

PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report
6/20/11

ITEM NO. 2 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; PLANNED DEVELOPMENT OVERLAY DISTRICT (MJL)

TA-3-4-11: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6 & 7, regarding revisions to the district criteria and development standards in the Planned Development Overlay District. *Initiated by City Commission on 4/5/11. Deferred by Planning Commission on 5/25/11.*

Report revised from May 25, 2011 Report

<p>RECOMMENDATION: Staff recommends that the Planning Commission give direction on the minimum area requirement, density calculation and parking and loading standards and forward a recommendation for approval of the proposed amendments to the City Commission.</p>
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Reason for Request: To make the PD overlay more useable for smaller properties.

RELEVANT GOLDEN FACTOR:

- The amendment is in conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- LAN letter
- Kirk McClure letter dated 5/23/11
- Marci Francisco letter dated 5/23/11
- League of Women Voters letter dated 5/22/11

OVERVIEW OF PROPOSED AMENDMENT

The request considered on May 25th included reducing the minimum area of a PD Overlay District from 5 acres to 0 acres, and to modify standards to allow for lesser setbacks if the base district of adjacent properties is the same as the base district of the proposed PD Overlay. The request also proposed to permit a potential density modification to calculate 2-bedrooms or smaller units in multi-dwelling structures as .5 dwelling units for overall density calculations. The PC provided direction to staff on May 25th, see Staff Review section of this report for a discussion on revisions.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 speaks to infill development that is compatible to the surrounding development and aesthetics. PD Overlays allow greater flexibility and can help to achieve the goals and policies of the plan.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

Applicant Response:

The proposed amendment does not correct an error in the development code but allows more flexibility regarding the location of PD developments.

This amendment does meet the challenge of a changing condition. It has become more important to develop land responsibly in order to reduce urban sprawl. By allowing a PD to develop with a minimum lot size of 0 acres, as long as it meets the base district zoning requirements, responsible urban and infill development can occur in appropriate locations. We believe the PD may be a valuable tool in order to deal with infill, redevelopment and new development in unique areas of Lawrence. A PD district should allow flexibility to address conditions affecting the proposed development. One tool that will allow flexibility is staffs proposed definition of density per unit which reads, " To calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 or more bedroom units count as 1 dwelling unit " should be included as part of this TA in order to encourage developers to build 1 and 2 bedroom units. The existing PD setbacks requirement may work on the current minimum site of 5 acres however, on a smaller lot the setbacks are not feasible and will need modified to allow PD development on sites in an established neighborhood, i.e. 20-701(f)(4)(i) will need to be revised because as it currently reads this section would require a much larger setback between a PD district and adjacent district, even if they are both in a RM base district.

Staff Response:

Staff believes that the proposed changes are correcting an error in the code. Under the previous code, the planned development was its own zoning district and was used frequently with little predictability and very detailed standards. With the adoption of the Land Development Code, the planned development option became an overlay which relies more on the standards of the base district. With this being the case, some of the previous code standards for a PD transferred over to the current code such as peripheral boundaries, and additionally increased the minimum area for the district from 2 acres to 5 acres. All of these standards have hindered the utilization of the PD overlay in infill situations where the concept of a PD overlay would be a useful tool.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Applicant Response:

Horizon 2020 states in several areas that infill development is encouraged. Updating the PD minimum acreage to 0 would allow a way for Horizon 2020's goals to be met. Horizon 2020 page 5-1 states, "Infill residential development should be considered prior to annexation of new residential areas." It further states, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments." Page 5-5 states, "A range of densities and housing types should be encouraged" and page 5-29 states, "Encourage new and existing medium and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas."

The proposed amendment is consistent with the Development code in that it does not endanger the health, safety and general welfare of the citizens of Lawrence.

Staff Response:

Horizon 2020 supports compatible infill development which is a stated purpose in the Development Code. With the PD Overlay, there is the opportunity for flexibility in the development in order to

achieve greater compatibility with the surrounding existing development. Having a well planned development that fits in with the surrounding properties protects, enhances and promotes the general welfare of the citizens of Lawrence.

Staff Review

At the May 25th Planning Commission meeting, the Commission discussed three items regarding the proposed text amendment and asked staff to provide more information and revise the language for additional discussion. The three items were the minimum district size, ability to increase as well as decrease parking, and the calculated density amendments. Below is a discussion of options for these changes.

- **Section 701(e) Minimum District Size**

The original request from the applicant was to revise the minimum district size from 5 acres to no minimum. Staff is comfortable with the requested 0 acre minimum as the base district has density and dimensional standards which include minimum lot area requirements (smallest is the RS3 which is 3,000 sq ft). The purpose of overlay districts are that the base district holds the regulations and the overlay district is used to alter some of those regulations to meet a specific goal. Below are some options if the Commission feels a minimum district size is appropriate.

