



# Planning Commission Briefing Memo

Community & Economic Development  
Office of the Director

**To:** Planning Commission  
**From:** Wayne Mills, Senior Planner  
**Date:** July 27, 2016  
**CC:** Nora Shepard, City Planning Director; Nick Norris, Planning Manager  
**Re:** **Proposed Changes to the Planned Development Ordinance**

---

The purpose of this memo is to provide the Planning Commission an update on the Planned Development ordinance amendment project and request feedback on the work that has been done to date. Specifically, Planning Staff is asking the Planning Commission to provide direction on how the amendments to the Planned Development ordinance can be as useful as possible in their decision making process.

## **Project Summary**

A Planned Development is a development approval process that allows the Planning Commission to modify zoning standards in an effort to get a better project than what could be allowed under strict zoning regulations. The process is regulated in Chapter 21A.55 of the Zoning Ordinance.

The Planning Division is reviewing the zoning regulations related to Planned Developments in an effort to:

- Ensure that the development is meeting a citywide planning objective;
- Ensure that the design of the project is compatible with adjacent development;
- Clarify zoning regulations; and
- Simplify the review process.

## **Draft Changes**

The following summarizes the scope of work related to the project:

### **Purpose Statement and Objectives**

*Status:* Draft in Progress

#### *Issue:*

The overall purpose of the Planned Development process is to:

- Encourage efficient use of land and resources,
- Promote greater efficiency in public and utility services; and

- Encourage innovative planning and development.

In 2010, the City amended the Planned Development ordinance and created specific development objectives that the City seeks to achieve through the Planned Development process (see Section 21A.55.010 in Attachment 1 for existing objectives). Although, the objectives have provided some guidance on what the City is trying to achieve through the process, they have not gone far enough in supporting the implementation of city plans.

*Draft Change:*

Planning Staff has developed the following draft objectives. Each objective also includes associated strategies that further define the objective.

- A. **Open space and natural lands:** Preserving, protecting or creating open space and natural lands.
  - 1. Inclusion of community gathering places or public recreational opportunities such as new trails, or trails that connects to existing or planned trail systems, playgrounds or other similar type of facility.
  - 2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
  - 3. Development of connected greenways and/or wildlife corridors.
  - 4. Daylight creeks/water bodies.
  - 5. Inclusion of local food production areas, such as community gardens.
  - 6. Clustering of development to preserve unique open spaces.
  
- B. **Historic Preservation:**
  - 1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city.
  - 2. Preservation of or enhancement to historically significant landscapes that contribute to the character of the city and contribute to the general welfare of the city's residents.
  
- C. **Housing:** Providing affordable housing or types of housing that helps achieve the City's housing goals and policies.
  - 1. At least 20% of the housing must be for those with incomes that are at or below 80% of the area median income.
  - 2. The proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.
  
- D. **Mobility:** Enhances accessibility and mobility.
  - 1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
  - 2. Transit stop enhancements that meet the City's bus stop design guidelines.
  
- E. **Sustainability:** Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems.
  - 1. Building Energy Use: Building design and systems that will allow for 75% reduction in energy usage from baseline model for the development type, as provided by the U.S. Department of Energy's "EnergyStar" certification program.

2. **Building Energy Generation:** Building design and systems that allow for 30% of the development's projected energy needs to be met by on-site renewable energy generation.
3. **Reuse of Priority Site:** Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, state, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.

F. **Master Plan Implementation:** A project that helps implement portions of an adopted master plan in instances where the master plan provides specific guidance on the character of the immediate vicinity of the proposal.

1. A project that is consistent with the guidance of the master plan related to building scale, building orientation, site layout, or other similar character defining features.

## **Review Standards**

*Status:* Draft in Progress

### *Issue:*

The Planned Development ordinance provides specific standards that the Planning Commission must use when reviewing a Planned Development proposal (see Chapter 21A.55.050 in Attachment 1 for existing standards). The current standards lack sufficient criteria to ensure that a project is meeting a planning objective, is compatible with the surrounding area, and is better than what could be allowed under strict compliance with zoning standards.

