

**REVIEW OF MIXED USE PLANNED DEVELOPMENT ORDINANCE**  
**For**  
**CONSISTENCY WITH THE NEWPORT, RI COMPREHENSIVE PLAN 2017**

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On Monday, August 5, 2019, the Newport Planning Board will take up a proposed change to the City's Zoning Code entitled "Chapter 17.71 Mixed Use Planned Development." The intent of the proposed zone change is to provide the City of Newport with a set of zoning tools that will enable land, within the City's proposed Mixed-Use Innovation District, to be developed or redeveloped with a mix of uses and with flexibility in the dimensional and density standards that govern a project site. The entire ordinance is attached below.

As part of its submission the Carpiolato Group has requested a review of the proposed Mixed Use Planned Development ordinance to determine if it is consistent with the City's 2017 Comprehensive Plan. This review is two parts: a brief summary of the proposed ordinance and a review of Newport's Comprehensive Plan to determine if it is consistent with said Plan.

## **PROPOSED ZONING ORDINANCE**

As noted above the Mixed Use Planned Development ordinance will create a template by which the City will accept, review and approve zoning applications to create mixed use developments within the proposed Mixed-Use Innovation District. The ordinance would allow flexibility both in the uses allowed and in dimensional and density standards to be applied. It will allow the City to craft development projects that best meet the needs of both Newport and a developer. The following is a summary of the contents of the Mixed Use Planned Development ordinance:

**Section 17.71.020 Use Regulations** identifies the range of uses that would be allowed within a Mixed Use Planned District. The ordinance allows by right any use that is currently allowed by right or by special permit in zoning code at the time of application as a base. However, the ordinance requires that an itemized list of uses shall be submitted and approved by the City Council as part of any specific Mixed Use Planned District rezone.

**Section 17.71.030 Development Standards** establishes dimensional and density standards to be applied within a Mixed Use Planned District. This Section set minimum or maximum requirements as a base and it grants the City Council the authority to impose stricter standards as part of its consideration of a rezone.

- **Section 17.71.030.A. Frontage and Setbacks** establishes a minimum front line setback of 0' and minimum side and rear line setbacks of 10'.
- **Section 17.71.030.B. Minimum Lot Requirements** allows a developer, at its discretion, to create individual lots for each structure within a Mixed Use Planned District. The Section requires no minimum lot size and allows lot boundaries to coincide with structure boundaries.
- **Section 17.71.030.C. Lot Coverage** sets a maximum lot coverage of 60%.
- **Section 17.71.030.D. Building Heights** sets a maximum building height of 90'.
- **Section 17.71.030.E. Building Spaces** requires buildings to set 25' apart except for buildings joined by a fire wall.

- Section 17.71.030.F. Drainage requires drainage to be treated in accordance with the appropriate City codes and that all drainage facilities are to be approved by the Director of Public Works.
- Section 17.71.030.G. Buffers requires that at a minimum a 10' buffer be provided around the perimeter of a property. In addition, the section provides guidance as to how the buffer is to be treated under differing site conditions.
- Section 17.71.030.H. Landscaping establishes landscaping standards for a Mixed Use Planned District including buffers and parking areas. This section also requires that damaged or dead landscaping be replaced at the developer's expense.
- Section 17.71.030.I. Parking requires off street parking to be provided in accordance with the City's Zoning Code. Section 17.71.030.I. would also allow a reduction in the number of off street parking space required if a shared condition exists. The reduction must be approved by the City Council and be based on a Planning Board recommendation.

**Section 17.71.040 Administration** requires that, in approving a Mixed Use Planned District, the City Council must both amend Newport's Zoning Map and approve a final overall district plan [a detailed development plan]. The City Council approval of the zone changes shall comply with Chapter 17.120. - Amendments to Zoning Code.

**Section 17.71.050 Rezone Procedures** sets forth the procedures to be followed in processing a zoning application to create a Mixed Use Planned District.