- 3,000 square feet: Utilizing the PD Overlay for 1-3,000 square foot may not be realistic considering the potential cost and time involved in a PD Overlay process when traditional variances would potentially be a better way to address the proposed variance in regulations.
- 5,850 square feet: The size of an Original Town Center lot.
- 11,700 square feet: The size of two Original Town Center lots.
- ½ acre (21,780 square feet): Would equate out to just over 4 Original Town Center Lots (23,400 sq ft).
- 1-2 acres with the provision that the City Commission can reduce the size with justification. This was a provision in the previous code Planned Development section. Below is the previous code language. Something similar could be drafted.

20-1003(b)(2) Notwithstanding the provisions of Section 20-1003(b)(1) an application for a Planned Commercial Development on a tract less than two acres may be filed and a public hearing shall be held thereon, as hereinafter provided, but no tentative approval of such application shall be given by the Planning Commission unless it shall first find, upon a showing by the landowner, that the minimum number of acres required in Section 20-1003(b)(1) should be waived because a Planned Commercial Development would be in the public interest, and that two or more of the following conditions exist:

(A) Such usage of the property would be consistent with the adopted comprehensive plan of the city;

(B) The property is adjacent to property which has been developed or redeveloped under the Planned Commercial Development District provisions of this article, and a Planned Commercial Development expansion would contribute to the maintenance of the amenities and values of the neighboring property;

(c) The property is adjacent to or across the street from property which has been developed or redeveloped for commercial purposes and which would not create conditions leading to a continuous linear extension of commercial usage or encroachment into an established residential area; or,

(D) Such use would not impose an adverse impact on any public facilities, utilities, transportation or storm drainage system or upon adjacent property.

- **Section 701(f)(3) Residential Density**

This section added the previously proposed text change from the RM32 District text amendment (TA-6-8-10 has been withdrawn) and included an example table. This density calculation is in addition to the potential increase by the CC for up to 25% that is already permitted in the section and only for multi-dwelling structures. The original argument with the proposed .5 calculation is that a developer was that the same number of bedrooms could be obtained within the same building shell, even though there would be more dwelling units.

The Planning Commission asked staff to look at different ranges of calculating the density due to public comment that most development would simply contain all 2-bedroom units. Examples of different ranges are given below in a table form. The tables show 3 different calculations:

- .5 for 2-bedroom and under,
- .75 for 2-bedroom and .5 for 1-bedroom and studio, and
- .6 for 2-bedroom and .4 for 1-bedroom and studio.

Please note that the examples are pure and not a mix of unit types which is likely. It is assumed in all the examples that lot size is held constant and all other code requirements can be met.

.5 dwelling units for 2-br and less							
Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (square feet)	Parking 1/br + 1/10du	Actual # of Dwelling Units with PD Overlay	Potential du with PD Overlay – 25% increase + calc. (calc. du)
4-bedroom units	20	20	$20 * 4 = 80$	$20 * 50 = 1,000$	$80 + 2 = 82$	$20 + 25\% = 25$	$20 + 25\% = 25$
2-bedroom units	40	$40 * .5 = 20$	$40 * 2 = 80$	$20 * 50 = 1,000$	$80 + 4 = 84$	$40 + 25\% = 50$	$(40 + 25\%) * .5 = 25$

.75 dwelling units for 2-br and .5 dwelling units for 1-br and studio							
Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (square feet)	Parking 1/br + 1/10du	Actual # of Dwelling Units with PD Overlay	Potential du with PD Overlay – 25% increase + calc. (calc. du)
4-bedroom units	20	20	$20 * 4 = 80$	$20 * 50 = 1,000$	$80 + 2 = 82$	$20 + 25\% = 25$	$20 + 25\% = 25$
2-bedroom units	27	$27 * .75 = 20$	$27 * 2 = 54$	$20 * 50 = 1,000$	$54 + 3 = 57$	$27 + 25\% = 33$	$(27 + 25\%) * .75 = 25$
1-bedroom units	40	$40 * .5 = 20$	$40 * 1 = 40$	$20 * 50 = 1,000$	$40 + 4 = 44$	$40 + 25\% = 50$	$(40 + 25\%) * .5 = 25$

