

CHAPTER 165.46 R-PDOD RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT

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165.45.010 Intent

The R-PDOD, Residential Planned Development Overlay District, shall be an overlay district designated on any of the R Districts and limited to the overall densities permitted therein. The basic requirement for the District shall be those of the underlying district except for those modifications specifically authorized under the R-PDOD, Residential Planned Development Overlay District.

The R-PDOD, Residential Planned Development Overlay District, is established to promote to the extent possible:

1. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of other sections of this ordinance.
2. Permanent preservation of common open spaces and recreation areas and facilities.
3. A pattern of development to preserve natural vegetation, topographic and geologic features.
4. A creative approach to the use of land and related physical facilities that result in better development, design, and in the construction of aesthetic amenities.
5. An efficient use of the land resulting in more economic networks of utilities, streets and other facilities.
6. Land use which promotes the health, safety, comfort, morals and welfare of the City’s residents.
7. Private streets and other common grounds to be maintained by the residents of the area designated.
8. Golf, equestrian, agricultural, health and other activity related living environments.
9. Clustering, or zero-lot line, configurations.

The R-PDOD, Residential Planned Development Overlay District, is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but depart from the normal standards and requirements of other sections of this ordinance. The planned development may provide for modifications in standards within the parameters of the underlying district and uses of facilities that require additional safeguards above those permitted by right in the underlying district. Such development may consist of conventionally subdivided lots to provide for development by land use and zoning plan which establishes the location and extent of the features of the planned development in keeping with the purpose of the plan. The foregoing purposes and principles shall not be interpreted to permit the reduction of standards set forth in this section.

165.46.020 Application of Provisions

The District shall be an overlay district designated on any of the R Districts and limited to the overall densities permitted therein. The basic requirement for the District shall be those of the underlying District except for those modifications specifically allowed under the R-PDOD, Residential Planned Development Overlay District.

Planned development housing shall be permitted in R zones as follows:

1. For an undeveloped area of five acres or more.
2. For development of areas containing less than five acres but more than three acres where the existence of environmentally sensitive areas or natural features, unusual topographical configurations, the age of existing development, and/or scenic assets that affect land that is completely surrounded by development that makes the planned housing development more appropriate and efficient than conventional development.

165.46.030 Procedure

A. The developer shall delineate the reason(s) for requesting a R-PDOD, Residential Planned Development Overlay District, designation including identifying those unique characteristics that make the site suitable for such an overlay designation.

B. Pre-Application. In order to eliminate unnecessary expenditures of time and funds, the developers shall present to the Zoning Administrator a Pre-Application including a sketch plan. The Zoning Administrator will invoke any City Staff Department Heads as necessary to review the Pre-Application and sketch plan. This sketch should show the generalized overall plan for development of the R-PDOD, Residential Planned Development Overlay District area. Included as part of the overall sketch plan should be the following elements:

1. Application and size of site.
2. Existing tree masses and other geological and environmentally important characteristics.
3. Generalized vehicular and pedestrian systems and parking areas.
4. Generalized building locations.
5. Approximate gross density, and number and types of dwelling units “in accordance with the comprehensive plan.”
6. Generalized proposed public and private ownership boundaries, including common ownership areas, if any.
7. Proposed general arrangement of the residence and any special features or structures. The relationship of special features or structures to existing dwellings not in the proposed development.
8. Generalized summary of covenants.
9. Such other information as may be deemed necessary to evaluate the proposed development.

10. A fee shall be paid at the time the Pre-Application plan is submitted to the Building Official in an amount to be established by resolution of the City Council.

The building Official and city staff shall have a period of 15 days from which to review and comment on a Pre-application and sketch plan.