### *Draft Change:*

Planning Staff has developed the following draft review standards:

- A. **Planned Development Objectives:** The planned development shall meet the purpose statement for a planned development (section [21A.55.010](#) of this chapter) and will achieve at least one of the objectives stated in said section. To determine if a planned development objective has been achieved, the applicant shall demonstrate that the strategies associated with the objective are included in the proposed planned development. The applicant shall also demonstrate why modifications to the zoning regulations are necessary to achieve the stated objective. The Planning Commission shall determine if there is a nexus between the modifications to the zoning regulations and the stated objective.
- B. **Compatibility:** The proposed planned development shall be compatible with the existing character of the site and its vicinity adjacent properties, or the character of the site and its vicinity, as indicated in an adopted city master or small area plan. In determining compatibility, the planning commission shall consider:
  - a. Whether the scale, mass, and intensity of the proposed planned development is compatible with adjacent properties.
  - b. Whether the form, materials, and architectural character of the proposed planned development is compatible with the area surrounding the proposed development.
  - c. Whether architectural detailing sufficiently emphasizes the pedestrian scale of the building.
  - d. Whether building facades offer ground floor transparency in sufficient quantities to facilitate pedestrian interest and interaction.

- C. Landscaping: Mature native trees that are located along the periphery of the subject property must be maintained and preserved. Any mature landscaping that provides additional buffering and lessens any potential impact to the abutting properties will be maintained and preserved. Any new landscaping will meet the requirements for water efficient landscaping found in Chapter 21A.48.
- D. Existing Site Features: The proposed planned development shall be designed to preserve natural and built features that significantly contribute to the character of the neighborhood or urban ecosystem.
- E. Transportation: The proposed planned development supports citywide transportation goals and safely and efficiently promotes circulation within the site and immediate neighborhood. The Planning Commission shall consider:
  - a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
  - b. Whether the planned development and its site orientation creates a safer and more accommodating pedestrian environment, affords access to available transit, bicycle facilities,
  - c. Whether the site design of the proposed development promotes or enables access to surrounding uses and amenities; and
  - d. Whether the proposed development supports non-motorized transportation options.

#### **Authority of the Planning Commission**

*Status:* Not yet Drafted

*Issue:*

Section 21A.55.030 of the Planned Development ordinance allows the Planning Commission to modify any zoning regulation or subdivision regulation, with the exception of density, land use and, in some zoning districts, building height. There may be some instances where an increase in density could be appropriate if the project meets a particular City objective. Also, some alternative parking requirements are considered land uses, which the Planning Commission cannot modify.

*Draft Change:*

To be drafted.

#### **Density Calculations Related to Public/Private Roadways**

*Status:* Not yet Drafted

*Issue:*

Section 21A.55.070 of the Planned Development ordinance states that a Planned Development cannot exceed the density standard of the zoning district where the development is located. The ordinance also states that public or private roadways located within or adjacent to the development cannot be included in the development area for the purpose of calculating density. The issue with this standard is that the ordinance does not specifically define "roadway." Many Planned Development proposals are on infill lots where the developer is proposing an access way that serves individual homes or dwelling units, which may or may not be on their own lots. Without a definition of "roadway", Planning Staff has to make a determination on whether or not the area of the access way should be used to calculate the density of the development.

*Draft Change:*  
To be drafted.

### **Reduced Width Public Streets**

*Status:* Draft in Progress

*Issue:*

The Planned Development authorizes the Planning Commission to approve the dedication of a public street that does not meet the minimum width standards; however, the minimum street width standards continue to change within the City according to evolving best practices. Also, the acceptable width of a public street should be under the purview of the Transportation Division, Engineering Division and Fire Department, whereas, the configuration of the development and how it relates to the street should be reviewed by the Planning Commission.

*Draft Change:*

Remove the provision that authorizes the Planning Commission to approve reduced width public streets from the Planned Development ordinance.