.6 dwelling units for 2-br and .4 dwelling units for 1-br and studio							
Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (square feet)	Parking 1/br + 1/10du	Actual # of Dwelling Units with PD Overlay	Potential du with PD Overlay – 25% increase + calc. (calc. du)
4-bedroom units	20	20	$20 * 4 = 80$	$20 * 50 = 1,000$	$80 + 2 = 82$	$20 + 25\% = 25$	$20 + 25\% = 25$
2-bedroom units	34	$34 * .6 = 20$	$34 * 2 = 68$	$20 * 50 = 1,000$	$68 + 4 = 72$	$34 + 25\% = 42$	$(34 + 25\%) * .6 = 25$
1-bedroom units	50	$50 * .4 = 20$	$50 * 1 = 50$	$20 * 50 = 1,000$	$50 + 5 = 55$	$50 + 25\% = 62$	$(50 + 25\%) * .4 = 25$

- **Section 701(i) Parking and Loading**

Changes allow for a decrease or increase in parking by the CC for residential uses and decrease in non-residential uses with the submission of a parking study. The original text permitted a decrease for any use by the CC.

- (i) **Parking and Loading**

The City Commission may decrease or increase the number of off-Street Parking and loading spaces required for residential uses for good cause shown. The City Commission may decrease the number of off-Street Parking for non residential uses with the submission of a parking study prepared by the applicant as outlined in Section 20-905(b). Parking and loading areas shall comply with all otherwise applicable design standards.

Attached is the draft language in the code sections. The sections that the Planning Commission requested more information on are highlighted and staff will revise these sections accordingly with the Planning Commission recommendation before forwarding the text amendment to the City Commission.

Staff Recommendation

Staff recommends that the Planning Commission give direction on the minimum area requirement, density calculation and parking and loading standards and forward a recommendation for approval of the proposed amendments TA-3-4-11 to Land Development Code to the City Commission.

20-602 MEASUREMENT OF AND EXCEPTIONS TO DENSITY AND DIMENSIONAL STANDARDS

(a) Generally

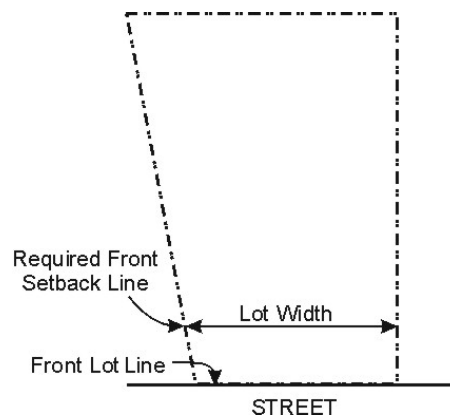
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) Lot Area

The area of a Lot includes the total horizontal surface area within the Lot's boundaries, not including submerged lands, public Access Easements or rights-of-way. For Nonconforming Lots, see Section 20-1504.

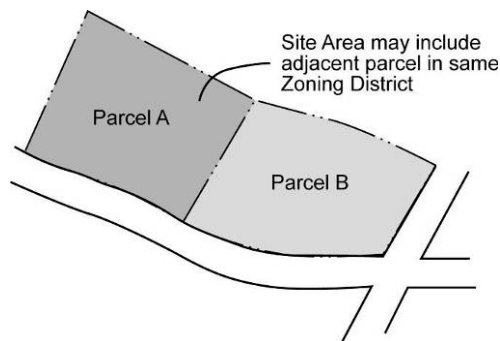
(c) Lot Width

Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.



(d) Site Area

For purposes of Minimum and Maximum Site Area requirements, site area is the total contiguous land area included within a Zoning District. For example, if the minimum site area requirement of a Zoning District is 2 acres, no property may be rezoned to that District unless it includes a minimum site area of 2 acres or it abuts another Parcel in the same Zoning District and the site area of the combined Parcel is at least 2 acres in area. If there is a maximum site area requirement, no property may be rezoned to that Zoning District unless the maximum site area, including the site area of abutting Parcel in the same Zoning District, does not exceed the maximum site area for that Zoning District.

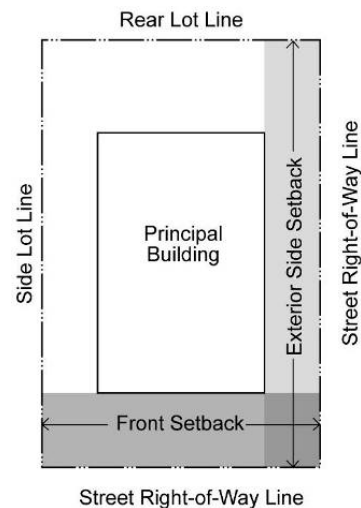


(e) **Setbacks and Required Yards**

(1) **Front and Exterior Side Setbacks**

Front and **Exterior Side Setbacks** extend the full width of a **Lot** and are measured from the Street right-of-way line. The Front and **Exterior Side Setbacks** will overlap at the outside corner of the **Lot**. The following exceptions apply:

- (i) In any District where 35% or more of the **Frontage** on one side of a Street between two intersecting Streets is improved with **Buildings** whose **Front Setbacks** do not vary more than 15 feet from the required **Front Setbacks** of the **Base District**, any new **Building** erected may comply with the average **Front Setback** of the existing **Buildings**.
- (ii) The widths of developed Lots will be used to determine the percentage of **Frontage** that is developed.
- (iii) The actual **Setbacks** of **Buildings** fronting on the Street will be used to determine the average **Front Setback**.