165.46.040 Application for Rezoning to R-PDOD Residential Planned Development Overlay District

Following the Building Official and City staff review and comment of the Pre-Application and sketch, which shall include a determination of the property format of the R-PDOD, Residential Planned Development Overlay District, the applicant shall submit a Preliminary Application for rezoning to the Planning and Zoning Commission. The following information, drawings, and data shall accompany the application:

A. Legal documents as required by the current City of DeWitt checklist for all rezoning applications.

B. Master plan which schematically defines vehicular and pedestrian circulation, building locations, parks, open spaces and the proximate area of each. The City recommends the owner consult a qualified professional to assist in the preparation of the master plan. The master plan shall provide in graphic or written form information relating to the following development aspects:

1. Written and/or graphic explanation of concepts which the owner intends to follow as a guide to design and implement the proposed development. This concept shall provide justification for requesting R-PDOD, Residential Planned Development Overlay District, development zoning, in lieu of conventional zoning and include an itemized list of minimum lot areas width, depth and setback distances and any other variations from the minimum City standards and regulations.
2. Existing topography with proposed modifications, storm sewer water runoff calculations, any problem drainage way areas as so indicated.
3. Utility line location with sanitary sewer capacity calculations, limitations, and any noted.
4. Location and area of proposed open space areas.
5. Copies of any covenants to which the development will be subject.
6. The date certifying that the development conforms to maximum densities governed by the underlying residential zoning classification.
7. Any proposed phasing and a construction time table.
8. Ownership structure for common areas or park and open space areas.
9. A copy of design standards and limitations considerations for architecture, engineering, landscaping, lighting and park and open space elements. Copies of any covenants that will provide insight into the character and operation of the proposed development should be submitted.

The Planning and Zoning Commission shall in writing, give reasons for its actions to:
(a) Recommend approval, or (b) Recommend denial of the Preliminary Application for rezoning, within 30 days after receipt of the submittal for rezoning. Immediately after action by the Planning and Zoning Commission, the City Council shall establish a date and time for public hearing and shall approve or reject the Preliminary Application within 60 days after the Planning and Zoning Commission action. In the event the original Preliminary Application is denied, the applicant may resubmit an original application, but not until one year from the date of

the original submittal to the Building Official. If the rezoning is approved, the applicants shall submit a final plan and/or final site plan for approval by the Planning and Zoning Commission and the City Council will within six months of the date of official publication authorizing the rezoning. The R-PDOD, Residential Planned Development Overlay district, zoning shall be considered null and void unless the owner petitions for the Planning and Zoning Commission and the City Council for an extension for reasons beyond his control.

165.46.050 Other Conditions

Other conditions may be imposed if found necessary to protect and promote the best interest of the surrounding property or the neighborhood. Such conditions include, but are not limited to, the following:

- A. Improvement of traffic circulation for vehicles and pedestrians in the proposed development and adjoining properties and streets.
- B. Specific landscaping requirements to maintain privacy or reduce impact on adjoining properties.
- C. Any unique attributes or modifications from the underlying residential zoning classification shall not impose undue odors, unsightliness or other nuisances on the abutting property owners.
- D. A variance from the provisions regulating the presence of horses within the City limits may be allowed subject to the Council's determination as to the number, location and housing of said animals.
- E. Site plan shall be required in accordance with Section 165.75.022, Site Plan Provisions.

165.46.060 Final R-PDOD Residential Planned Development Overlay District Plan

Application for approval of the final R-PDOD, Residential Planned Development Overlay District Plan shall meet all of the requirements of the preliminary R-PDOD, Residential Planned Development Overlay District Plan and meet the documentation specifications of the subdivision regulations where applicable. The fee in such amount as may be established from time to time by resolution shall be paid at the time the Final Plan is submitted to the Clerk. Final approval of any R-PDOD, Residential Planned Development Overlay District Plan shall be by administrative review before the City Council. Approval shall be based on compliance with any approved preliminary R-PDOD, Residential Planned Development Overlay District Plan and any modifications required by the Planning and Zoning Commission and the City Council. After approval of the Final Plan, permits may be issued to carry out the approved plan. Material changes to an approved R-PDOD, Residential Planned Development Overlay District Plan must be approved by ordinance.

165.46.070 Building Permits

The approved Final Plan for the entire development and/or any sub-areas shall be filed in the Building Official's Office, and building permits may be issued only for structures conforming to the R-PDOD Residential Planned Development Overlay District Plan. Minor changes in building arrangements that do not substantially alter the character of the development are permissible without further City Council action. Any other changes, including changes in street locations, land use and building arrangements, shall be considered as material changes to the approved plan. Such changes must be approved as amendments in accordance with Section 165.83 of this ordinance.