- Section 17.71.050.A. Pre-application Conference requires that any application for a Mixed Use Planned District be initiated through meetings with the City Planning Department and other appropriate City Departments. The intent of this section is to give City Departments an opportunity to review and comment on a project prior to the submission of a zoning application.
- Section 17.71.050.B. Overall District Plan Contents identifies the materials to be submitted in support of an application to create a Mixed Use Planned District. In general, Section 17.71.050.B requires the submission of a project narrative detailing the type and scope of development; detailed engineered site and development plans; and supporting reports on potential impacts, such as drainage, traffic and fiscal, that a proposed development may have on the surrounding neighborhoods and on Newport.
- Section 17.71.050.C. Rezoning identifies the procedure to be followed in creating a Mixed Use Planned District. It requires submission of an application to rezone a specific property [including all supporting information required in Section 17.71.050.B. above] and it requires said application to be acted on in accordance Chapter 17.120 of the Zoning Code including the requirement that the City's Planning Board review and make a recommendation on the zoning application.
- Section 17.71.050.D. City Council Action requires that a City Council approval of a Mixed Use Planned District zone include approval of a final overall development plan. The grant of a rezone binds the developer to construct the Mixed Plan Development in substantial conformance to the approved plan.

- Section 17.71.050.E. Alterations Following Mixed Use Planned District Approval set forth the procedure by which a final overall development plan may be amended after City Council approval. It allows the City's Planning Board to make minor amendments to the plan without further City Council action. It requires City Council approval for major amendments. It provides the criteria by which an amendment is deemed to be major or minor.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The Mixed Use Planned Development ordinance that before the Planning Commission does not propose amendments to the City's Zoning Map and it does not seek zoning authorization for a specific development. The intent of the proposed ordinance is to establish the procedures by which the Zoning Map may be changed and specific Mixed Use Planned District's may be created at a later date. Therefore, the normal process of determining consistency with the Future Land Use Map would not be appropriate. In this instance, the Mixed Use Planned District ordinance is to be reviewed to determine if the ordinance is consistent the Policies and Goals articulated in the Comprehensive Plan and if the ordinance helps to implement components of the Plan. The analysis is as follows:

### **Introduction**

Table 1-3 of the Comprehensive Plan's Introduction identifies issues facing Newport to 2036. Within that table, "Diversifying the Economy" is identified as one issue to be addressed. Specifically Table 1-3 states "Newport's seasonal tourism based economy creates unique challenges including tremendous variability in the demand for public safety and sanitation, potable water, sanitary sewer use, and implications on the housing market."

The Mixed Use Planned Development ordinance provides the regulatory framework which will authorize and encourage development and redevelopment in the proposed Mixed-Use Innovation District. The development of the Mixed-Use Innovation District will support the expansion of Newport's economy by encouraging the growth of new and incubator businesses focusing on research and development and by allowing supporting amenities such as retail and housing. The Mixed Use Planned Development ordinance is therefore consistent with the Comprehensive Plan.

### **Land Use Element**

The Land Use Element of the Comprehensive Plan identifies a series of City neighborhoods and based on the neighborhood designation sets a series of policies and goals to be achieved for each neighborhood. In particular, the Comprehensive Plan defines the following neighborhood:

'Newport's North End: Broadly defined as the area north of Route 138/238, Admiral Kalbfus Road and Miantonomi Avenue, but includes the Newport Grand Casino and adjacent development along Halsey Street. Although

easterly portions of this area are predominantly residential, the remaining portions of the north end are a mix of industrial, service, residential, institutional, commercial, and other uses. This area is and will continue to be, the focus of public investment and economic diversification efforts.'

The Comprehensive Plan proposes to create a Land Use Designation entitled MUI Mixed-Use, Innovation which it defines as:

#### **MUI Mixed-Use, Innovation**

The Mixed-Use, Innovation land use designation is located in Newport's North End, surrounding the existing Pell Bridge ramp right-of-way. The intent of this land use category is to support the development of incubator/accelerator type businesses focused on resilience/climate change, ocean, alternative energy systems, defense (underwater, maritime and cyber security) and digital industries, their support sub-sectors, associated training and job creation center, as well as ancillary financial, commercial and retail/hospitality support services. High density residential uses are permitted if supportive of businesses in this designation. The only zoning districts permitted in this land use category are Commercial-Industrial, R-3 Residential, and Open Space and Recreational.

