

ORDINANCE NO. 294-05  
CITY OF NEW MEADOWS

AN ORDINANCE AMENDING TITLE 12 OF THE NEW MEADOWS CITY CODE, THE SUBDIVISION ORDINANCE, TO ADD AN ARTICLE 13 TO PROVIDE STANDARDS AND A PROCESS FOR PLANNED UNIT DEVELOPMENT APPLICATIONS WITHIN THE CITY OF NEW MEADOWS.

**13-6-1: PURPOSE:**

It shall be the policy to guide a major development of land and construction by encouraging planned unit development (PUD) to achieve the following:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;
- C. A development pattern, which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
- E. A development pattern in harmony with land use density, transportation and community facilities objectives of the comprehensive plan.

**13-6-2: EFFECT OF OTHER ZONING PROVISIONS:**

Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in the subdivision regulations.

**13-6-3: OWNERSHIP REQUIREMENTS:**

A property owner or a person having an existing interest in the property to be included in the PUD may file an application for approval of a PUD. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the holder(s) of an equitable interest in such property may file the application.

Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.

**13-6-4: USES PERMITTED:**

All uses that may be allowed within the land use district are permitted within a PUD. Also, up to twenty percent (20%) of the gross land area may be directed to other commercial, public and quasi-

public uses that are not allowed within the land use district; provided, that there is a favorable finding by the council:

- A. That the uses are appropriate with the residential uses;
- B. That the uses are intended to serve principally the residents of the PUD;
- C. That the uses are planned as an integral part of the PUD;
- D. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and
- E. That a minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial land uses.

**13-6-5: MINIMUM AREA:**

A PUD for the following principal uses shall contain an area of not less than:

- A. Three (3) acres for residential development.
- B. Five (5) acres for residential use with subordinate commercial or industrial uses.
- C. Ten (10) acres for commercial use.
- D. Ten (10) acres for industrial use.

**13-6-6: COMMON OPEN SPACE:**

- A. Required Common Open Space: A minimum of five percent (5%) of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- B. Dedication Of Land For Public Use: A required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements and right of way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the council.
- C. Maintenance: The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
- D. Clustering: A clustering of dwellings is encouraged to promote open spaces.

**13-6-7 DEVELOPMENT STANDARDS:** Planned unit developments shall be subject to the following standards of development:

- A. A PUD shall contain a minimum of three (3) acres;

- B. A minimum of five percent (5%) of the gross land area of the PUD shall be reserved as common open space. Said open space may be dedicated to the public or may be held in private ownership. In either case, the open space shall provide passive or active recreational amenities for public use.
- C. All Land uses within the PUD shall be connected by an integrated system of roads and pedestrian and/or bicycle pathways.
- D. Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems will be effectively screened from view.
- E. Every PUD shall provide perimeter and internal Landscaping of a type appropriate to the proposed development. Perimeter landscaping shall be a minimum of ten feet (10') along the exterior boundaries of the PUD.
- F. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planting screens or fences shall be provided on the perimeter of the commercial, farm ground, and range land areas abutting residential areas. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
- G. Industrial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products.

**13-6-8 APPLICATION REQUIREMENTS:** An application for a Planned Unit Development shall be processed as a Conditional Use Permit and shall be subject to the submittal and processing, and public notice requirements as detailed in Section 10 of the New Meadows Zoning Ordinance. The Planned Unit Development shall be submitted on an application form provided by the Administrator. If applicable, the applicant shall concurrently submit for a subdivision plat. In addition to the applications noted herein, the applicant shall submit the following materials and exhibits in the amount specified on the application form:

- A. A fee as established by the City Council and detailed on the official fee schedule of the City of New Meadows;
- B. A metes and bounds legal description of the project boundary;
- C. A narrative describing the characteristics of the development including a detailed description of the proposed land uses, arrangement and design of buildings, any requested modifications to the minimum dimensional standards, and a statement describing how the project, if approved, would be in the public interest;
- D. A vicinity map including the project site and extending at least one mile beyond the project boundaries;
- E. A site development plan drawn to a size and scale to clearly show all of the following:
  1. Existing topography shown at two foot contours;
  2. Existing structures, roads, fences, landscaping, parking, and landscaping;
  3. Location and type of all land uses and buildings;
  4. Location of all existing and proposed public right-of-ways and streets;
  5. Location of all existing and proposed easements;
  6. Location and dimension of proposed setback lines;
  7. Location of existing and proposed open space, public areas, and recreational facilities;
  8. Conceptual layout of all required utilities including sewer, water, storm drainage facilities, irrigation, and joint trench utilities (power, phone, cable and gas).

