Chapter 21.52 Planned Unit Developments

Sections:

21.52.010 Scope and purpose.
21.52.020 Uses allowed in PUDs.
21.52.030 Development plan.
21.52.040 Commission review.
21.52.050 Residential PUDs.
21.52.060 Commercial, noncommercial and industrial PUDs.
21.52.070 Time limit.

21.52.010 Scope and purpose. This chapter applies to all planned unit developments in the City. A Planned Unit Development (PUD) is a device that allows a development to be planned and built as a unit, or as phased units, and permits flexibility and variation in many of the traditional controls related to density, land use, setback, open space and other design elements, and the timing and sequencing of the construction. A PUD may be applicable to either residential, commercial, noncommercial or industrial uses or a combination thereof. (Ord. 08-29, 2008).

21.52.020 Uses allowed in PUDs. a. PUDs are allowed in a zoning district only when allowed by the code provisions specifically applicable to that district. A PUD may consist of residential, noncommercial, commercial or industrial uses or a combination thereof, subject to any limitations or exceptions provided in this title.
b. In every PUD and during every stage of development of the PUD, at least 60 percent of the uses in the PUD must be uses that are listed as permitted outright or conditionally within the zoning district in which it is located. To satisfy this standard, the PUD must satisfy all of the following tests.
1. The total of floor area plus exterior lot area occupied by uses listed as permitted outright or conditionally in the zoning district must be not less than 60 percent of the total of floor area plus exterior lot area occupied by all uses in the PUD; and
2. The tax assessed valuation of that portion of the structures in the PUD used for uses listed as permitted outright and conditionally in the zoning district must total not less than 60 percent of the total assessed valuation of all structures in the PUD. (Ord. 08-29, 2008).

21.52.030 Development plan. a. A conditional use permit application and a development plan for a PUD shall be submitted to the City for administrative review and recommendation to the Commission. The PUD development plan shall include the following:
246
(Homer 09/08)

21.52.030(a)(1)—21.52.030(b)

1. A statement of purpose and objective;
2. A specific plan of development, including a designation of land uses by relative intensity and the land area intended for each land use;
3. A program of development outlining the stages of future development and the phase for current approval;
4. The time schedule for construction and completion of all stages and all phases;
5. A narrative description demonstrating the independence of each stage;
6. The general location and size of the area involved and the nature of the land owner’s interest in the land to be developed;
7. The density of land use to be allocated to parts of the area to be developed;
8. The location, function, ownership and manner of maintenance of common open space for the management during construction; and management during each phase of development, the final management of the completed development;
9. The use, height, bulk and location of buildings and other structures;
10. A utilities and drainage plan;
11. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land,

buildings and structures, including proposed easements for public utilities and public access;
12. A plan showing parking; loading areas; snow removal and storage areas; the location and width of proposed streets and public ways; and the relationship of new or existing streets and other public facilities in proximity to the planned development;
13. In the case of plans that call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development are intended to be filed;
14. A list of all permits required from local, state and federal agencies for the uses proposed in the PUD;
15. Site plans sufficient to depict above listed requirements or other conditions required by staff.
16. A description of methods to be employed to assure maintenance of any common areas and facilities shall be submitted.
17. Calculations showing the requirements of HCC § 21.52.020(b) will be satisfied.
18. Where practical and safe, and where other means of access have not been provided, public access easements or dedications may be required to provide access to contiguous public lands or connections with existing or proposed non-motorized transportation corridors.
b. The City Planner will review the conditional use permit application and development plan to determine their completeness. If adequate information is available to allow for Commission review, the

application will be scheduled before the Commission as a conditional use permit application. The City Planner shall recommend approval, approval with conditions or disapproval to the Commission. (Ord. 10-57 §5 & 6 (part), 2011; Ord. 08-29, 2008).

21.52.040 Commission review. a. The Commission will review the application and development plan according to provisions applicable to conditional use permits, planned unit developments and the zoning district in which the PUD is to be located.
b. If the Commission determines that the PUD development plan does not satisfy the conditional use permit standards and requirements or is not consistent with good design, efficient use of the site, or community standards, the Commission shall deny the application.
c. If the Commission determines that the PUD development plan does satisfy the conditional use permit standards and requirements, and is consistent with good design, efficient use of the site and community standards, the Commission may approve the development plan and a conditional use permit with such modifications or conditions that it deems necessary to protect the public health, safety, and welfare of the community and the surrounding area.
d. In any event, the Commission shall adopt written findings of fact and conclusions that are supported by substantial evidence in the record and adequately set forth the basis for the decision. (Ord. 08-29, 2008).

