

EXHIBIT A (REDLINE)
DRAFT AMENDMENT TO SECTION 18.68

Chapter 18.68 PUD PLANNED UNIT DEVELOPMENT DISTRICT

18.68.010 Created.

A zoning classification distinction is created to be known as the planned unit development (PUD) district. (Prior code § 2-8.25)

18.68.020 Purpose.

The planned unit development district is intended to accomplish the following purposes:

A. To encourage imagination and housing variety in the development of property of varying sizes and topography in order to avoid the monotony and often destructive characteristics of standard residential, commercial and industrial developments;

B. To provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction;

C. To insure that the goals and objectives of the city's general plan are promoted without the discouragement of innovation by application of restrictive developmental standards;

D. To encourage efficient usage of small, odd-sized or topographically affected parcels difficult for development by themselves;

E. To accommodate changing market conditions and community desires;

F. To provide a mechanism whereby the city can designate parcels and areas requiring special consideration regarding the manner in which development occurs;

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G. To encourage the establishment of open areas in residential, commercial and industrial developments and provide a mechanism for insuring that said areas will be beautified and/or maintained;

H. To complement the objectives of the hillside planned development district (HPD) in areas not subject to the provisions of that zoning district. (Prior code § 2-8.26).

18.68.030 Permitted uses.

The planning commission and city council may permit any use in the PUD district which is compatible with the purposes of this title, the neighborhood and general vicinity of the proposed project, and in keeping with protection of the public health, safety and general welfare. (Prior code § 2-8.27)

18.68.040 Conditional uses.

Unless specific conditional uses are specified in the PUD plan, ~~only the expansion, enlargement or alteration by area or usage of an interim proposed uses~~ shall default to the appropriate zoning district and permitted by Section 18.64.080 of this chapter shall require a conditional use permit granted pursuant to Chapter 18.124 of this title, ~~if required.~~ (Prior code § 2-8.28)

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18.68.050 Development.

~~Except as provided in Section 18.68.090, no~~ No property subject to this chapter shall be developed in any way nor shall any grading permit be issued pursuant to the provisions of this code until all provisions of this chapter have been completed, unless otherwise determined by the director of community development that such request would be in keeping with protection of the public health, safety and general welfare. As used in this section, “developed” means the submittal of any plans required by this code prior to the commencement of construction of any improvements. (Prior code § 2-8.29)

18.68.060 Property development standard.

A. In order to allow the greatest amount of flexibility in designing a project compatible with the physical features of the property, the uses intended to be developed thereon, and the objectives of this chapter, no minimum property development standards shall apply to the PUD district. The planning commission and city council shall determine appropriate amounts of landscaping, natural open space, parking, signing, distances between buildings, front yards and other development standards as are appropriate for the specific uses requested at the time of consideration of the PUD development plan required by Section 18.68.110. Said standards shall be included as conditions to any approved PUD development plan.

B. Landscaping shall include, but not be limited to, intensely planted and maintained areas. “Natural open space” means land lacking any physical, above ground improvements, except for utility wires and poles, agricultural type fences or similar improvements, and unenhanced by plants, trees and shrubs, except those which are naturally existing and for agricultural purposes. (Prior code § 2-8.30)

C. Property developed pre-existing [MSOffice1] the adoption of a planned unit development may improve, alter, amend and otherwise add to/change the existing premises and improvements which includes site, primary structures and accessory structures and shall default to the zoning district most closely reflecting the size and use of the site and the provisions of this code which most closely represent the type of development which has been approved if development standards for pre-existing are not established by the planned unit development.

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18.68.070 Maintenance.

A. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of common natural open space areas, common landscaped areas, and common recreational facilities located within the plan have been approved by the city attorney. For nonresidential developments, said maintenance shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential developments, said maintenance shall apply to the privately owned natural open space, landscaped areas, and or -recreational facilities owned by or used in common by the residents, and/or located within the subdivision.

