PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

January 11, 2011 meeting background materials

At our January 11th Task Force meeting, we will be reviewing the approval criteria section of the City's PUD Chapter. As requested at your December 22, 2010 Task Force meeting, please find attached a few examples of Planned Unit Development criteria used by other cities.

LAKE OSWEGO

1. In considering an application for a PD Overlay, the reviewing authority shall apply the height, Floor Area Ratio (FAR), lot coverage, garage appearance and location, use, open space and density requirements of the underlying zone and, if applicable, the setback requirements of LOC 50.06.050 (5). The FAR and lot coverage requirements may be applied with reference to the total area of the project as a whole and not on a lot by lot basis.

2. a. Except for the special setback requirements of LOC 50.06.050 (5), the reviewing authority may grant exceptions to the lot size, front setback plane, maximum side yard plane, lot dimension and front and rear setback requirements of the underlying zone if the applicant demonstrates that the proposed PD provides the same or a better sense of privacy, appropriate scale and open space as a PD designed in compliance with the standard or standards to which an exception is sought. The considerations in granting the exceptions are set forth in subsection (b) below:

b. In making the determination under subsection (a), the reviewing authority may consider:

i. Whether the applicant has reserved or dedicated more than the minimum amount of open space required by the Park and Open Space Development Standard.

ii. Whether the requested exception allows the lots to be designed in a manner that provides better access to common open space areas from within and/or outside the PD, better protects views, allows better solar access, maintains or improves relationships between structures, maintains or improves privacy and/or improves pedestrian or bicycle access to surrounding neighborhoods.

iii. Whether the requested exception will allow a more attractive streetscape through use of meandering streets, access through alleys or shared driveways, provision of median plantings, or other pedestrian amenities.

iv. Whether the requested exception will enhance or better protect a significant natural feature on the site, such as a wetland, a tree or tree grove, or a stream corridor.

v. Whether the requested exception will provide better linkage with adjacent neighborhoods, parks and open space areas, pathways, and natural features.

vi. Whether the requested exception will allow the development to be designed more compatibly with the topography and/or physical limitations of the site.

SALEM

A PD District overlay may be initiated in any of the following ways:

a. An application filed by a property owner for a Planned Development in accordance with Chapter 2.5; or

b. By the hearing authority, on property(ies) with a nonresidential land use designations(s), in conjunction with an annexation, Comprehensive Plan map amendment, or district map change when the hearing authority finds the applicable district standards are not adequate to do any of the following:

c. An application filed by a property owner, on property(ies) with a residential land use designation(s), in conjunction with an annexation, Comprehensive Plan map amendment, or district map change when the property owner states and the hearing authority finds that the applicable district standards are not adequate to address any of the concerns outlined in “b.1-4" above (BELOW).

1. Address circulation or other common facilities issues;
2. Resolve issues related to an unusual site configuration, steep topography or significant natural feature;
3. Assure comprehensive planning and coordinated development where the property is large and/or has mixed uses; or,
4. Address compatibility issues where desirable to locate more intensive land uses next to less intensive residential land uses.

KIRKLAND., WA

1*25.35 Decision on the PUD – Criteria for Approving a PUD*

The City may approve a PUD only if it finds that all of the following requirements are met:

1. The proposed PUD meets the requirements of this chapter.

2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.

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3. The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:

a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.

b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.

c. The design of the PUD incorporates active or passive solar energy systems.

d. The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:

1) Increased provision of open space or recreational facilities.

2) Superior circulation patterns or location or screening of parking facilities.

3) Superior landscaping, buffering, or screening in or around the proposed PUD.

4) Superior architectural design, placement, relationship or orientation of structure.

5) Minimum use of impervious surfacing materials.

4. Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.).

B. The PUD process provides an alternative to traditional development under prescriptive zoning and subdivision standards. This chapter shall not be applied to single-family residential lots incapable of further subdivision due to lot size or as a means to avoid other procedures more appropriately reviewed as variance applications under Chapter 17.86 PTMC.

17.32.060 Innovative residential development.

A. Purpose.

1. More efficient use can be made of land, energy and resources and more livable development can be achieved when the designer has flexibility in residential types, placement and density. Such flexibility can be achieved while safeguarding the public interest by review of the proposed planned unit development plan which shows the type and placement of residential structures. Therefore, the city allows planned residences at varied densities where specified in the appropriate zones of the city.

2. Upon compliance with this chapter, the use of land may comply with the provisions in this section in lieu of the provisions of the zone where located.

3. It is intended that innovative residential developments encourage imaginative design to achieve these purposes. Therefore, incentives and flexibility may be allowed such as clustered housing and bonus densities, lot averaging, zero lot lines, condominium development, and mixed residential types. The city may approve the use of these tools as provided in this section as deemed reasonable and warranted by the excellence of the resulting design and its benefits to the community.

