

Introduced by: Council Member Hanson  
and Deputy Mayor Combs  
Date: April 11, 2017  
Public Hearing: April 25, 2017  
Action: Adopted  
Vote: 5 Yes/0 No/2 Absent

Yes:	No:
Carrington Combs DeVries Fuller LaFrance	Absent: Best Hanson

CITY OF PALMER, ALASKA

**Ordinance No. 17-007**

**An Ordinance of the Palmer City Council Repealing Chapter 17.84 of the Palmer Municipal Code in its Entirety and Adopting a New Chapter 17.84 Planned Unit Development**

WHEREAS, currently Chapter 17.84 treats Planned Unit Development as conditional uses with the Planning and Zoning Commission having final authority for approval and;

WHEREAS, Planned Unit Developments are land uses that have long term effects on property; and

WHEREAS, Council has determined that Planned Unit Development should be reviewed and processed as a rezoning of property.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. The current Chapter 17.84 is hereby repealed in its entirety.

Section 4. A new Chapter 17.84 is hereby adopted to read as follows:

**Chapter 17.84  
PLANNED UNIT DEVELOPMENT (PUD)**

- Sections:  
 17.84.010 Intent.  
 17.84.020 Permitted locations.  
 17.84.030 Site area.  
 17.84.040 Permitted uses.  
 17.84.050 Application process.

- 17.84.060 Pre-application conference.
- 17.84.070 Commission review.
- 17.84.080 Council action for adoption.
- 17.84.090 Action on final plan.
- 17.84.100 Final plan.
- 17.84.110 Minor adjustments.
- 17.84.120 Major adjustments.
- 17.84.130 Status of PUD approval.

**17.84.010 Intent.**

The intent of the planned unit development (PUD) zoning district is to:

A. Effect a zoning change to the existing (underlying) zone through the process outlined in PMC 17.80 as follows:

1. The proposed change is in accordance with the borough and city comprehensive plan;
2. The proposed change is compatible with surrounding zoning districts and the established land use pattern;
3. Public facilities such as schools, utilities and streets are adequate to support the proposed change;
4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change; and
5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owners; and

B. Permit flexibility in design, placement of buildings, and use of open spaces, including modification in requirements for lot frontage, building setbacks, and design of circulation facilities to best use site potentials afforded by special features of geography, topography, size or shape; and

C. Encourage creative approaches in land development that will result in a more efficient, desirable environment in harmony with that of the surrounding area, including but not limited to providing a higher population density and increased intensity of use than is permitted in the zone in which the project is located. However, the minimum lot area per dwelling unit in planned unit development shall not be less than the minimum lot area per dwelling unit in the R-4 High Density Residential District as listed in 17.27.060(C). Appropriate mixing of uses and alternative approaches to development are permitted through the PUD zoning district process; and

D. To further this intent, the terms and conditions of a PUD district supplement the regulations in the underlying zoning district, and modify and supersede any conflicting regulations in the underlying zoning district.

E. A PUD zoning classification that contains commercial uses, where one or more buildings are principally designed for use for the retail sale of merchandise, and where the total building(s)

footprint exceeds 20,000 square feet, may only be approved in conjunction with an approved overall site plan in accordance with the criteria for a Large Retail Establishment Permit.

**17.84.020 Permitted locations.**

A. Planned unit development projects may be approved only in R-1, R-2, R-3, R-4, R-1E, CL and CG zones.

B. The site must abut, and the major internal street serving the planned unit development project must be directly connected to, a public road which has been improved, established, and is maintained by the city, borough or state.

C. In the R-1 district, commercial uses must front on a major arterial, arterial or commercial street.

**17.84.030 Site area.**

The required minimum area for a PUD is 60,000 square feet. The minimum area may be waived when planned unit development is used to facilitate redevelopment in the central business district as depicted on the most recently adopted zoning district map.

**17.84.040 Permitted uses.**

In a residential, nonresidential or mixed land use PUD, various land uses may be permitted, subject to limitations or conditions, if such uses are deemed by the council to be appropriate and further the goals of the city comprehensive plan. The following uses may be permitted in a PUD:

1. One-family, two-family, and multifamily residences;
2. Commercial uses as may be specifically and selectively authorized;
3. Recreational facilities including, but not limited to, tennis courts and playgrounds;
4. Schools, libraries, public buildings and community halls;
5. Shopping malls;
6. Any permitted or conditional use in the underlying zone.

**17.84.050 Applications process.**

The application process for a PUD involves a four (4) step process including (1) a pre-application conference, (2) preliminary review by the planning and zoning commission with written recommendation forwarded to the city council, (3) council action, and (4) action on final plan.

**17.84.060 Pre-application conference.**

A. Before submitting application for approval of a PUD, the applicant shall confer in a pre-application conference with the zoning administrator, public works, the building official, and the fire department to obtain information and guidance regarding land development regulations, the city's Comprehensive Plan and the application process. At the pre-application conference, the applicant shall submit a preliminary sketch plan for the proposed PUD, containing both maps and a written statement. All maps shall show enough of the surrounding area to demonstrate the

relationship of the PUD to adjoining uses. The maps that are a part of the preliminary sketch plan may be in general schematic form but must contain enough information to obtain feedback from city officials and consultants.