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B. The city shall be identified as a third party beneficiary to conditions, covenants and restrictions placed upon a development, unless otherwise directed by the city council or the city attorney. (Prior code § 2-8.31)

18.68.080 Interpretation.

A. Due to the flexibility and imagination desired in PUD developments, not every issue regarding future development and use of the property may be established as part of the initial approval of a development. Thus, the ~~director of planning~~director of community development shall be charged with ~~the~~ responsibility to determine if a change to the approved plan and/or conditions thereto is substantial. If, after review of the plan and conditions, the director determines that the request is a substantial revision or change, the request shall be presented to the planning commission and city council in accordance with the applicable provisions of Chapter 18.04 of this title. If the change is not substantial, the director, after consulting with the city attorney ~~and director of engineering services~~, may approve the change, subject to reasonable conditions, and advise the planning commission and city council of said approval, in writing, within 10 days of the approval.

B. If the planning commission, city council, applicant or any interested citizen disagrees with the ~~director of planning~~director of community development's determination or conditions of approval, a written appeal shall be filed with the ~~secretary to the planning commission~~planning division within 20 calendar days of said action and a public hearing shall be held. The requisite notices of the public hearing by the planning commission shall be ~~given~~held pursuant to the provisions of Chapter 18.04 of this title.

~~C. If the revision or change involves the construction of an improvement or betterment for which no specific development standard is established pursuant to this chapter, the director of planning, planning commission and/or city council shall apply the provisions of this code which most closely represent the type of development which has been approved. (Prior code § 2-8.32)~~

C. If the city council, applicant, or any interested citizen disagrees with the planning commission's determination or conditions of approval, a written appeal shall be filed with the planning division within 20 calendar days of said action and a public hearing by the city council shall be scheduled within 40 days of the receipt of such appeal and held at the earliest opportunity. The requisite notices of the public hearing by the planning commission shall be held pursuant to the provisions of Chapter 18 of this title.

~~18.68.090 Interim uses:~~

~~Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Chapter 18.120 of this title pertaining to nonconforming uses. No expansion of a nonconforming land use, expansion of a nonconforming building, or addition of any new structures associated in any manner with an existing land use or building, with the exception of emergency standby electricity generators, fuel cells, or battery facilities, shall be allowed until a conditional use permit has been granted in accordance with Chapter 18.124 of this title. Emergency standby electricity generators, fuel cell, or battery facilities shall comply with the regulations of the most applicable R-1 zoning district, as determined by the planning director. (Ord. 1880, 2003; prior code § 2-8.33)~~

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18.68.100 Grading.

Any land located within a PUD district which does not have an approved development plan shall not be graded or have fill placed upon it without first obtaining an entitlement subject to Chapter 18.20 a conditional use permit pursuant to Chapter 18.124 of this title, unless otherwise determined by the director of community development that such request would be in keeping with protection of the public health, safety and general welfare. ~~(Prior code § 2-8.34)~~

18.68.110 Development plan.

A. Purpose.

The development plan is intended to provide to the city a comprehensive plan of the proposed development to ensure that the intent and purposes of the planned unit development district are effectuated. The development plan may proceed as a single program or in phases, but in either situation, it is part of the entire PUD zoning process.

B. Considerations.

In recommending approval of, or in approving a PUD development plan, the planning commission and city council should consider the following:

1. Whether the plan is in the best interests of the public health, safety and general welfare;
2. Whether the plan is consistent with the city's general plan and any applicable specific plan;
3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site;
4. Whether any grading to be performed within the project boundaries takes into account the environmental characteristics of the property and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding to have as minimal an effect upon the environment as possible;
5. Whether streets, buildings, and other manmade structures have been designed and located in such a manner to complement the natural terrain and landscape;
6. Whether adequate public safety measures have been incorporated into the design of the plan;
7. Whether the plan conforms to the purpose of the planned unit development district.

C. Conditions.

In the recommendation of approval and in the approval of a PUD development plan, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare.

