

ORDINANCE BILL NO. 8 FOR 2003

ORDINANCE NO. 1154

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 17.48 PERTAINING TO THE PLANNED DEVELOPMENT OVERLAY ZONE AND DECLARING A NEED FOR EXPEDIENCY.

WHEREAS, the City of Sweet Home declares a need for expediency for the purposes of protecting the health, safety and welfare of Sweet Home residents, for the health and welfare of the natural environment and for the purposes of securing short term and long term economic security for the community.

Now therefore, the City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 17.48 shall be amended to read as follows:

Chapter 17.48

PD PLANNED DEVELOPMENT ZONE

Sections:

- 17.48.010 Purpose.
- 17.48.020 Establishment in combination with the underlying zone.
- 17.48.030 Standards and Requirements.
- 17.48.040 Application.
- 17.48.050 Review Criteria.
- 17.48.060 Action by the Planning Commission.
- 17.48.070 Changes to approved plans.
- 17.48.080 Effective Date of Development Plan Approval.
- 17.48.090 Noncompliance with the Approved Development Plan

17.48.010 Purpose. The purpose of Planned Development Zone is to make possible a greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while insuring compliance with the purposes and objectives of the zoning regulations and the intent and purpose of this ordinance.

17.48.020 Establishment in combination with the underlying zone. A PD zone is an overlay zone that can be applied in conjunction with any other zone designation. Although this overlay designation permits modifications to the site development standards of the underlying zone standards, it does not permit changes in uses specified by the underlying zone. The following sub-sections allow for Planning Commission review of a detailed development plan. When a Planned Development project is proposed without a Planned Development Zone

designation, the Official Zoning Map shall be amended with a Planned Development overlay designation for the subject development site.

17.48.030 Standards and Requirements. Approval of a request for a Planned Development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

- A. A use permitted in an underlying zone may be permitted in a Planned Development.
- B. A Planned Development must meet the applicable requirements of Oregon Revised Statutes for planned developments.
- C. Public and private streets shall be developed to City standards.
- D. Pedestrian walkways and bikeways shall be provided for adequate internal pedestrian and bicycle traffic and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors, or public trails.
- E. All utility facilities shall be installed underground and in accordance with City standards.
- F. Open space areas and facilities include such things as landscaped areas, natural areas, golf courses, and other recreational facilities, but does not include streets, sidewalks, bikeways, access corridors, or trails.
- G. A facility providing services in support of uses within a Planned Development may be permitted in any zone within the Planned Development. Services in support may include such services as housekeeping, landscape maintenance, security, meeting rooms, clubhouses, swimming pools, tennis courts, catered food service facilities, parking, offices, and related facilities for staff, administrators, owners associations, and owners and their guests.
  - 1. Provisions shall be made to buffer these uses from incompatible uses on adjoining properties.
- H. Phases, if proposed, shall be:
  - 1. Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
  - 2. Arranged to avoid conflicts between higher and lower density development;
  - 3. Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
  - 4. Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.

17.48.040 Application. The person filing the application must be the owner, or their agent. If the Planned Development is to include land in more than one ownership, the application must be submitted jointly by all of the owners of the separately owned properties to be included.

- A. Application Requirements:
  - 1. One copy of the narrative on 8.5" by 11" sheets; and
  - 2. Four sets of scaled drawings of the conceptual development plan, with sheet size not to exceed 24" by 36". Where necessary, an overall plan with additional detail sheets may be submitted; and
  - 3. One set of the development plan shall be reduced to fit on 8.5" by 11" sheets of paper. Names and numbers must be legible on this sheet size.
  - 4. After the application is accepted as complete, any revisions may require a new application, additional filing fees, and rescheduling of the public hearing.
- B. Development Plan Required: All applications shall be accompanied by a Development Plan drawn to scale showing the following:
  - 1. Use or uses,
  - 2. Dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, open spaces, including landscaping.
  - 3. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses.
  - 4. Such other pertinent information shall be included as may be considered necessary by the Review Authority to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance and the Subdivision Ordinance.
- C. Narrative Requirements: A written statement shall include the following information:
  - 1. A description of the character of the proposed development;
  - 2. Analysis of how the application meets the review criteria;
  - 3. Intentions with regard to ownership in the Planned Development;
  - 4. Quantitative data for the following where appropriate:
    - a. Total number and type of dwelling units;
    - b. Parcel sizes;
    - c. Proposed lot coverage of buildings and structures where known;
    - d. Gross densities per acre;
    - e. Total amount of open space;
    - f. Total amount of nonresidential construction.
  - 5. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements;
  - 6. Statement describing project phasing, if proposed.