B. Contents of preliminary PUD plan. Upon completion of the pre-application conference stage, a preliminary PUD application shall be submitted to the commission for its review. At a minimum, the preliminary PUD plan shall contain the following information:

1. Name, address and phone number of applicant.
2. Name address, and phone number of Alaska registered surveyor, professional civil engineer, architect, landscape architect who prepared the preliminary plan.
3. Legal description of the property
4. Description of existing and proposed use(s).
5. A vicinity map at a scale no greater than one to one thousand (1:1000) feet showing property lines, streets, existing and proposed zoning, and such other items as the commission and council may require to show how the proposed development relates to adjacent land uses.
6. A preliminary development plan at a scale approved by the commission showing topography at two (2) foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvements drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other information as the commission deems necessary.
7. Proposed schedule for the development of the site.
8. The applicant must provide a narrative describing how the proposed PUD will provide a complementary mixture of uses or housing types, or clustering of units to preserve common open space, in a design not possible under current zoning district dimensional regulations will have a beneficial effect, in terms of public health, safety, welfare, or convenience.
9. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the city. However, where warranted by overlapping or other parking arrangements, the commission or the council may reduce the required number of parking spaces.
10. All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of city ordinances.
11. Extensive landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private

property.

12. Effort shall be used to preserve significant natural, historical, and architectural features.
13. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.
14. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided.
15. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
16. The uses proposed shall be consistent with the city comprehensive plan.

**17.84.070 Commission preliminary review.**

A. Upon receipt of a complete application for a PUD, the zoning administrator shall schedule a public hearing date before the commission following the established meeting schedule. Notice of the public hearing shall be in accordance with PMC 17.80.030.

B. Before the commission may act on the PUD application, the commission shall review the preliminary plan to determine if it is consistent with the intent and purposes of this ordinance; 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.

C. Within thirty days following the conclusion of the public hearing, and upon making the required findings for a zone change and in conformance with 17.84.070(B), the commission shall make a written report to the council for approval or modification of the proposed PUD zone change, and shall recommend that the council approve a change from preliminary site plan to interim site plan as submitted or as modified.

D. If unable to make the required finding to support approval, the commission shall deny both the rezoning and the preliminary site plan and no further action shall be taken thereon unless the initiating party or property owner within 20 days of the commission decision files a written statement with the city clerk requesting the PUD be considered by city council.

**17.84.080 Council action.**

The following council action shall be required for a PUD zoning district:

A. Upon receipt of a written recommendation for adoption of a PUD zoning district and approval of the preliminary plan by the commission, or by appeal of the petitioner, the city clerk shall cause an ordinance to be prepared setting forth the details of the proposed zoning map amendment. The ordinance shall be introduced at the next council meeting in the normal course and a date for the public hearing established. The city clerk shall give notice of the public hearing in accordance with the procedures of PMC 17.80.030. Notice of the public hearing given to the

property owners described in PMC 17.80.030(A)(2) shall include a description of the protest rights established by PMC 17.80.081.

B. After due consideration of the recommendation by the commission, written comments received from the public, testimony at the public hearing, the information provided, and the effect the proposed change would have on the public health, safety, welfare, and convenience, the council may decide to approve PUD rezoning and grant interim approval of the PUD site plan, deny the PUD rezoning, or may decide to amend the PUD district as follows:

1. As submitted by the initiating party; or
2. With special limitations, more restrictive than submitted; provided that a PUD initiated under this chapter may be so modified only with the written consent of the initiating party.

C. For a PUD zoning district, the decision of the council shall be final.

**17.84.090 Action on final plan.**

A. The applicant shall, within one year of the date of council interim approval of the PUD site plan, submit a final PUD plan of the proposed development to the zoning administrator, which must incorporate all the changes and conditions required by the council. An appeal stays the decision appealed until a written decision is rendered.

B. The final PUD plan must include reproducible copies of all necessary maps and drawings. The zoning administrator may approve of the final PUD plan if the plan is substantially the same as the interim PUD plan approved by the council and all changes and conditions of the approval have been satisfactorily met.

C. If the final plan is not received within one year of council approval of the interim plan, the approval of the interim plan expires and the applicant may renew consideration of the PUD project only by filing a new application under this chapter.

D. No permit of any nature may be issued by the city relating to the PUD project until the final PUD plans have been approved.

E. No activity or improvements may commence on the site in furtherance of the approved PUD or PUD phase until all construction surety bonds have been posted with and approved by the city, any necessary final plat has been approved and recorded and a notice to proceed has been issued by the zoning administrator.

F. The PUD resulting from application of provisions of this section must be indicated on the official city zoning map and identified thereon by the symbol "PUD" with appropriate reference to the PUD plan and explanatory text.