D. Basis for Approval of Bonus Density. Upon submittal of the PUD application, the director shall review the proposed project and submit a report to the hearing examiner, containing recommendations and proposed findings of fact and conclusions with respect to the allocation of bonus densities for the project. The allocation of bonus densities should be based upon a comprehensive review of the entire project. It is the intention of this section to allow bonus densities where a PUD applicant proposes design attributes providing public benefits in addition to those required by local, state or federal land use or environmental regulations. Bonus densities will not be allowed for site design proposals which merely reflect mandatory requirements of local, state and federal codes or regulations. Consideration of the following criteria should be given, but need not be limited to these:

1. Preservation of Agricultural Land and Open Space and Natural, Historical and Cultural Features (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include the quality of agricultural soils; preservation and minimum disturbance of natural features and wildlife habitat; preservation of unique historical or cultural features; preservation of open space; dedication to the city of land within the city's potential park or open space areas and corridor as designated in

the comprehensive plan and as shown on the land use map; and preservation of air, sunlight and scenic resources.

2. Public Service and Facility Availability (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include the provision of public schools; public park or other public facilities and/or sites; bicycle and pedestrian pathway systems; public transit and arterial access to the site; and special site design for special needs residents to situate or cluster uses within a reasonable distance of fire and police protection, medical, shopping, church and other such amenities.

3. Energy Efficiency (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include preservation of solar access; south orientation with added glazing for inhabited structures; the use of landscaping and topography for windbreaks and shading; common wall construction; transportation management strategies, including transportation demand management ("TDM") strategies; the use of solar energy systems either passive or active for heating and/or cooling; energy conserving design of roadways and other structures; and higher insulation levels.

4. Public Recreation Facilities (Exceeding Mandatory Code Requirements). Items for consideration in meeting this criterion may include provision for public recreational features such as tennis courts, active play areas, swimming pools, passive open space areas, bicycle and pedestrian pathway systems.

5. Environmental Design (Exceeding Mandatory Code Requirements). Items for consideration in this section may include on-site designs providing regional benefits, including drainage control using natural drainage and landscaped drainage retention facilities; flood control measures, particularly those measures serving regional needs; significant public access provided to designated potential open space or park areas, shoreline areas, trails, scenic sites and viewpoints; provision for substantial and exceptional landscape treatment; and the use of recycled materials and resource conserving designs.

6. Affordable Housing (Exceeding Mandatory Code Requirements). Items for consideration include the provision of a mix of housing types, utilization of townhouses, condominiums and apartments directed to providing a reasonable mix or diversity of bona fide affordable housing opportunities for a diverse segment of the community. Bonus densities will also be allowed for projects providing low-income housing in market rate developments. In such developments and other developments seeking bonus densities for the provision of low-income housing opportunities, the amount of bonus will be linked to the level of affordability, i.e., the lower the cost or rental rate per unit, the greater the bonus afforded to the development. Density bonuses for low-income housing projects will be granted only where all of the following conditions are satisfied:

a. The developer must agree to sell or rent the units to qualifying residents (i.e., only low-income and very low-income households);

b. The developer must ensure the continued affordability of the units by qualified residents for a minimum of 40 years through the use of restrictive covenants or other deed restrictions approved by the city; and

c. The units must be of an innovative design and compatible with existing neighborhood character, with adequate assurances that such design and compatibility will be maintained throughout the 40-year period.

7. Provision of Innovative Design. Items for consideration include the provision of innovative design in a PUD similar, but not limited, to that described in PTMC 17.32.060 (B). PTMC and innovative design which provides compact, attractive urban development in areas of the city identified through the comprehensive plan for infill development.

8. Other suitable items believed by the city to be worthy of consideration may also be included as bonus density criteria.

CLARK COUNTY

D. Approval Critieria.

Prior to preliminary approval of the proposed PUD, the Hearing Examiner or the responsible official must find that the following three (3) conditions exist:

1. Alternate designs proposed will provide a plan equal or superior to the standard being varied.

2. Through lot size, setbacks, building orientation, and screening, the proposed PUD shall provide a gradual transition adjacent to lower density neighborhoods or nonresidential uses.

3. The applicant proposes design features that may include, but are not limited to, designs centered on protected natural areas, front porches/recessed garages, pedestrian-friendly orientation, benches/gazebos, water features, recreational areas, stormwater systems designed as features, and affordable housing.

SHERWOOD

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.

2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.

3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.

4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).

5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.

7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.

8. That adequate public facilities and services are available or are made available by the construction of the project.

9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.

10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).

MADISON, WI

The standards for approval of a zoning map change to a PD District are as follows:
(a) The applicant must demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved. Conditions under which planned development may be appropriate include:

1. Site conditions such as steep topography or other unusual physical features; or
2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.