17.48.050 Review Criteria: Requests for approval of a Planned Development shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.

- A. The project will be compatible with adjacent developments, with consideration of the following factors, if applicable:
  - 1. Basic site design, including the organization of uses on a site;
  - 2. Visual elements (scale, structural design and form, materials, and so forth);
  - 3. Noise reduction;
  - 4. Noxious odors;
  - 5. Lighting;
  - 6. Signage;
  - 7. Landscaping for buffering and screening;
  - 8. Traffic;
  - 9. Effects on off-site parking; and
  - 10. Effects on air and water quality.
- B. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and their ability to carry out the project as proposed.
- C. Construction can begin within six months of the conclusion of any necessary action by the City, or within such longer period of time as may be established by the Planning Commission.
- D. The proposal conforms with location and general development standards of the City.
- E. The project will benefit the City and the general public in terms of need, convenience, service and appearance so as to justify any necessary variances to the regulations of the Zoning and Subdivision Ordinance.
- F. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required on or off site.
- G. The project will satisfactorily take care of sewer and water needs consistent with City policy and plans.
- H. A Planned Development in a Residential Zone will not result in a higher density than permitted by the Comprehensive Plan for the underlying zone.

17.48.060 Action and findings by Planning Commission . The Planning Commission shall conduct a public hearing in accordance with SHMC 17.12. Following the close of the hearing the Planning Commission shall either approve, conditionally approve, or deny the Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria. A Planned Development as authorized shall be subject to all conditions imposed and shall be varied from other provisions of this ordinance only to the extent specified in the approval.

17.48.070 Changes to approved plans. An applicant may petition for review of an approved Development Plan for the purpose of modifying that plan. The petition must include a statement of the reasons for any changes, as well as graphical and text representations of the proposed changes.

- A. Major Changes: When determined by the Community Development Director that the proposed change is a Major change from one or more of the review criteria listed above, a hearing with notice as required in SHMC 17.12 shall be scheduled before the Planning Commission. In reviewing the proposed modification, the Planning Commission shall follow the procedure required for submittal and review of a new plan. The Planning Commission may consider the redesign of the development plan in whole or in part.
- B. Minor Changes: When the Community Development Director determines that proposed modifications of a plan reduce negative effects or have no effect on the surrounding area, they may be reviewed and approved as an administrative action.

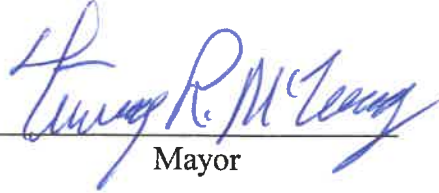
17.48.080 Effective Date of Development Plan Approval. The following effective dates apply to a Planned Development approval. The Planning Commission may establish different time frames.

- A. Construction must begin within 6 months of the conclusion of any necessary action by the City.
- B. Approval of a Development Plan shall be valid for a 3-year period from the date of approval without documented progress to complete implementation of an approved Development Plan.
- C. The Planning Commission may permit implementation of the Development Plan in phases.
- D. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed 2 additional years.

17.48.090 Noncompliance with the Approved Development Plan. If the Community Development Director determines that the development substantially differs from the approved plans, the Community Development Director shall notify the developer, Code Enforcement Officer and the Building Official in writing. Enforcement of the approved development plans will proceed under the available processes.

Section 2. Expediency: It is in the best interest and benefit of the City that this ordinance becomes effective immediately, as set forth in the City of Sweet Home Charter, Section 29. Therefore, this ordinance shall be in full force and effect after the passage by the Council and approval by the Mayor.

PASSED by the City Council and approved by the Mayor this 23rd day of September, 2003.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager - Ex Officio City Recorder