### **Simplifying the Application Process**

*Status:* Not yet Drafted

*Issue:*

Planned Developments often require multiple applications for relatively minor things. This can lead to some confusion on what has and has not been approved through the process. It also requires additional applications and up-front costs to applicants, even though the City review is the same.

*Draft Change:*

To be drafted.

### **Planned Development Review Required in Certain Zones**

*Status:* Not yet Drafted

*Issue:*

The purpose of the Planned Development process is to seek modifications to zoning for the purpose of meeting a city objective and creating a better project. In some zoning districts, any new construction requires Planning Commission review through the Planned Development process regardless of whether or not a modification to zoning is being sought. Other zoning districts require Planned Development review if more than building is proposed on a property. These are not instances where a modification is being sought; therefore, another type of review process should be considered.

*Draft Change:*

To be drafted.

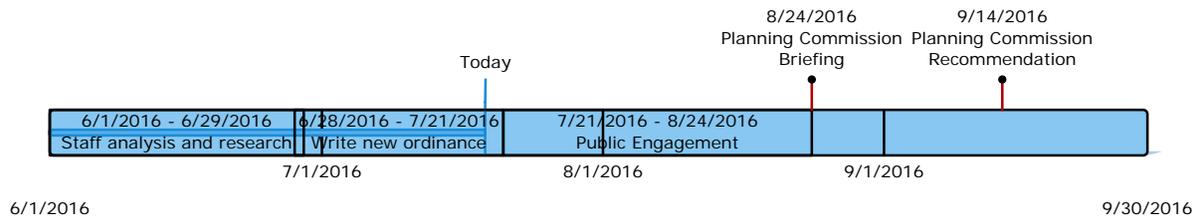
## **Next Steps**

The following summarizes the steps in zoning text amendment adoption process:

- 1) Complete proposed text changes
- 2) Public Engagement

- i) Public Open House
- ii) Meetings with architects/developers
- 3) Planning Commission
  - i) Briefing(s)
  - ii) Public hearing
  - iii) Recommendation to the City Council
- b) City Council
  - i) Briefing(s)
  - ii) Public hearing
  - iii) Decision

## Timeline



## Attachments:

1. Chapter 21A.55 – Planned Developments

# **ATTACHMENT 1: Salt Lake City Zoning Ordinance, Chapter 21A.55 – Planned Developments**

---

See following pages.

## **Chapter 21A.55**

# **PLANNED DEVELOPMENTS**

### **21A.55.010: PURPOSE STATEMENT:**

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

- A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
  
- B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
  
- C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
  
- D. Use of design, landscape, or architectural features to create a pleasing environment;
  
- E. Inclusion of special development amenities that are in the interest of the general public;
  
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
  
- G. Inclusion of affordable housing with market rate housing; or

H. Utilization of "green" building techniques in development. (Ord. 23-10 § 21, 2010)

### **21A.55.020: AUTHORITY:**

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located. (Ord. 23-10 § 21, 2010)

### **21A.55.030: AUTHORITY TO MODIFY REGULATIONS:**

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2 districts, the planning commission may approve up to five feet (5') maximum of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in section [21A.55.010](#) of this chapter. (Ord. 23-10 § 21, 2010)

### **21A.55.035: PROCEDURES:**

A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number, and interest in the property;
2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;
3. The street address and legal description of the subject property;
4. The zoning classification, zoning district boundaries, and present use of the subject property;
5. A complete description of the proposed planned development;

6. Site plans, as required pursuant to section [21A.58.060](#) of this title;
7. Traffic impact analysis, where required by the city transportation division; and
8. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application. Information which may be required under this subsection A8 shall not apply to a determination of completeness under subsection B of this section.

B. Determination Of Completeness: Upon receipt of an application for a planned development, the planning director shall make a determination of completeness of the application pursuant to section [21A.10.010](#) of this title.

C. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title. (Ord. 54-14, 2014)

#### **21A.55.040: LIMITATION:**

No change, alteration, modification or waiver authorized by section [21A.55.030](#) of this chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this chapter, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver. (Ord. 23-10 § 21, 2010)

#### **21A.55.050: STANDARDS FOR PLANNED DEVELOPMENTS:**

The planning commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section [21A.55.010](#) of this chapter) and will achieve at least one of the objectives stated in said section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and
2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
  - a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
  - b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;
  - c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property;
3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;
4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development; and

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.

- D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;
- E. Preservation: The proposed planned development shall preserve any historical, architectural, and environmental features of the property;
- F. Compliance With Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement. (Ord. 23-10 § 21, 2010)

### **21A.55.060: MINIMUM AREA:**

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

TABLE 21A.55.060  
PLANNED DEVELOPMENTS

District	Minimum Planned Development Size
Residential districts:	
FR-1/43,560 Foothills estate residential district	5 acres
FR-2/21,780 Foothills residential district	5 acres
FR-3/12,000 Foothills residential district	5 acres
R-1/12,000 Single-family residential district	24,000 square feet
R-1/7,000 Single-family residential district	14,000 square feet

R-1/5,000 Single-family residential district	10,000 square feet
SR-1 and SR-1A Special development pattern residential district	10,000 square feet
SR-2 Reserved	-
SR-3 Special development pattern residential district	4,000 square feet
R-2 Single- and two-family residential district	10,000 square feet
RMF-30 Low density multi-family residential district	9,000 square feet
RMF-35 Moderate density multi-family residential district	9,000 square feet
RMF-45 Moderate/high density multi-family residential district	9,000 square feet
RMF-75 High density multi-family residential district	9,000 square feet
RB Residential/business district	No minimum required
R-MU-35 Residential/mixed use district	9,000 square feet
R-MU-45 Residential/mixed use district	9,000 square feet
R-MU Residential/mixed use district	No minimum required
RO Residential/office district	No minimum required
Commercial districts:	
CN Neighborhood commercial district	No minimum required
CB Community business district	No minimum required
CS Community shopping district	No minimum required
CC Corridor commercial district	No minimum required
CSHBD Sugar House business district	No minimum required
CG General commercial district	No minimum required
TC-75 Transit corridor district	No minimum required
Manufacturing districts:	
M-1 Light manufacturing district	No minimum required
M-2 Heavy manufacturing district	No minimum required

Downtown districts:		
	D-1 Central business district	No minimum required
	D-2 Downtown support district	No minimum required
	D-3 Downtown warehouse/residential district	No minimum required
	D-4 Downtown secondary central business district	No minimum required
Special purpose districts:		
	RP Research park district	No minimum required
	BP Business park district	No minimum required
	FP Foothills protection district	32 acres
	AG Agricultural district	10 acres
	AG-2 Agricultural district	4 acres
	AG-5 Agricultural district	10 acres
	AG-20 Agricultural district	40 acres
	A Airport district	No minimum required
	PL Public lands district	No minimum required
	PL-2 Public lands district	No minimum required
	I Institutional district	No minimum required
	UI Urban institutional district	No minimum required
	OS Open space district	No minimum required
	MH Mobile home park district	No minimum required
	EI Extractive industries district	No minimum required
	MU Mixed use district	No minimum required

(Ord. 23-10 § 21, 2010)

### **21A.55.070: DENSITY LIMITATIONS:**

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned

development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density. (Ord. 23-10 § 21, 2010)

### **21A.55.080: CONSIDERATION OF REDUCED WIDTH STREET DEDICATION:**

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission. (Ord. 23-10 § 21, 2010)

### **21A.55.090: SPECIFIC STANDARDS FOR PLANNED DEVELOPMENT IN CERTAIN ZONING DISTRICTS:**

Planned developments within the TC-75, RB, R-MU, MU, CN, CB, CSHBD districts, South State Street corridor overlay district and CS district (when the CS district is adjacent to an area of more than 60 percent residential zoning located within 300 feet of the subject parcel to be developed, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;
- B. The primary access shall be oriented to the pedestrian and mass transit;
- C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;

