 471 §14.3, 1976).

17.52.040 Standards and requirements. A. The water supply and wastewater collection and treatment system shall be extensions or additions to the city systems.

B. The minimum size of parcel shall be at least twenty-six thousand square feet with at least one hundred feet of frontage.

C. Any building or filling in or on any flood-hazard area shall be floodproofed and constructed or placed so that flood hazard to other property is not increased thereby.

D. The total floor area in all buildings shall not exceed 0.5 times the lot area.

E. The total useable open space shall at least equal 0.8 times the total floor area. The overall density of the development shall not exceed that specified for the district in which located, except that the density may be increased up to eighty percent by applying certain environmental incentives provided in Section 17.52.050 approved by the zoning board of appeals and the city council.

F. There shall be at least two off-street parking spaces per dwelling unit.

G. The following regulations and standards shall apply to the spacing of buildings:

Number of storæes	Between fronts and/or backs	Between ends	Between ends and fronts or backs
1 or 2	55 ft.	25 ft.	35 ft.
Each additional story above the first two per story	Add 5 ft.	Add 5 ft. per story	Add 5 ft. per story.

H. The highest building shall not exceed four stories unless adequate means of fire protection and rescue is provided, which may include contracts with municipal corporations having equipment capable of affording protection to higher structures.

I. The setback requirement to the district in which located shall apply to public streets around and in the development as to building placement and off-street parking.

J. No building shall be built or constructed within twenty-five feet of the PUD district or site property line.

K. The private streets within the development shall meet the following standards:

1. One-way drive with no parking, sixteen feet minimum paved width;

2. Minor street, two-way traffic with no parking, twenty-six feet minimum paved width; thirty-four feet with parking;

3. Collector street, forty-four feet of paved width;

4. All streets within the planned unit development shall have a structural standard of 2.

L. There shall be interior sidewalks constructed of a hard material and designed to interconnect the development and minimize pedestrian and automobile conflicts.

M. Up to five percent of the total tract may be used for commercial uses allowed in the C-1 district; in no case shall the commercial tract be less than one acre. No commercial use occupancy permit shall be granted until at least twenty-five percent of the total residential floor space is built and for which occupancy permits have been issued.

N. All utilities on site must be underground. (Ord. 471 §14.4, 1976).

17.52.050 Environmental incentives. The number of permitted dwelling units may be increased up to eighty percent by the following amenities providing the percentages for each item be applied cumulatively and that each percentage figure appearing next to each of the incentives be used as a maximum and not necessarily an automatic figure to be given. It shall be up to the zoning board of appeals to determine the percent increase in density, if any, to be allowed for any particular incentive. In no case shall the cumulative total of applied incentives exceed eighty percent.

A. Useable Open Space. As the amount of useable open space is increased above the minimum, the density may also be increased up to a maximum of thirteen percent increase allowed for additional useable open space.

Amount useable open space times the total floor area	% increase in density
.801 - .816	1%
.817 - .832	2%
.833 - .840	3%
.841 - .856	4%
.857 - .872	5%
.873 - .888	6%
.889 - .904	7%
.905 - .920	8%
.921 - .936	9%
.937 - .952	10%
.953 - .968	11%
.969 - .982	12%
.983 and above	13%

For six percent useable open space dedicated and acceptable for public use, six percent increase;

B. Site Planning Design.

Six percent increase for excellence in use of existing topography,

Four percent increase for excellence in siting building and building groups which may include variations in building setbacks,

Four percent increase for provision in design for courtyards, gardens and patios,

Two percent increase for proper consideration of building orientation with respect to sun and wind,

Four percent increase for preservation of existing desirable natural growth,

Four percent increase for preservation and/or enhancement of vista or views within the site or from outside the site into the site;

C. Landscape Planting and Screening.

Three percent increase for excellence in quality and amount of standard tree and shrub planting, including peripheral and interior screen planting and fencing;

D. Facilities and Amenities.

Five percent increase for recreational facilities, which may or may not include a golf course, occupying one square foot for every five square feet of residential floor area,

Five percent increase for swimming pool (five percent for each pool not to exceed ten percent), subject to subsection A(4) of Section 17.26.060,

Three percent increase for tennis courts (one percent of each court not to exceed five percent) and playground recreation equipment,

Five percent increase for community center building and/or club,

Four percent increase for land area for a public building site, such as a fire station,

Three percent increase for lakes and water features,

Three percent increase for provisions for pedestrian facilities, such as plazas, trails, bicycle racks, benches, etc.,

Four percent increase for use of sculpture, fountains, reflecting pools and similar features in design,

Five percent increase for use of pneumatic pipeline for conveyance of refuse or garbage to a central location point. (Ord. 471 §14.5, 1976).

17.52.060 Changes to approved planned unit development. A. No changes may be made in the final development plan during the construction of a planned unit development except upon application to the zoning department, which shall refer it to the zoning board of appeals. Minor changes in the location, siting and height of buildings and structures may be authorized by the zoning board of appeals without additional public hearings, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may cause any of the following:

1. A change in the use or character of the development;
2. An increase in overall coverage of structures;
3. An increase in the intensity of use;
4. A reduction in approved open space;
5. A reduction of off-street parking and loading space;
6. A reduction in approved pavement widths.

B. All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces and changes other than those listed in subsection A of this section, must be made by the city council after a public hearing and a recommendation by the zoning board of appeals. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes which are approved in the final plan, and must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents. (Ord. 471 §14.6, 1976).