The Mixed Use Planned Development ordinance provides a regulatory framework to authorize and encourage development and redevelopment in the proposed Mixed-Use Innovation district. It is intended to provide the zoning vehicle to create zoning districts which allow for a mix of uses and flexible zoning standards. The Mixed Use Planned Development ordinance provides the mechanism to implement the Comprehensive Plan and is therefore consistent with the Plan.

Section 3 of the Land Use Element identifies policies and goals that the Newport wishes achieve as part of the Comprehensive Plan. A number of the policies and goals articulated specifically address the North End neighborhood and the creation of a Mixed-Use, Innovation District.

- Land Use Policy 1.1 states "The City shall support implementation of efforts to diversify, redevelop and enhance the city's north end in collaboration with appropriate federal, state, regional, and private stakeholders, with a focus on developing employment opportunities, especially for young adults."
- Land Use Policy 1.5 states "The City shall encourage the use of the Floating Zone Overlay in the Waterfront Business, Traditional Maritime, or Commercial / Industrial zoning districts including the Innovation Hub Area. This could include the use of alternative performance-oriented development standards, mixed uses, and other development and planning techniques that will support a vibrant and flexible economic opportunity area."

- Land Use Policy 1.6 states “The City shall encourage upgrading, beautification, revitalization, and environmentally appropriate reuse of existing commercial areas.”

The proposed amendment to the City’s zoning code will allow and encourage development and redevelopment in the proposed Mixed-Use Innovation district. It allows mix of land uses and allows for flexibility in dimensional and density standards. The intent of ordinance is to give the City the zoning tools to craft projects, through individual zone changes, that best meet the needs of the City and the Developer and that meet site conditions. The Mixed Use Planned Development ordinance therefore complies with intent of the Comprehensive Plan and is consistent with the Plan.

Section 3.3 of the Land Use Element identifies implementation actions that the Newport wishes achieve through the Comprehensive Plan. A number of the implementation actions articulated specifically address the City’s North End and the creation of a Mixed Use, Innovation District.

The implementation actions identified for Land Use Goal 1-1 “To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the community” include:

- A. Update City’s Zoning Ordinance to add Mixed Use designations compatible with the designations included in this Comprehensive Plan.
- B. Actively pursue implementation of all North End redevelopment projects and related initiatives.

As noted above, the Mixed Use Planned Development ordinance provides a regulatory framework to guide development and redevelopment in the proposed Mixed-Use Innovation district by allowing a mix of land uses and flexibility in zoning density standards. The intent of ordinance is to give the City the power to craft project specific zone changes that best meets the needs of the City and the Developer. The Mixed Use Planned Development ordinance therefore complies with intent of the Comprehensive Plan and is consistent with the Plan.

- C. Update City’s Zoning Map to reflect the changes noted on Map 14-1 and Table 14-2.

While the Mixed Use Planned Development ordinance will not amend the City’s Zoning Map, it creates the mechanism by which said map amendments can be made in the future. To that end, the proposed ordinance helps to implement the Comprehensive Plan and is therefore consistent with the Plan.

## **ECONOMIC DEVELOPMENT ELEMENT**

The Economic Development identifies the City’s North End neighborhood as a key component to Newport’s economic viability. The element states “The city’s North End is, has been, and will continue to be a major area of policy and program emphasis. In light of the established character of most other areas of the city, the north end provides the greatest opportunity to

address the needs of the community, innovate, re-position, leverage and otherwise move the Newport forward.”

In addition, the Economic Development Element recommends a number of polices specific to the North End neighborhood. These are:

- Economic Development Policy 1.1 states “The City shall support key economic drivers while also seeking to attract and grow its technology sector and businesses that represent new and innovative concepts and technologies.”
- Economic Development Policy 1.2 states ‘The City shall work to implement the Innovation Hub plans.”

The Mixed Use Planned Development ordinance will authorize and encourage development and redevelopment in the proposed Mixed-Use Innovation district. The intent of ordinance is to give the City the power to create project specific zoning districts to meets the needs of the City and the Developer. To that end, the proposed ordinance furthers the intent of the Compressive Plan and is therefore consistent with the Plan.