- D. Architectural detailing shall emphasize the pedestrian level of the building;
- E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;
- F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;
- G. Dumpsters and loading docks shall be appropriately screened or located within the structure; and
- H. Signage shall emphasize the pedestrian/mass transit orientation. (Ord. 23-10 § 21, 2010)

#### **21A.55.100: PERIMETER SETBACK:**

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel. (Ord. 23-10 § 21, 2010)

#### **21A.55.110: DEVELOPMENT PLAN:**

The applicant must file an application for planned development approval with the zoning administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the zoning administrator accompanied by such number of copies of documents as the zoning administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

- a. The applicant's name, address, telephone number and interest in the property;

- b. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
  - c. The street address and legal description of the subject property;
  - d. The zoning classification, zoning district boundaries and present use of the subject property;
  - e. A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property;
  - f. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project; and
  - g. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate community organization entitled to receive notice pursuant to [title 2, chapter 2.60](#) of this code.
2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:
- a. The location, dimensions and total area of the site;
  - b. The location, dimensions, floor area, type of construction and use of each proposed building or structure;
  - c. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;
  - d. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
  - e. Architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross sections;
  - f. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
  - g. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;
  - h. A traffic impact analysis (if required by the city transportation division);
  - i. The location and purpose of any existing or proposed dedication or easement;
  - j. The general drainage plan for the development tract;

- k. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;
  - l. Significant topographical or physical features of the site, including existing trees;
  - m. Soils and subsurface conditions, if requested;
  - n. The location and proposed treatment of any historical structure or other historical design element or feature;
  - o. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and
  - p. A reduction of the development plan to eight and one-half by eleven inches ( $8\frac{1}{2} \times 11$ "). The reduction need not include any area outside the property lines of the subject site.
3. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.
  4. Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.
  5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:
    - a. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;
    - b. A written statement showing the relationship of the proposed planned development to any adopted general plan of the city;
    - c. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.
- B. Review Procedure: Upon the review of a planned development application, the applicable city department/division shall notify the applicant of any deficiencies and/or modifications necessary to complete the application.
1. Public Hearing: Upon receiving site plan review and recommendation from the applicable city department(s)/division(s), and completing a staff report, the planning

commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in section [21A.55.050](#) of this chapter whether to approve, approve with modifications or conditions, or deny the application.
3. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application. (Ord. 58-13, 2013: Ord. 23-10 § 21, 2010)

### **21A.55.120: APPEAL OF THE PLANNING COMMISSION DECISION:**

Any person adversely affected by a final decision of the planning commission on an application for a planned development may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. Notwithstanding section [21A.16.030](#) of this title, the filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 8-12, 2012)

### **21A.55.130: TIME LIMIT ON APPROVED PLANNED DEVELOPMENT:**

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing. The planning commission may grant an extension of a planned development for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval. (Ord. 23-10 § 21, 2010)

### **21A.55.140: EFFECT OF APPROVAL OF PLANNED DEVELOPMENT:**

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the

preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval. (Ord. 23-10 § 21, 2010)

### **21A.55.150: REGULATION DURING AND FOLLOWING COMPLETION OF DEVELOPMENT:**

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development. (Ord. 23-10 § 21, 2010)

### **21A.55.160: MODIFICATIONS TO DEVELOPMENT PLAN:**

- A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.
- B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:
1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;
  2. Adjusting the location of any open space;
  3. Adjusting any final grade;
  4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;
  5. Signs;

6. Relocation or construction of accessory structures; or
7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this chapter, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

- C. Major Modifications: Any modifications to the approved development plan not authorized by subsection B of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this title. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this section. (Ord. 23-10 § 21, 2010)

### **21A.55.170: DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED DEVELOPMENTS:**

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

- A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat or the estimated date of first unit occupancy of the planned development, whichever is later.

- B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:
1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.
  2. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.
  3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.
- C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.
- D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent. (Ord. 23-10 § 21, 2010)