(2) **Rule for Through Lots**

A **Through Lot** shall have two **Front Setbacks**, at opposite ends of the **Lot**. The **Front Setback** provisions of this section shall apply to both. Other sides of a **Through Lot** shall be subject to **Side Setback** standards.

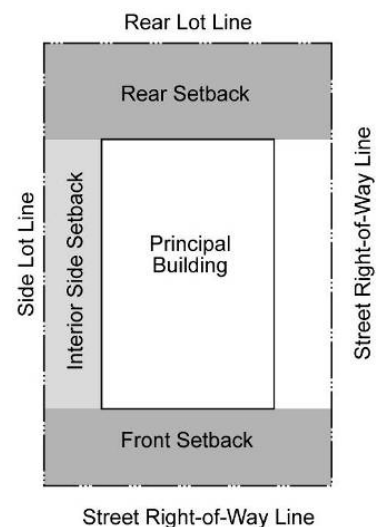
(3) **Interior Side Setbacks**

(i) **Measurement**

Interior Side Setbacks extend from the required **Front Setback** line to the required **Rear Setback** line and are measured from the **Side Lot Line**. If no Front or **Rear Setback** is required, the required **Setback** area shall run to the opposite **Lot Line**.

(ii) **Exception**

The width of one **Interior Side Setback** may be reduced by the **Planning Director** to a width of not less than 3 feet if the sum of the widths of the two **Interior Side Setbacks** on the same **Lot** is not less than the combined required minimum for both **Side Setbacks**. This reduction may be authorized only when the **Planning Director** finds the reduction is warranted by the location of existing **Buildings** or conducive to the desirable



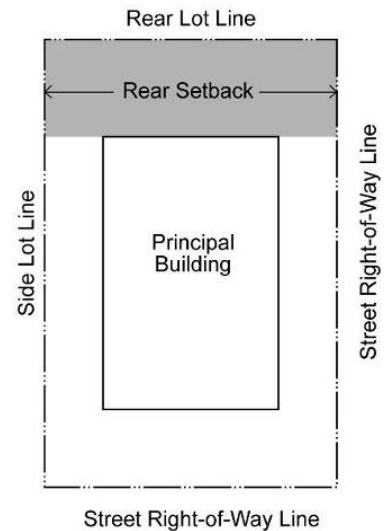
development of two or more Lots.

(4) **Rear Setbacks**

(i) **Measurement**

Rear Setbacks extend the full width of the **Lot** and are measured from the **Rear Lot Line**.

- a. In calculating the required depth of a **Rear Setback** abutting an **Alley**, the **Rear Setback** may be measured from the centerline of the abutting **Alley**.
- b. On **Corner Lots** in RS10 and RS7 Districts, **Structures** may be located at an angle, with the long axis of the **Lot** facing the intersecting **Street Lines**. In such cases, the Front and **Side Setback** standards of Section 20-216(d) apply, but the minimum **Rear Setback** is reduced to 20 feet.



(5) **Setbacks for Speaker Box Systems**

There shall be a minimum of one hundred (100) feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(i) **Screening**

- (ii) Any area intended or employed for a use that requires Special Use approval under Article 4 shall be located at least 50 feet from any residential **Lot** or District or be so Screened as to provide visual and auditory privacy to such **Lot** or District.