Section 4.3 of the Economic Development Element identifies implementation actions that the City wishes achieve through the Comprehensive Plan. With the goal “to develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base,” the Plan recommends that the City “Pursue coordinated implementation of the Pell Bridge re-alignment, the Westside Master Plan, the Innovation Hub, Navy Hospital site redevelopment, Hope VI housing completion, the Sheffield Incubator, CCRI and other north end economy.” [Implementation Action]

This proposed amendment to the City's zoning code will create the vehicle by which the “Innovation Hub” can be implemented. To that end, the proposed ordinance will implement the Compressive Plan and is therefore consistent with the Plan.

## **FLOATING ZONES**

The Land Use Element states that Newport ‘has opted to adopt a floating zone overlay as a regulatory tool for use in parts of the city.” The Element then proceeds to identify elements that may be included in a Floating Zone Ordinance. Many of the elements identifies are incorporated into Mixed Use Planned District Ordinance. These are as follows:

### **1. Floating Zone: Objectives**

- Provide a floating zone overlay process for the Waterfront, Traditional Maritime, and Commercial/Industrial zoning districts.
- Provide a net benefit to the City and citizens of Newport from the changes permitted under each floating zone district.
- Maintain consistency with the Comprehensive Land Use Plan Goals.
- Permit mixed uses.

- Preserve public rights-of-way (ROWs).
- Preserve scenic vistas.
- Preserve existing historic structures through negotiation and incentives.
- Architectural compatibility of new structures with surroundings.
- Encourage water-dependent uses in the Waterfront Business and Traditional Maritime districts.

**These elements are addressed by the Mixed Use Planned District Ordinance in its totality.**

**2. Floating Zone: Plan Review Process Requirement**

- City Council authorizes the start of Floating Zone Overlay process at request of developer.
- City planning staff works with developer to ensure that all requirements are met in preparing formal proposal to start the review process. All requirements are referenced in the following section, Flexible Zoning: Background Report Requirement.
- Planning Board is responsible for actual review and negotiations with developer, following specific flexible zoning guidelines.
- Planning staff provides written comments and recommendations to Planning Board during and at conclusion of review process.
- Planning Board holds public input workshop regarding proposed plan early in review process.
- Planning Board reviews and considers the required impact statements.
- Planning Board meets with developer to negotiate any variations from underlying zoning requirements for the site involved, using guidelines and limits established.
- Time allowance for Planning Board to process flexible zoning plan request and submit recommendation to City Council set at 6 to 12 months.
- Planning Board holds public hearing to discuss final version of flexible zoning plan recommendation prior to formal submission to City Council.
- Planning Board makes formal written recommendation of specific, detailed, flexible zone plan to City Council.
- City Council acts on plan submitted by Planning Board. If not accepted, it can be rejected outright, or returned to the Planning Board with Council recommendations for changes
- Planning Board conducts re-negotiations with developer as recommended by City Council and consistent with flexible zoning guidelines, revises plan, holds public hearing on revised plan, and re-submits to City Council.

**These elements are addressed in Section 17.71.050 Rezoning Procedure of the Mixed Use Planned District Ordinance'**

**3. Flexible Zoning: Background Report Requirement**

- Architectural compatibility of project with surroundings.
- Economic impact on City as a whole.



- Economic impact on existing commercial and business activities within the zoning district.
- Tax revenue projected versus costs of additional City services.
- Impact on City services and infrastructure: water, sewer, waste, police and fire services, and public transportation accessibility.
- Environmental impacts
- Traffic and parking impacts.
- Impact on existing recreation activities.
- Public pedestrian access to and along waterfront.
- Waterfront transportation access.
- Reasonable costs of outside consultants to prepare reports required by the City to be assumed by developer.
- Qualifications of outside consultants preparing required reports are subject to approval of the Planning Board.