21.52.050 Residential PUDs. a. A residential PUD (any planned unit development that includes any residential uses) shall comply with the requirements and conditions of this section. A residential PUD shall also comply with HCC § 21.52.060 if commercial, noncommercial or industrial uses are included in the PUD.
b. Connections to public water and sewer utilities, if available, shall be provided as part of the PUD. If public water and sewer utilities are not available, systems provided must be approved by the Alaska Department of Environmental Conservation;
c. Density.
1. Maximum floor area in the PUD shall not exceed 0.4 times the gross land area;
2. Total open area shall be at least 1.1 times the total floor area;
3. For purposes of subparagraph (c)(2), open area shall not include areas used for parking or maneuvering incidental to parking or vehicular access. Open area may include walkways, landscaped areas, sitting areas, recreation space, and other amenities. All open area shall be suitably improved for its intended use but open area containing natural features worthy of preservation may be left unimproved.
d. Common Open Space.
1. All or a portion of the open area may be set aside as common open space for the benefit, use and enjoyment of present and future residents of the development.
2. The development schedule that is part of the development plan must coordinate the improvement of the common open space with the construction of residential dwellings in the planned development.
3. For any areas to be held under any form of common ownership, a written description of the owner's intentions for

the creation of legally enforceable future maintenance provisions shall be submitted with the conditional use permit application. The description shall indicate whether membership of property owners in an association for maintenance of the common area will be mandatory.
e. Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Commission may impose conditions to provide adequate privacy, including without limitation one or both of following requirements:
1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;
2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses.
f. Dimensional Requirements. Dimensional requirements may be varied from the requirements of the district within which the PUD is located. All departures from those requirements will be evaluated against the following criteria:
1. Privacy. The minimum building spacing is one method of providing privacy within the dwelling unit. Where windows are placed in only one or two facing walls or there are no windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing may be reduced.
2. Light and Air. The building spacing provides one method of insuring that each room has adequate light and air. Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction.
3. Use. Where areas between buildings are to be used as service yards for storage of trash, clotheslines or other utilitarian purposes for both buildings, then a reduction of building space permitting effective design of a utility space may be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards.
4. Building configuration. Where building configuration is irregular so that the needs expressed in subsections (1), (2), and (3) of this subsection are met by the building configuration, reduced building spacing may be permitted.
5. Front Yard. Where the PUD provides privacy by reducing traffic flow through street layouts such as cul-de-sacs, or by screening or planting, or by fencing the structure toward open space or a pedestrian way, or through the room layout, the right-of-way setback requirement may be reduced.
6. Lot Width. A minimum lot width is intended to prevent the construction of long, narrow buildings with inadequate privacy, light and air. There are situations as in cul-de-sacs, steep slopes or off-set lots, where, because of lot configuration or topography, narrow or irregular lots provide the best possible design. Where the design is such that light, air and privacy can be provided, especially for living spaces and bedrooms, a narrower lot width may be permitted. (Ord. 08-29, 2008).

21.52.060 Commercial, noncommercial and industrial PUDs. a. Any PUD that contains any commercial, noncommercial, or industrial use shall comply with the requirements and conditions of this section. If residential use is included in the PUD, it shall also comply with HCC § 21.52.050.
1. For purposes of this section, a commercial use is defined as an occupation, employment, or enterprise that is carried on for profit that is not an industrial use.
2. For purposes of this section, an industrial use is defined as a use engaged in the processing or manufacturing of materials or products, including processing, fabrication, assembly, treatment, packaging, storage, sales or distribution of such products.
3. For purposes of this section a noncommercial use is a use that is neither residential, commercial nor industrial.
b. A planned unit development that includes commercial, noncommercial or industrial uses shall comply with the following requirements and conditions:
1. The PUD site shall have direct access to an arterial or collector street.
2.. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the PUD.
3. The PUD shall be developed with a unified architectural treatment.
c. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Commission may impose conditions to provide adequate privacy, including without limitation one or both of following requirements:
1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;
2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses.
d. Dimensional Requirements. Setbacks and distances between buildings within the development shall be at least equivalent to that required by the zoning district in which the PUD is located unless the applicant demonstrates that:
1. A better or more appropriate design can be achieved by not applying the provisions of the zoning district; and

2. Adherence to the dimensional requirements of the zoning district is not required in order to protect health, safety and welfare of the occupants of the development and the surrounding area.
e. The site development standards of HCC § 21.50.030 shall be met. (Ord. 08-29, 2008).

21.52.070 Time limit. After a PUD conditional use permit and development plan are approved by the Commission, construction of the planned unit development must begin within two years of the approval of the conditional use permit. The Commission may extend the time to begin construction by not more than two additional years for good cause shown. If construction is not begun within such time, including any extensions granted, the conditional use permit and development plan approvals lapse, and the conditional use permit and development plan must be resubmitted to the Planning Commission for re-approval. After a lapse of one year or more, a new conditional use permit application and PUD development plan cannot be re-approved and must be submitted to the Commission as a new application for complete reconsideration. (Ord. 08-29, 2008).

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