(b) The PD District plan must facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

(c) The PD District plan will not adversely affect the economic health of the City or the area of the City where the development is proposed, including the cost of municipal services.

(d) The PD District plan will not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns.

(e) The PD District plan must coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses.

603.4. *Planned Districts—Review Criteria.* Planned Development Districts may hereafter be established by amendment to the Official Zoning Atlas.

Planned development districts may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage nonresidential strip development along streets.

The following General Review Criteria shall be utilized in evaluating requests and establishing conditions for Planned Development districts.

1.

Physical Characteristics of the Site; Relation to Surrounding Property. The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, slipping of the soil, flood hazard, destruction of wetlands or other dangers. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended.

2.

Relation to Public Utilities, Facilities and Services. Planned Development districts shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can reasonably be expected to be available at the time of request for Certificate of Level of Service.

3.

Relation to Major Transportation Facilities. Planned Development districts, where appropriate because of the size or intensity of the proposed district, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.

4.

Compatibility. Planned Development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.

5.

Transitions. Planned Development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

6.

Design Quality. All planned developments proposing specific approval of requirements for development under standard zoning district regulations

shall be designed so as to be sensitive to the impacts of the specific approval requested.

7.

Relationship to Adjacent Property. The Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

8.

Access. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.

Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.

9.

Streets, Drives, Parking and Service Areas. Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement, fire lanes, and other vehicular travel ways.

For all rights-of-way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:

a.

Safe vehicular travel;

b.

The manner in which pedestrians, including the physically handicapped, can traverse in the planned development;

c.

Structural stability of all construction materials;

d.

Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;

e.

Horizontal and vertical sight distances;

f.

Traffic safety requirements;

g.

Emergency vehicle maneuverability and access;

h.

Logical future extension of inter-neighborhood ties.

10.

Pedestrian Systems. All residential Planned Development districts and other Planned Development districts, shall provide internal or external walkways where pedestrian circulation requires them.

The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent, to the district, with a minimum of conflicts with vehicular traffic.

Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment, consistent with the handicap accessibility standards. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal access points within and outside the district.

Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

11.

Natural and Historic Features, Conservation and Preservation Areas. Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.

12.

Density/Intensity. Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

13.

Height. Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.

14.

Fences and Screening. Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Planning Director.

15.

Yards and Setbacks. Yard and setback requirements shall be consistent in each Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other required wetland and jurisdictional buffer requirements, all setbacks within a planned development subphase shall maintain consistency with the approved General Development Plan throughout the development. All setbacks within the Planned Development Districts shall be measured from property lines, not zoning district lines. All proposed setbacks shall be shown on the General Development Plan in either graphic or tabular form.

16.

Trash and Utility Plant Screens. In the Planned Development district all central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development district.

17.

Signs. Signs in the Planned Development district shall be in accordance with Section 724. The provisions of the planned development approvals may be more restrictive, as necessary to meet the other standards contained in this Section 603.4, but not less restrictive than Section 724.

18.

Landscaping. Landscaping shall be equal to or exceed the standards stipulated under Section 715, Landscaping.

19.

Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways. The Comprehensive Plan establishes interstate interchange as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, per Section 737.

20.

Water Conservation.

A.

Site Plan Alternatives.

Creative Site Development Concepts for Water Conservation. Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:

The preservation of existing plant communities;

The reestablishment of native plant communities;

Limited amount of lawn grass areas;

The use of site specific plant materials;

The use of shade trees to reduce transpiration rates of lower story plant materials;

Site development that retains stormwater runoff on site;

The use of pervious paving materials;

Site development that addresses the carrying capacity of the land in its present form; and

Other environmentally sensitive site development concepts.

B.

Preservation of Existing Plant Communities.

General. Existing native plant communities on sites proposed for development should be preserved and incorporated into the required open space wherever possible. Existing native plant communities that are specified to remain shall be preserved in their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed. In most cases, preservation of existing native plant communities will decrease the initial costs of site development, decrease future water and maintenance requirements and enhance the aesthetic appearance of the property.

Existing Native Plant Communities Required to Remain. When existing native natural plant communities occur on a parcel of land and are located within planned open spaces, thirty-five (35%) percent of the required open space or 75% of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities.

21.

Utility Standards. All utility improvements shall adhere to the requirements of the Manatee County Public Works Standards for all construction. Specific deviations from the Standards, due to an existing site constraint or dimensional conflict, may individually be approved in writing by the Public Works Director. The remote radio alarm system is not required for privately owned lift stations. No utility system will be accepted for operation and maintenance by the County until all aspects adhere to the Manatee County Public Works standards.

22.

Stormwater Management. Stormwater Management facilities shall adhere to the requirements of Section 717, Stormwater Management and the Manatee County Development Standards.

23.

No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.

24.

Minimum Open Space Requirements. Minimum open space requirements shall be as required by each specific planned development.