**These elements are addressed in Section 17.71.050.B. Overall District Plan Contents of the Mixed Use Planned District Ordinance.**

4. Floating Zone and Public Notification, Information Disclosure, and Input Requirements
  - Public announcement by City Council of referral of proposed plan to Planning Board.
  - Notification of abutting property owners and lot owners within 200 feet of the proposed project at time of proposed project referral to Planning Board
  - Public input workshop held by Planning Board early in the review process
  - Planning Board report and recommendations released to public prior to City Council consideration of plan.
  - Publication, at the time the recommendations are submitted to the City Council, of a list of benefits and variations from existing zoning regulations that are being recommended by the Planning Board.
  - Public hearing held by Planning Board to discuss final version of proposed flexible zoning plan prior to formal submission to City Council.
  - City Council follows its standard procedures for public input in the process of changing zoning ordinance in addition to the steps above.

**These elements are addressed in Section 17.71.050.C Rezoning of the Mixed Use Planned District Ordinance.**

5. Flexibility in Floating Zone Overlay District
  - Minimum land area of 3 contiguous acres, which may be separated by a street or right-of-way.
  - Floating Zone Overlay permitted only in Waterfront Business, Traditional Maritime, or Commercial/Industrial zoning districts.
  - Certain use variances may be permitted as part of a project in the Waterfront Business or Commercial/Industrial zoning districts.
  - Density limitations may be negotiated.

- Building height limitations may be negotiated.
- Increased amount of open space to be provided may be negotiated as a requirement.
- Maximum area to be covered by structure may be negotiated.
- Parking requirements may be negotiated.
- Off-site parking as an alternative may be negotiated.

**These elements are addressed in Section 17.71.030.Development Standards of the Mixed Use Planned District Ordinance.**

**6. Floating Zones and Approved Plans**

- A formal long-term plan with specific methods to monitor conformity with approved project terms and commitments are to be developed and made a part of the terms of each floating zone.
- Performance Bond to b Commitments made by owner must be made irrevocably binding, i.e., easements, open space, off-site facilities commitments.
- All projects remain subject to Building Code and other public safety and environmental requirements.
- Floating zone plan approved involves only zoning ordinance requirements and does not supersede any other local, State, or federal requirements another aspect.
- All other provisions of the underlying district would remain in effect.

**These elements are addressed in Section 17.71.050.D. City Council Approval of the Mixed Use Planned District Ordinance.**

**CONCLUSION**

The Mixed Use Planned Development ordinance provides a vehicle by which the City can spur development and redevelopment in Newport's north end neighborhood [Mixed-Use Innovation district]. The ordinance creates a bridge between the vision articulated in the Comprehensive and actual development. By doing so, the Mixed Use Planned Development ordinance is consistent with the policies and goals in both the Land Use and Economic Development Elements of the Plan and it satisfies a number of implementation activities identified in each element. The Mixed Use Planned Development ordinance is therefore consistent with Newport's Comprehensive Plan.

## ATTACHEMENT A

### Chapter 17.71 – ED USE PLANNED DISTRICT

#### 17.71.010 – Legislative Intent.

The mixed use planned district is an overlay district applicable to planned developments consisting of one or more lots in the Commercial-Industrial District. The intent of this district is to allow an appropriate mix of residential, commercial, business, retail, medical, recreational, technology, educational, defense, community, entertainment, and other uses in a single development in the Commercial-Industrial District where the planned development comprises 20 or more acres.

#### 17.71.020 – Use Regulations.

A. Permitted Uses. Permitted uses shall be all uses allowed by right or by special use permit at the time of application for re-zoning within the city, provided that the developer's specific proposed mix and orientation of developments is approved by the City Council subsequent to recommendation by the city Planning Board.

#### 17.71.030 – Development Standards.

In addition to the development standards set forth in Section 17.100.010 of this zoning code, the following shall be the minimum standards for all mixed use planned districts. Where deemed necessary, the city council may impose stricter standards in order to serve the purposes of this zoning code.