D. Required Data.

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Any development plan shall be accompanied by the following data prepared by a design team consisting of a registered civil engineer, ~~and either a~~ licensed architect, building designer, professional planner, licensed landscape architect or ~~landscape designer~~; ~~licensed building designer~~:

1. A site plan showing general locations of all streets, on street and off-street parking, buildings and other manmade structures and where applicable any bicycle paths, riding trails, hiking trails; typical elevations of sufficient detail to show building heights, building materials, colors, textures, and general design; and a table listing land coverages by percentage and acreage for the following: landscaped areas and natural open space; coverage by buildings, floor area ratio, parking (covered, open, off-street), streets, sidewalk; and where applicable, paths and recreational facilities;
2. A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described in subsection (D)(1) of this section; the lot lines may be omitted if building locations on the site plan make proposed lot lines obvious. The topographical map shall be at a scale no smaller than one inch equals 100 feet showing contour lines existing prior to grading at an interval of not more than 10 feet. The ~~director of planning~~director of community development, or his or her designated representative, may allow a reduction in the scale of the map or allow an increase in the contour interval when in his or her opinion the size of the parcel or its terrain requires such changes to make the map more meaningful. The director may omit the requirement for a topographical map entirely for a parcel located on land having an average slope of less than 10 percent.
3. A grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills and depths thereof and readily distinguishes between differing fills and depths; and a slope classification map showing, in contrasting colors, all land which has less than 10 percent slope, that land which has a slope between 10 percent and 20 percent and all land which has a slope greater than 20 percent. The ~~director of planning~~director of community development, or his or her designated representative, may waive the slope classification map for properties which do not have significant land areas in excess of 10 percent slope;
4. The ~~director of planning~~director of community development, or his or her designated representative, shall require, where appropriate, development profiles which show the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;
5. On the site plan or on a separate plat show any tree(s), including size and species as provided in Chapter 17.16 of this code and whether or not such tree(s) is to be removed or destroyed;
6. Sufficient dimensions to show right-of-way widths, pavement widths, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;
7. A geologic report shall be prepared by a registered civil engineer and/or a registered geologist as required by Chapter 17.12 of this code. The ~~director of planning~~director of community development, ~~after consulting with the director of engineering services~~, may require a current preliminary soils ~~and geological~~ report

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prepared by a registered civil engineer and/or a registered geologist when development is proposed in areas in excess of 10 percent average slope, there is known or suspected ground instability, high water table, or significant erosion. ~~A geologic report shall always be prepared as required by Chapter 17.12 of this code;~~

8. A detailed landscaping plan showing the natural open space, if any, which will remain upon completion of development, all existing trees and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, evidence of an irrigation system (indicating whether manual or automatic), street furniture, and fencing materials, and where applicable, dimensions and locations. If trees are located on the site, a tree report prepared by a certified arborist shall identify the type, size, health, and value of all trees on site;

9. Residential developments also shall include the following data:

- a. A calculation of the population density of the development,
- b. The location of proposed dwelling units and types,
- c. A calculation of the number of bedrooms to be constructed;

10. A specification of the permitted uses desired in the development plan. The ~~director of planning~~director of community development, the planning commission, or city council may require greater identification of specific uses;

11. Notwithstanding the requirements of this subsection, an applicant for a PUD development plan for the development of two or more acres, which development will occur in stages, may submit general information relating to subsections (D)(1) through (D)(9) of this section for review for the entire project. Unless otherwise authorized by the city council, each stage or phase of the project must be adjacent to any previously approved portion of the development plan and shall be reviewed by and approved by the planning commission and city council, in accordance with the procedure set forth herein, together with the exact, complete and detailed information required by subsections (D)(1) through (D)(9) of this section. ~~No~~A tentative subdivision map may be concurrently reviewed and approved with the pud development plan. ~~No building permit or other entitlement shall be approved or issued until such review and approval has been obtained.~~

E. Grading Control:

1. Size And Treatment.

In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases, retaining walls may be required.