(6) **Permitted Exceptions to Required Yard and Setback Standards**

Required Yards and **Setbacks** shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

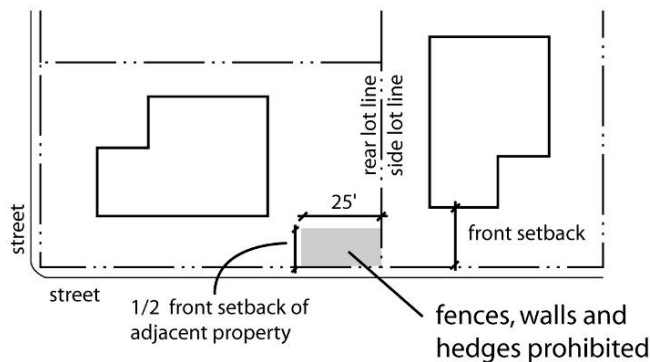
- (i) Cornices, canopies, eaves or other architectural features may project into **Required Yards** up to 2.0 feet.
- (ii) Unenclosed fire escapes may project into **Required Yards** and/or **Setbacks**, provided that they are set back at least 3 feet from all **Lot Lines**.
- (iii) An uncovered stair and necessary landings may project into **Required Yards** and/or **Setbacks**, provided that they are set back at

least 3 feet from all [Lot Lines](#), and the stair and landing may not extend above the entrance floor of the [Building](#) except for a railing not exceeding 4 feet in [Height](#).

- (iv) Bay windows, balconies, and chimneys may project into [Required Yards](#) and/or [Setbacks](#) up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the [Building](#) wall on which they are located.
- (v) Mechanical [Structures](#) are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical [Structures](#) are not allowed in required Front or [Side Yards](#), but they may be located in required [Rear Yards](#) if they are located at least 5 feet from the [Rear Lot Line](#).
- (vi) Vertical [Structures](#) are items such as flag poles, trellises and other garden [Structures](#), play [Structures](#), radio [Antennas](#), and lamp posts. Vertical [Structures](#) are allowed in [Required Yards](#) if they are no taller than 30 feet. If they are taller, they are not allowed in required [Setbacks](#), except that flag poles are allowed in any [Required Yard](#).
- (vii) Uncovered horizontal [Structures](#) are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required [Setbacks](#); such [Structures](#) may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.
- (viii) Covered Accessory [Structures](#) ([Buildings](#)) are items such as garages, greenhouses, storage [Buildings](#), wood sheds, covered decks, coops for fowl, and covered porches. Covered Accessory [Structures](#) that are six feet or less in [Height](#) are allowed in required Side and [Rear Yards](#), and covered Accessory [Structures](#) greater than six feet in [Height](#) are allowed in the required [Rear Yard](#) where an [Alley](#) abuts the [Rear Lot Line](#), but no covered Accessory [Structure](#) is allowed in a required [Front Yard](#).

In addition, coops for fowl shall meet all [setback](#) requirements established in Article 5 of Chapter III of the City Code. [Setback](#) standards contained in Article 5 of Chapter III of the City Code are not subject to Board of Zoning Appeals review.

- (ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any **Required Yard**, except:
- as otherwise provided in City Code Chapter 16, Article 6; and
 - on **Corner Lots** with a **Rear Lot Line** that abuts a **Side Lot Line** of another **Lot** in a Residential District, no fence, wall or hedge within 25 feet of the common **Lot Line** may be closer to the **Exterior Side Lot Line** than one-half the depth of the actual **Front Setback** of the **Lot** that fronts on the side Street.



(7) **Setbacks Along Designated Thoroughfares**

The minimum Front and **Exterior Side Setbacks** for each **Lot** that abuts a Street shown on the Lawrence/Douglas County MPO Transportation Plan, as amended, shall be measured from the recommended ultimate right-of-way line for each classification of Street.

(f) **Building Coverage**

Building coverage refers to the total area of a **Lot** covered by **Buildings** or roofed areas, as measured along the outside wall at ground level, and including all projections, other than **Open Porches**, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as **Building** coverage.

(g) **Outdoor Area**

(1) **Purpose**

The required outdoor area standards assure opportunities for outdoor relaxation or recreation. The standards help ensure that some of the land not covered by **Buildings** is of an adequate size, shape and configuration to be useable for outdoor recreation or relaxation. The requirement for outdoor area serves as an alternative to a large **Rear Setback** and is an important aspect in addressing the livability of a residential **Structure** on a small **Lot**.

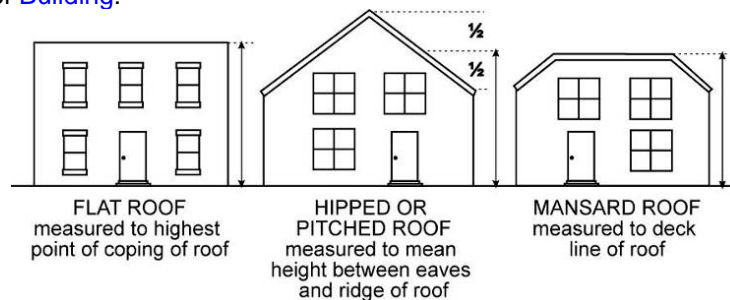
(2) **Requirements**

- (i) The minimum outdoor area for each **Dwelling Unit** shall be a contiguous area and may be on the ground or above ground.
- (ii) The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. **Driveways** and **Parking Areas** may not be counted toward fulfillment of the outdoor area requirement.
- (iii) The required outdoor area may not be located in the required **Front Setback** or **Exterior Side Setback**.