- A. Frontage and Setbacks. Requirements for frontage and setbacks within the site shall be determined by the City Council subsequent to Planning Board recommendation with the following stipulation: The minimum setback requirements are: a) Front line, zero (0') feet to a public street; b) Side line, ten (10) feet to properties not part of the mixed use development; and c) Rear line, ten (10) feet to properties not part of the mixed use development. These restrictions shall not apply to an existing public street where the developer can secure city approval to abandon said street prior to construction of the phase(s) or section(s) within which the street is located.
- B. Minimum Lot Requirements. An individual lot for each structure is not required but may be provided at the developer's option. There is no minimum area requirement and lot boundaries may coincide with structure boundaries. If individual lots are

provided, there shall be no requirement that the lot front on a street except as provided for above.

- C. Maximum Coverage. Maximum coverage for all mixed use planned districts shall be sixty percent (60%).
- D. Building Height. The height limitation shall be ninety (90) feet.
- E. Building Spacing. The minimum distance between buildings shall be twenty-five (25) feet except where the lot boundary coincides with the structural boundary, in which case, an approved firewall shall be provided. Single and two-family dwelling structures shall be exempt from this requirement.
- F. Drainage. All mixed use planned districts shall provide for the adequate drainage of all surface waters in accordance with any applicable provisions of the city code. Any drainage facility shall conduct water to an approved location and in a manner approved by the director of public works.
- G. Buffers. All applications for mixed use planned district zoning shall show, on the site plan, a ten (10) foot buffer strip at the perimeter of the property. Location of structures is prohibited in this area and landscaping is required with the following exceptions:
  - 1. Where the proposed land use is sufficiently similar to the surrounding land uses, the setback requirements set forth in the underlying zone shall prevail. In such case, a ten (10) foot buffer strip shall be provided on the site where this land use abuts another which is distinctly different.
  - 2. Where an existing building is located within ten (10) feet of the property boundary but is specifically planned for renovation and reuse in the overall district plan.
  - 3. Where provision of a ten (10) foot buffer would not further the goals of creating a harmonious and integrated development, the city council may, subsequent to Planning Board recommendation, reduce or waive this requirement.
  - 4. Where a planned building is located within the area of the buffer strip and meets the building setback requirements of the underlying zoning district.
- H. Landscaping. Appropriate landscaping shall be provided in all mixed use planned districts. Wherever practicable preservation of the existing vegetation and such unique features as stone walls is encouraged. Additional screening for aesthetic purposes or noise reduction may also be required.
  - 1. Peripheral Buffer Areas. All peripheral buffer areas shall be landscaped by use of trees, shrubs, walls, berms or any other appropriate material to:

- a. Adequately screen the mixed use planned district from adjacent or nearby developments, or
  - b. Enhance the visual aesthetics of the overall development.
2. Parking Lots. Off-street parking areas of five thousand (5,000) square feet or more shall be landscaped in accordance with the following minimum requirements:
- a. Trees. Shall be provided at the ends of each parking row and at one hundred fifty (150) foot intervals within each row. The minimum caliper of each tree shall be three inches with a minimum clear trunk of five (5) feet to the first branch. All required trees shall be at least twelve (12) feet in overall height when planted. All planting areas containing trees shall be curbed and have a minimum width of four (4) feet.
3. Guarantee. The developer shall guarantee all introduced vegetation through one full winter and shall replace any and all plantings determined by the building inspector to be dead or irreversibly damaged.
- I. Parking and Loading. The off-street parking and loading requirements of this code shall apply with the following exception:

Where the applicant can document differing parking schedules of two or more closely sited land uses, the City Council, subsequent to Planning Board recommendation, may relax the parking requirements in the mixed use planned district to allow for shared parking facilities among those uses shown to have most of their parking need at significantly different times of the day or week. In such cases, the parking requirement during the overlap hours must be satisfied.

Parking areas must be located within reasonable proximity to the uses they are intended to serve.

#### 17.71.040 – Administration.

The granting of approval of a mixed use planned district consists of two actions:

- A. An amendment to the zoning map which must comply with all provisions for rezoning set forth in Section 17.120.010 of the zoning code as well as all other pertinent procedural and administrative city regulations.
- B. City Council approval of the final overall district plan.