- F. A Landscape plan drawn to a size and scale to clearly show all of the following:
  - 1. Existing natural features of the site including, but not limited to, streams, drainage ways, ponds, wetlands, floodplains, high groundwater areas, significant stands of vegetation, rock out crops, etc.
  - 2. Existing contours;
  - 3. Proposed areas of cut or fill;
  - 4. The width and location of all landscape buffers;
  - 5. Size, species, location, and quantity of all proposed plant materials;
- G. Typical building elevations and floor plans for all multi-family, commercial, or industrial buildings.
- H. A phasing plan showing the anticipated construction schedule.

**13-6-9 DENSITY AND DIMENSIONAL EXCEPTIONS:**

- A. **Densities:** Residential densities may be increased to not more than 25% of the residential base density of the underlying zone. Increased residential densities shall be designed and constructed to be architecturally compatible with other land uses within the PUD.
- B. **Dimensional Standards:** Standards regulating lot size, road frontage, building setbacks, and parking may be reduced through the PUD process, provided the applicant can show a benefit to the public and the overall design of the project.

**13-6-10 PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENT:**

When the PUD also qualifies as a subdivision, the processing of the conditional use permit and subdivision application shall occur at the same time. The granting of a conditional use permit for a PUD shall require a preapplication, the submission of a preliminary development plan and approval by the council of a final development plan as specified within this title.

**13-6-11 PREAPPLICATION MEETING:**

The developer shall meet with the administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards herein, and to familiarize the developer with the comprehensive plan, zoning title, subdivision title and such other plans and ordinances as deemed appropriate. The developer may also meet with the commission or council prior to submitting an application.

**13-6-12 PRELIMINARY DEVELOPMENT PLAN:**

- A. Application For Preliminary PUD: An application for preliminary PUD shall be filed with the administrator by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:
  - 1. Name, address and phone number of applicant;
  - 2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;

3. Legal description of property;
4. Description of existing use;
5. Zoning districts;
6. A vicinity map at a scale approved by the zoning administrator, showing property lines, streets, existing and proposed zoning and such other items as the administrator may require to show the relationship of the PUD to the comprehensive plan and to existing schools and other community facilities and services;
7. A preliminary development plan, at a scale approved by the zoning administrator, showing:
  - a. Topography at two foot (2') intervals;
  - b. Location and type of residential, commercial and industrial land uses;
  - c. Layout, dimensions and names of existing and proposed streets;
  - d. Rights of way;
  - e. Utility easements;
  - f. Parks and community spaces;
  - g. Layout and dimensions of lots and building setback lines;
  - h. Preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the administrator deems necessary.
8. Proposed schedule for the development of the site; and
9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within one year.

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest.

B. Public Notice: The same provision for public hearing and legal notification as required for conditional use permits, section 10-4 of Ordinance #231-96, shall be followed.

C. **Approval In Principle Of Preliminary Development Plan:** Within thirty (30) days after the public hearing, the council shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this title; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The council's recommendation in principle of the preliminary development plan shall be necessary before an applicant may submit a final

development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

The council shall consider the general standards applicable to conditional use permits and criteria for conditional uses before approving in principle a preliminary development plan.

**13-6-13 FINAL DEVELOPMENT PLAN APPROVAL:**

A. If the planned unit development is approved by the City Council, the applicant shall submit a final development plan and/or a final plat if applicable, within two (2) years or the approval shall be null and void. If submitted in phases, each successive phase shall be submitted within one (1) year of the previous phase. Time extensions may be allowed upon application by the applicant and subject to the approval of the City Council. Additional conditions may be imposed at the discretion of the Council upon a finding that conditions have changed that warrant a change to the conditions of approval.

1. The final development plan shall encompass the approved planned unit development in whole or in part. If in part, the portion submitted for final development plan approval shall conform to the approved phasing plan.
2. The final development plan shall substantially conform to the approved plan and development agreement. Minor modifications to the site plan, landscaping plan or building elevations may be allowed at the discretion of the council.
3. Final development plans shall be subject to the submittal and review requirements and procedures of Section 12-2-5 of the New Meadows Subdivision Ordinance.

B. Final development plans shall be forwarded to the Council for approval. Upon a finding of substantial conformance to the approved plans and development agreement, the council shall approve the final development plan and the project may proceed to construction.

**13-6-14: EFFECTIVE DATE.**

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the city council as an ordinance of the City of New Meadows on the 10<sup>th</sup> day of October, 2005.

Approved by the Mayor on the 10<sup>th</sup> day of October, 2005.

City of New Meadows

/s/ Sandy Schiffman, Mayor

ATTEST:

/s/ Gale Stillman, City Clerk