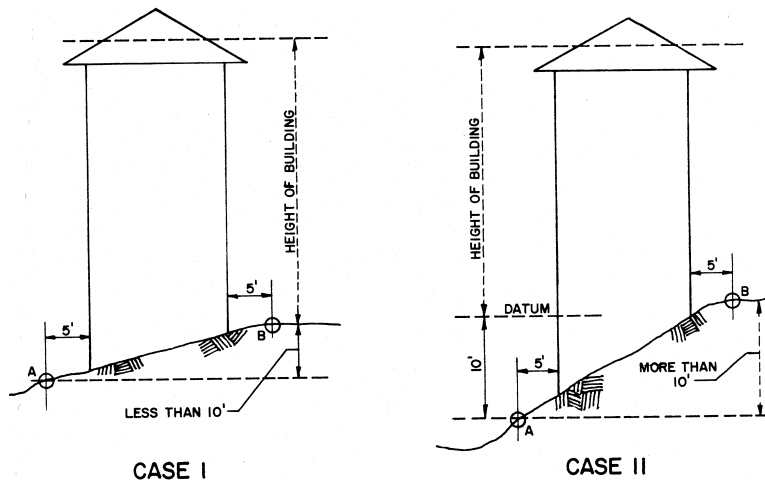
(h) **Height**

(1) **Measurement**

Building Height is measured as the distance between a reference datum and (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average **Height** of the highest gable of a pitched or hipped roof. The reference datum is either of the following, whichever yields a greater **Height** of **Building**:



- (i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the **Building** when such sidewalk or ground surface is not more than 10 feet above lowest **Grade**. (See "Case I" in accompanying illustration.)
- (ii) An elevation 10 feet higher than the lowest **Grade** when the sidewalk or ground surface described in sub-paragraph Section 20-602(h)(1)(i) above is more than 10 feet above lowest **Grade**. (See "Case II" in accompanying illustration.)



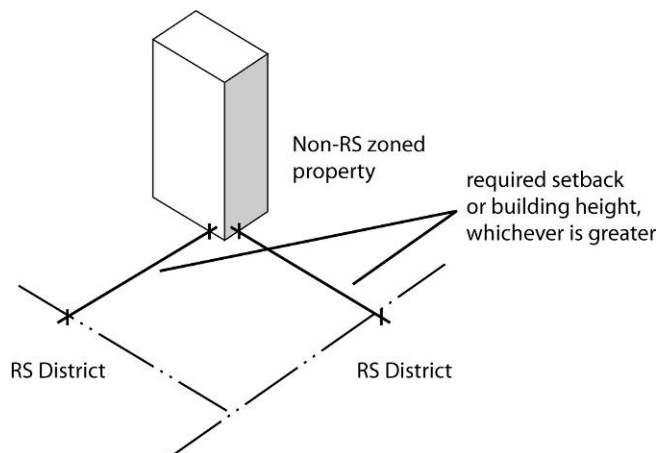
(2) **Height Limit on Projects Adjoining Certain Residential Zoning Districts**

(i) **Applicability**

The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.

(ii) **Height Limit Related to Setback**

Any Building or Structure to which this Section is applicable shall be set back from the ~~Yard-property~~ line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the ~~Building or Structure on the adjoining maximum permitted height of the adjoining RS Lot~~. When the Height of the Building or Structure exceeds the ~~Height of the Building or Structure on maximum permitted height of~~ the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.



(3) **Exceptions**

- (i) Except as specifically provided herein, the **Height** limits of this Development Code do not apply to any roof **Structures** for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a **Building**, provided that such **Structures** do not cover more than 33% of the roof area or extend over ten (10) feet in **Height** above the maximum **Height** allowed by the **Base Districts**.
- (ii) Except as specifically provided herein, the **Height** limitations of this Development Code do not apply to radio **Antennas**, television **Antennas**, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable **Structures**, which may be erected above the **Height** limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.
- (iii) **Telecommunication Towers** may exceed the **Zoning District Height** limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

ARTICLE 7. PLANNED DEVELOPMENTS

- 20-701 PD, **Planned Development** Overlay District
- 20-702 Cluster Housing Projects
- 20-703 Open Space Standards in Cluster and **Planned Developments**

20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT

(a) Purpose

The PD, **Planned Development**, regulations are intended to:

- (1) ensure development that is consistent with the **Comprehensive Plan**;
- (2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;
- (3) allow design flexibility that results in greater public benefits than could be achieved using conventional **Zoning District** regulations;
- (4) preserve environmental and historic resources; and
- (5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

(b) Procedure

PDs shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(c) Developer's Statement of Intent

Each PD application shall include a comparison of the proposed development with the standards of the **Base District** and the otherwise applicable standards of this Development Code. Applications shall also include a Statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

(d) Effect of Other Development Code Standards

Except as expressly authorized by the regulations of this section and approved as part of a PD plan (in accordance with the procedures of Section 20-1304), all of the standards of this Development Code apply to development within a PD District.