#### 17.71.050 – Rezoning Procedure.

- A. Pre-application Conference. The applicant shall request that the city planning department arrange a pre-application conference with representatives of the planning

department, building inspections office and city engineer's office prior to submission of a request for rezoning to mixed use planned district. The applicant shall submit a preliminary sketch or description of the mixed use planned district proposal at the time of the request for the pre-application conference. The city planning director may also notify other city departments or agencies deemed appropriate at the time, date and location of said conference. The purpose of the pre-application conference is for the applicant and city officials to review the preliminary overall district plan, its land use components, development phasing, unique features, public benefits, covenants, easements and potential impacts on the surrounding neighborhood areas. This conference shall be conducted as a work session with the main objective being refinement of the overall district plan. Within twenty-one (21) days after the conference, the city planning department shall provide the applicant with a written summary of the meeting, including recommendations designed to inform and assist the applicant in the preparation of the final overall district plan.

B. Overall District Plan Contents. The applicant is required to present the preliminary overall district plan at the pre-application conference. General requirements of this plan are noted under Section 17.71.050(B)(1) below. General requirements of the final overall development plan shall include all items noted under Section 17.71.050(B)(1), (2) and (3) below.

1. Site Plan. The applicant shall provide a proposed site plan for the entire development project, whether or not intended for phased construction, showing:
  - a. Name of project, name of owner, name of the engineer or surveyor, date, north point and scale. Recommended scale is forty (40) feet per inch. If it is more convenient to the developer, project plans may be drawn to the scales of ten (10), twenty (20), thirty (30), fifty (50), sixty (60), eighty (80) or one hundred (100) feet per inch;
  - b. Boundary lines;
  - c. Lots, including lot lines, approximate dimensions, approximate area and lot numbers;
  - d. Existing and proposed streets, including location, name and right-of-way widths for streets on entire tract and on abutting property; point of access to the mixed use planned districts parking and loading areas; and text defining proposed ownership of streets and parking areas;

- e. Utilities, including location and size of existing water and sewer lines on plat and on adjacent property; proposed utility extensions; text defining ownership and maintenance plans.
- f. Existing and proposed easements, including location, width and purpose;
- g. Topography, including contours at intervals no greater than five (5) feet; the planning director may require contours at intervals of two (2) feet if conditions are such as to make such detail necessary;
- h. Surface water, including the location of any lakes or ponds, watercourses or swamp areas and the proposed drainage pattern; if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended, base flood elevation data shall be provided;
- i. Subsurface conditions, except that on a plat to be served by a public water or public sewer system, the location and results of percolation tests, ground water elevation determinations, and statements of subsoil conditions shall be performed at the expense of the developer;
- j. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the plat and on adjacent land that may have an influence on the development of the plat;
- k. Public land, including parcels of land, if any, proposed to be dedicated for public use;
- l. Zoning showing existing zoning on proposed plat and on all abutting properties;
- m. Names and addresses of property owners within two hundred (200) feet of applicant's property boundaries;
- n. The stamp of a registered professional engineer or land surveyor; all overall development plans and phase plans shall be prepared by a registered engineer or land surveyor;
- o. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area for the following categories:
  - i. Commercial retail sales;

- ii. Commercial office including professional offices, medical and pharmaceutical offices and facilities, research and development facilities, and technology-based offices and facilities;
  - iii. Other commercial services; eating and drinking establishments, hotels, motels, banks, barber shops, beauty shops, tailors, health clubs, etc.;
  - iv. Heavy commercial/industrial;
  - v. Residential (residential uses shall be identified in gross square footage for multi-family developments).
- p. Proposed location and treatment of any public or private common areas or structures including open spaces, park or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas.
- q. The general treatment proposed for the periphery of the site, including the approximate amount, location and type of buffering and/or landscaping and lighting proposed.
- r. The boundaries of each proposed construction phase or section, if appropriate.
- s. Building elevations.
2. Statement of Purpose. The applicant shall provide a statement of how the purpose and intent of this chapter will be achieved by the proposed mixed use planned district possibly including additional graphics of the proposed character of the development, a description of how the mixed use planned district will relate to surrounding land uses and an analysis of the proposed development's impact on existing public facilities such as the roadway network, sewers, water facilities, school system, police and fire services.
3. Narrative Outline. The applicant shall provide a narrative outline of the proposed mixed use planned district stating:
- a. Land use allocation, by type in the following land use categories:
    - i. Commercial retail sales;
    - ii. Commercial office including professional offices, medical and pharmaceutical offices and facilities, research and development facilities, and technology-based offices and facilities;
    - iii. Other commercial services; eating and drinking establishments, hotels, motels, banks, barber shops, beauty shops, tailors, health clubs, etc.;
    - iv. Heavy commercial/industrial;
    - v. Residential:



- b. A statement of how necessary services will be provided and whether said services will be publicly or privately owned and operated.
  - c. If the mixed use planned district is proposed for phased development, a description and timing plan for individual phases.
  - d. The beneficial aspects of the proposed site layout, including a description of any land proposed for open spaces, park or recreation areas.
- C. Rezoning. Following the pre-application conference, and subsequent to receipt of the planning department's recommendation report, the applicant may initiate the application phase for rezoning the subject property to mixed use planned district. The applicant shall submit the required documents for a zone change to the city clerk accompanied by a revised overall district plan, complete with graphic and narrative explanation of all alterations made subsequent to the pre-application conference. All standard procedures relative to zone change applications and hearings, as established and amended by the city council, shall be followed.
- D. City Council Action.
  - 1. Approval. City Council approval of the mixed use planned district application shall include approval of the final overall development plan. This approval shall bind the developer to construction of the development in substantial conformance with the elements of the final overall development plan. This approval shall not hereafter supersede the city's subdivision approval process as specified in the city code. Whether or not subdivision is necessary, the applicant shall submit proper applications and documentation for approval by the planning commission for every phase or section of the final overall development plan, as they are proposed for development.
  - 2. Rejection. City Council rejection of the mixed use planned district application shall be binding upon all facets of the application and overall development plan. All regulations and options relevant to a typical zone change rejection apply.
- E. Alterations Following Mixed Use Planned District Approval. Subsequent to City Council approval of the mixed use planned district, certain alterations to the final overall development plan may be made without requiring further action by the City Council. Such alterations may be authorized by the planning commission and shall be limited to those which may be defined as minor in nature. Minor alterations are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways.

1. Minor Alterations. For a proposed alteration to be deemed "minor" in nature, it shall meet one or more of the following conditions. The proposed alteration shall:
  - a. Alter the land use mix of the approved overall development plan by a cumulative total of less than ten (10) percent in any land use category defined in subsection (B)(1)(o) of this section.
  - b. Decrease the overall density of the overall development plan.
  - c. Allow minor reorientation of one or more points of vehicular access, the internal roadway network and/or the parking plan, made necessary due to actions taken by the city or state subsequent to the approval date of the final overall development plan.
  - d. Allow minor changes in location, orientation and/or design of parking facilities, provided such changes do not decrease the total number of parking spaces.
  - e. Allow minor changes in building location made necessary by previously unforeseen natural conditions.
  - f. Allow changes in landscaping materials, lighting plan and siting of pedestrian and accessory facilities as made necessary by other approved alterations.
  - g. Allow other site design modifications which would not substantially alter the final character of the approved final overall development plan.
2. Major Alterations. Alterations which would substantially alter the final character of the approved final overall development plan shall be deemed "major" alterations. Any proposal exceeding the limits identified in subsection (E)(1) of this section for minor alterations shall be considered a major alteration proposal. Additionally, any proposal requesting one or more of the following alterations to the overall development plan shall be considered a major alteration proposal.
  - a. Construction of additional structures for residential, commercial or industrial purposes;
  - b. Introduction of a land use type not approved in the final overall development plan;
  - c. A change in land use type proposed for any structure directly adjacent to or abutting a residential structure;
  - d. Any excavation, filling or other alteration of the property's natural systems not previously approved in the final overall development plan;
  - e. Any addition or deletion of vehicular access points and parking areas or significant reorientation of the internal roadway network of the site;

- f. Any change in the phasing plan of the overall development plan, including size, boundaries and timing of construction of one or more sections of the development.

All such alterations shall be requested through the same procedure outlined herein for new projects. No major alteration shall be allowed without the approval of the city council.