**17.84.100 Final plan.**

A. The final plan shall be in substantial conformance with the interim site plan approved by council.

B. The final site plan shall include all the following information:

1. Application form and required fee as set by resolution.
2. A schedule indicating the period within which the project will be completed.
3. Building footprints, setbacks, floor plans and elevations showing height for all proposed structures; typical layout for project structures.
4. Locations of utility services (with sizes), noting which will remain and which are to be removed, including storm drainage, sanitary/storm sewer, fire hydrants, and any public or private easements.
5. Detailed description and location of stormwater management system including pre- and post-site development run-off calculations used for determination of stormwater management.
6. A landscape plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
7. A site grading plan with existing and proposed topography at a minimum of two-foot contour intervals and with topography extending a minimum of fifty (50) feet beyond the site in all directions and further where required to indicate stormwater run-off into an approved drain or detention/retention pond.
8. Locations of significant natural, historical, and architectural features, including trees, that will be designated "to remain," and/or location and acreage of areas "not to be disturbed;" noting protection method such as a fence, barrier or police line installed prior to site preparation.
9. Location and method of screening for all refuse storage stations/dumpsters.
10. Location and dimensions of parking spaces, loading/unloading areas and calculations to meet the parking requirements.
11. Details of exterior lighting including locations, height, method of shielding.
12. Locations of all signs including:
  - a) Location, type, height and method of lighting for identification signs;
  - b) Location and type of any directional or regulatory/traffic control signs.
13. Details of site circulation and access design, including:
  - a) Indication of street pavement widths and pavement type;

- b) Street horizontal and vertical dimensions, including curve radii;
  - c) Dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street;
  - d) Identification of width and material to be used for pedestrian paths.
14. Written verification of access easements or agreements, if applicable.
15. A note on each plan sheet stating, "Not to be used as construction drawings."
16. Any additional graphics or written materials requested by the commission or council to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public primary and secondary schools, and utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
17. The following information shall be submitted as a part of an application for permission to commence any type of development within a floodplain:
- a) The elevation in relation to mean sea level of the floor, including basement, of all structures;
  - b) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
18. Additional information that may be reasonably necessary to determine compliance with the provisions of this chapter.

**17.84.110 Minor adjustments.**

A. In considering the final plan, the zoning administrator may permit minor adjustments to the approved interim PUD site plan in location and dimensions of buildings if required by engineering or other circumstances not foreseen at the time the interim plan was approved by council provided such adjustments shall not:

- 1. Exceed the permitted lot coverage or the total density authorized in the interim PUD site plan;
- 2. Change the orientation of the project;
- 3. Change the use(s) of land from that approved on the interim PUD site plan; or
- 4. Increase the traffic nor change any points of ingress to or egress from the site.

B. The developer must advise the zoning administrator in writing of any and all minor adjustments. A record of any action under this section must be made a part of the final PUD plan by the zoning administrator.



**17.84.120 Major adjustments.**

In the event the final plan contains substantial changes from the approved interim PUD site plan as described in 17.84.110(A)(1-4) above, the zoning administrator shall forward the final PUD plan to council for its review and final approval.

**17.84.130. Status of PUD approval.**


A. Final approval of a PUD application confers on the applicant and any subsequent owners of the PUD property the right to utilize the property included as part of the approved PUD in accordance with the overall density, dwelling unit mix and final plan of the approved PUD. However, for the total PUD or for each portion of the PUD, if staging of development is planned, a site plan review by the zoning administrator is required for each phase, prior to the issuance of building permits, and for any portion of the PUD having a council approved interim PUD plan

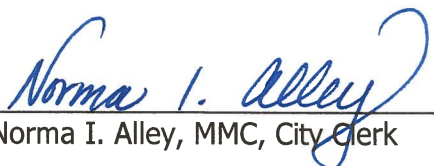
B. Signed agreement. If the application and site plan are approved by the council, the applicant and all owner(s) of record or the legal representative of the owner(s) of record of all property included within the planned development shall then sign an agreement that the approved application and site plan, and the conditions of approval, shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. The city shall require a bond or surety to guarantee construction of road, water, and sewer improvements. Such agreement shall be reviewed and approved by the council. The application and site plan shall not be officially approved nor may the building permit be issued, until said agreement has been signed as required herein and has been received by the city clerk.

C. Revocation or changes. The council may revoke a PUD or any portion thereof in instances where substantial construction activity has not been ongoing anywhere within the PUD within a three (3) year period after the final approval. Revocation of any portion of a PUD reverts that portion of the PUD to the status and requirements of the original zoned district, without benefit of the PUD provisions. Proposed changes in a PUD, other than those considered a part of site plan review for all or a portion of the PUD, must be processed in the same manner as the original PUD procedure. The council shall give notice of intention to revoke such approval at least thirty (30) days prior to review by the council.

Section 5. Effective Date. Ordinance No. 17-007 shall take effect upon adoption by the City of Palmer City Council.

**Adopted** this 9<sup>th</sup> day of May, 2017.

  
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Edna B. DeVries, Mayor

  
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Norma I. Alley, MMC, City Clerk