2. Restrictions.

All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this

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subsection. Where applicable, drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar public improvements and amenities may be placed in natural open space areas at the time of approval of a PUD development plan. Where natural open space is disturbed for public improvements, best engineering efforts shall be undertaken to make said improvements as unobtrusive as practicable and trenched areas (and similar ground disturbances) shall be treated so as to encourage rapid regeneration of the natural coverage.

3. Landscaping.

The PUD development plan shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect. (Prior code § 2-8.35)

18.68.120 HPD process.

If a development is proposed pursuant to this chapter, which also could develop under the provisions of the hillside planned development district (Chapter 18.76 of this title), the developer shall submit with his or her application for PUD zoning and PUD development plan an explanation why the project is not requested for development pursuant to the hillside planned development district. (Prior code § 2-8.36)

18.68.130 Procedure.

A. The placement of property into the PUD zoning district may be initiated by the city council, planning commission, property owner, an authorized representative or an option holder pursuant to the provisions of this chapter.

B. The city council, planning commission, applicant or general citizen may appeal any decision approving or disapproving a request for PUD zoning, development plan approval, or modification to a development plan pursuant to the provisions of this chapter.

C. A PUD district zoning request and development plan may be processed concurrently or separately. If they proceed concurrently, only a single ordinance shall be required for approval. If they proceed separately, or if the PUD development plan proceeds in phases as provided by this chapter, separate ordinances shall be required for each process and phase of the project. The ordinance(s) required by this subsection shall be processed in the same manner as any zoning ordinance.

D. ~~No-A~~ subdivision map ~~shall~~may be processed concurrently with a PUD zoning request or PUD development plan.

E. An applicant shall file a separate application for each noncontiguous parcel upon which consideration of PUD zoning and/or a development plan is desired. For the purposes of this subsection, parcels shall be deemed to be noncontiguous if they are separated by roads, streets, utility easements or railroad rights-of-way, which, in the opinion of the ~~director of planning~~director of community development, are of such a width as to:

1. Destroy the unity of the proposed project or the ability of the parcel to be developed as a cohesive unit; or
2. Otherwise create the impression that two separate parcels or projects are being developed. (Prior code § 2-8.37)

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EXHIBIT B
DRAFT AMENDMENT TO SECTION 18.20.010 DESIGN REVIEW

18.20.010 Projects subject to design review.

In order to preserve and enhance the city's aesthetic values and to ensure the preservation of the public health, safety, and general welfare, the following projects shall be subject to discretionary design review.

A. The planning commission is empowered to review and make decisions concerning the following classes of projects:

1. All outdoor uses, new improvements and structures, or expansions thereof, proposed within all zoning districts except the PUD district.
2. Any matter referred to it by the zoning administrator for decision.
3. Appeals of items acted upon by the zoning administrator.

B. The zoning administrator shall review and make decisions concerning the following classes of projects:

1. All accessory structures which exceed 10 feet in height, measured from average ground level to the highest point on the structure.
2. Additions to single-family houses which exceed 10 feet in height, as height is defined in this title.
3. Fences, walls, and hedges greater than six feet in height, as height is defined in this title.
4. All models of single-family projects.
5. All custom single-family homes.
6. All outdoor uses, new improvements, and structures in PUD districts in which the conditions of approval specifically have delegated decision making authority over design issues to the preexisting design review board.
7. All signs.
8. All satellite earth stations and microwave dish antennas, whether located in a residential or nonresidential district.
9. Minor building additions in all districts. ~~(Minor building additions in PUD districts would continue to be treated as minor modifications, subject to staff approval with special report to the city council.)~~
10. Exterior improvements or expansions to unreinforced masonry buildings, as defined in Section 18.08.580 of this title.
11. Commercial and noncommercial towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures.
12. Commercial and noncommercial radio and television antennas and transmission towers, personal wireless service facilities, and receive-only antennas greater than 10 feet in height.
13. All covered front porches that are located in the front yard setback area in ~~the R-1, RM-straight zoned and PUD zoned residential~~ zoning districts ~~and using the PUD zoned residential properties referencing the R-1/RM~~ development standards of this code.