(e) Minimum District Size

~~Minimum area for a PD district shall be five acres. There shall be no minimum acreage required for a PD district.~~

(f) Standards Eligible for Modification

As a condition of approval, the **Planning Commission** or City Commission may designate by ordinance or as a note on the face of the development plan, any specific use, **Structure** or **Building Type** which shall be restricted and excluded as part of the **Planned Development** Overlay District. The City Commission may modify

the following standards during the PD approval process. Standards not listed are not eligible for modification.

(1) **Allowed Uses**

The **Planning Commission** shall recommend, and the City Commission shall approve, a list of uses allowed in a PD at the time of PD preliminary approval. Regardless of the fact that the approved uses may be determined by reference to a **Base District**, the list of approved uses shall be incorporated into and made a condition of the PD approval. The City Commission may approve only uses that are allowed in the **Base District**, provided that:

- (i) PDs in Single-Dwelling and Multi-Dwelling (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per Dwelling Unit.
- (ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units.

(2) **Lot Size**

The minimum Lot size standards of the **Base District** may be reduced by the City Commission, provided that Lot sizes shall be adequate to safely accommodate all proposed Buildings and site features.

(3) **Residential Density**

(i) Density Increase

The City Commission may increase the maximum Net Density beyond that of the **Base District** by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

(ii) Density Calculation

For Multi-Dwelling Structures, studio, 1 bedroom and 2 bedroom units shall count as .5 Dwelling Units, and 3 or more bedroom units shall count as 1 Dwelling Unit for the purpose of calculating the maximum Dwelling Units per acre. Minimum outdoor area, as required in Article 20-601(a), shall be met based on the total calculated Dwelling Unit count and not the actual number of Dwelling Units.

Example of Actual and Calculated Dwelling Unit Count

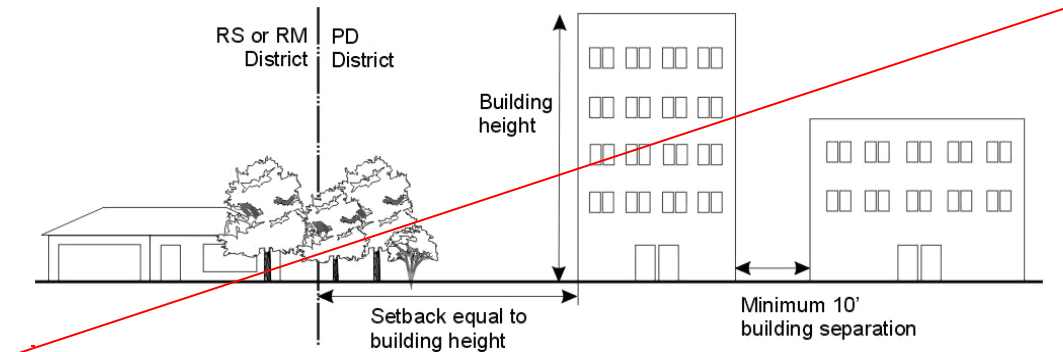
Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (square feet)
20 4-bedroom units	20	20	$20 * 4 = 80$	$20 * 50 = 1,000$

40 2-bedroom units	40	$40 * .5 = 20$	$40 * 2 = 80$	$20 * 50 = 1,000$
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(4) **Setbacks**

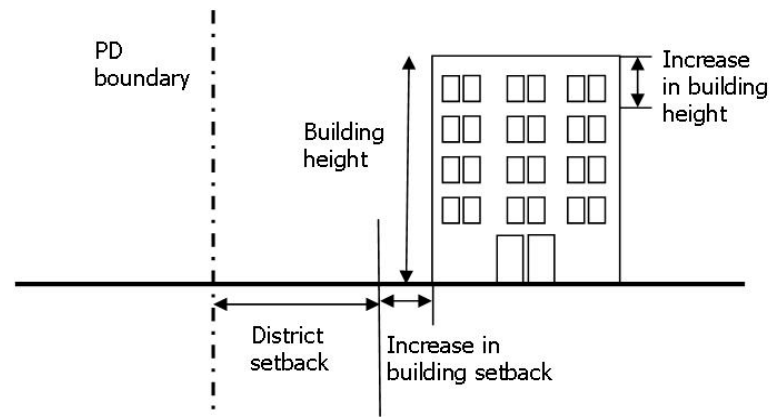
The minimum **Setback** standards of the **Base District** may be reduced by the City Commission, provided that:

- (i) ~~Buildings located within the PD, and along any District boundary that is adjacent to RS and or RM Zoning Districts shall be Setback a distance at least equal to the Height of the proposed Building. The zoning district adjacent to the PD district is more intense than the base district of the PD according to the Lesser Change Table in Section 20-1303; and~~
- (ii) All exterior walls of detached **Buildings** shall be separated by a minimum distance of 10 feet.
- (iii) Balconies shall not be located along peripheral site **Setbacks** adjacent to RS zoned properties unless privacy **Screening** and Landscaping is included in the design.



(g) **Height**

The City Commission may increase maximum **Height** limits of the **Base District** if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. **Height** increases shall be permitted only for **Buildings** set back from the boundary of the PD by the ~~Height of the proposed Building plus 25 feet Base District Setback plus the increase in the height of the Building~~, so that the primary impact of the increased **Height** is on property within the PD.



(h) **Balconies**

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a Planned Development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum Height) or a masonry wall (6' minimum Height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

(i) **Parking and Loading**

The City Commission may decrease or increase the number of off-Street Parking and loading spaces required for residential uses for good cause shown. The City Commission may decrease the number of off-Street Parking for non residential uses with the submission of a parking study prepared by the applicant as outlined in Section 20-905(b). Parking and loading areas shall comply with all otherwise applicable design standards.

~~(j) **Buffer Areas**~~

~~Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:~~

- ~~(1) use category, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and~~
- ~~(2) a landscaped buffer, including a Berm (minimum 4' in Height), a masonry wall (minimum of 6' in Height) or a fence (minimum 6' in Height).~~

~~(k)(i)~~ **Common Open Space**

(1) **Amount Required**

The PD shall include at least 20% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 50% of the Common Open Space shall be developed as Recreational Open Space unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) **General Provisions**

See Section 20-703 for General Provisions applicable to Open Space in a PD or Cluster Development.

(k) Additional Requirements and Standards

(1) Unified Control

No application for a PD will be accepted or approved unless all of the property included in the application is under unified Ownership or a single entity's control.

(2) Street Access

PDs that will generate 100 or more average daily trips (based on traffic generation estimates of the Institute of Transportation Engineers' [Trip Generation](#) Manual, 7th edition, or subsequent edition, or based on local estimates provided by the City) shall have [Access](#) to an [Arterial](#) Street using a [Frontage](#) or rear [Access](#) road or by taking direct [Access](#) to a [Collector Street](#).

Individual residential [Building Lot](#) shall not take direct [Access](#) to an [Arterial](#) Street or a non-[Residential Collector Street](#). Each individual residential [Lot](#) shall have [Frontage](#) on a public or [Private Street](#) that has been constructed to the [Public Street](#) standards of the City.

(3) Sidewalks

Sidewalks built to City specifications shall be built along both sides of all public and [Private Streets](#). On [Local Streets](#), sidewalks shall be at least 5 feet in width; on all other Streets sidewalks shall be at least 6 feet in width.

(4) Landscaping

The Landscaping and [Screening](#) standards of Article 10 apply to PDs. In addition, any part of the development area not used for [Buildings](#), [Structures](#), Parking, Streets, or [Accessways](#) shall be landscaped with a sufficient mixture of grass, vegetative Ground Cover, trees, and [Shrubs](#), except those areas designated to be preserved with natural vegetation.

(5) Preservation of Natural Features

Mature stands of trees or individually significant mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. At a minimum the common open space provisions in this section and the standards of Article 10 apply.

(6) Zoning Map

Approved PDs shall be identified on the [Official Zoning District Map](#).

(7) Additional Conditions

The [Planning Commission](#) may recommend, and the City Commission may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this Development Code. Such conditions may include limitations on the types of uses, [Structures](#) or [Building Types](#) to be allowed in the PD. When such conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

(l) Additional Standards for PD's with Residential and Nonresidential Uses

In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly

accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/[Bicycle](#) and automobile [Access](#) by way of improved sidewalks or paths and Streets that do not involve leaving the PD or using a major [Thoroughfare](#). "Directly accessible" does not necessarily mean that nonresidential uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.