

CHAPTER FIVE

PLANNED DEVELOPMENT (PD)

5.1 PURPOSE

- A. The planned development (PD) zone applies to mixed-use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter Three. Planned development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to:
1. More effective infrastructure;
 2. Reduced traffic demands;
 3. A greater quality and quantity of public and/or private open space;
 4. Other recreational amenities;
 5. Needed housing types and/or mix;
 6. Innovative designs;
 7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or
 8. Public art.

5.2 DEFAULT STANDARDS

The use, bulk, development, improvement and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter Three of this Code. In a planned development context, those standards shall be referred to as default standards or default zone. The Director shall determine whether the character of the proposed planned development is consistent with the default zone upon which the planned development is based. Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance. The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.

5.3 ESTABLISHMENT OF USES

- A. **Uses Allowed.** At the time of zoning a parcel to PD, the City Council shall determine the allowed uses. Only uses consistent in type and density with the Growth Plan may be allowed within a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning.
- B. **Adoption and Modification of Authorized Uses.** The City Council, at the time of establishing a PD zone shall list uses that are authorized by right or by conditional use permit. All uses, whether by right or conditional use permit, shall be subject to all applicable permit and approval processes established in this Code. The rezoning process shall be used to modify the authorized use list for any planned development.

5.4 DEVELOPMENT STANDARDS

- A. **Generally.** Planned development shall minimally comply with the development standards of the default zone and all other applicable Code provisions, except when the City Council specifically finds that a standard or standards should not be applied.
- B. **Residential Density.** Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Growth Plan or default zone unless the application satisfies the density bonus provisions established in Chapter Three.
- C. **Nonresidential Intensity.**
Nonresidential planned development intensity shall be established as a maximum floor area ratio (FAR) at the time of planned development approval. In determining the maximum FAR, the Planning Commission and City Council shall consider:
1. The Intensity of adjacent development;
 2. The demand for and/or mix of residential and nonresidential development in the proposed PD and in the vicinity of the proposed PD;
 3. The availability of transportation facilities, including streets, parking, transit facilities and bicycle/pedestrian facilities;
 4. The adequacy of utilities and public services; and
 5. The maximum FAR permitted in the default zone.
- D. **Mixed Use Intensity.**
1. Mixed use developments, in areas designated for residential development in the Growth Plan, shall not exceed the plan density minus one (1) dwelling unit per 1,000 square feet of nonresidential development or portion thereof within the development. In mixed use developments, no more than ten percent (10%) of the land area may be dedicated to nonresidential uses.
 2. The maximum residential densities within mixed use developments designated for nonresidential development in the Growth Plan shall not exceed twenty-four (24) dwelling units per acre, minus one (1) dwelling unit per 2,000 square feet of nonresidential development or portion thereof. In such developments, residential uses shall not constitute more than seventy-five percent (75%) of total floor area.
 3. Mixed use residential development is eligible for density bonuses pursuant to Chapter Three.
- E. **Minimum District Size.**
A minimum of five (5) acres shall be required for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development or redevelopment as a PD. In approving a planned development smaller than five (5) acres, the Planning Commission and City Council shall find that the proposed development:
1. Cannot be developed under conventional zoning;
 2. Is adequately buffered from adjacent residential property;
 3. Mitigates adverse impacts on adjacent properties; and
 4. Is consistent with the goals and policies of the Growth Plan.

F. **Development Standards.**

Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this Section.

1. **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:
 - a. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
 - b. Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
 - c. Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.
2. **Open Space.** All residential planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater.
3. **Fencing/Screening.** Planned developments shall provide uniform perimeter fencing in accordance with Chapter Six.
4. **Compatibility.** Nonresidential design and construction shall be compatible with adjacent residential development.
5. **Landscaping.** Landscaping shall meet or exceed the requirements of Chapter Six of this Code.
6. **Parking.** Off-street parking shall be provided in accordance with Chapter Six of this Code.
7. **Street Development Standards.** Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code.

G. **Deviation from Development Default Standards.**

The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation the listed amenities to be provided shall be in excess of what would otherwise be required by the Code, and in addition to any community benefits provided pursuant to Density bonus provisions in Chapter Three. These amenities include:

1. Transportation amenities including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;
2. Open space, agricultural land reservation or land dedication of twenty percent (20%) or greater;
3. Community facilities for provision of public services beyond those required for development within the PD;
4. The provision of affordable housing for moderate, low and very low income

households pursuant to HUD definitions for no less than twenty (20) years;
and

5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

5.5 PLANNED DEVELOPMENT PHASES

- A. **Transfer of Ownership.** No developer, owner or agent thereof shall sell, convey or otherwise transfer ownership of any planned development that has not been finally approved until such person has informed the buyer, in writing, of the property's exact status with respect to the planned development process and conditions of approval, if any. The City shall bear no liability for misrepresentation or failure to disclose terms and conditions by the owner or agent.
- B. **Outline Development Plan (ODP).** An Outline Development Plan (ODP) is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of twenty (20) or more acres. The purpose of an ODP is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. Zoning for the entire property or for each development "pod" is established at ODP. With an ODP, the general pattern of development is established with densities assigned to individual "pods," which shall be the subject of future, more detailed planning.
- C. **Preliminary Plan - Applicability.**
 1. **Approved ODP.** If the property has an approved ODP, the purpose of the preliminary development plan is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and PD zoning. Unless otherwise specified with the ODP, the development that has benefit of an approved ODP may submit either a site development plan or a subdivision plan as a preliminary plan. The Planning Commission and/or Council may require a site development plan if a site development plan is necessary to demonstrate that the proposed PD meets the purpose and intent of the ODP approval.
 2. **No Approved ODP.** If the property has no approved ODP, rezoning of the property to planned development shall occur simultaneously with preliminary development plan review. Through the process the applicant must address and the reviewing bodies shall answer the question, "Should this use, with this specific intensity, designed in this particular manner, be constructed on this site?" In designing the plan, the applicant shall have the option of proposing either a site development plan or a subdivision plan. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purposes and intent of the Growth Plan

and this Code.

D. **Final Development Plan.**

The final development plan and subdivision plat are the literal blueprint for development of a planned development. The final development plan and the subdivision plat are necessary to ensure consistency with the approved preliminary development plan, specific development requirements and construction requirements.