

# BINGEN MUNICIPAL CODE

## Chapter 16.40

### PLANNED DEVELOPMENT

#### Sections:

- 16.40.010 Purpose.
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#### **16.40.010 Purpose.**

The purposes of the Planned Development review process are to:

- A. Provide a means for creating planned environments by applying flexible standards, which allow the use of innovative design techniques, which will result in a superior living arrangement;
- B. Facilitate the efficient use of land while preserving the existing landscape features and amenities to a greater extent than the normal standards of this title would allow;
- C. Encourage transferring density and development to the most suitable portions of the site;
- D. Encourage design features, which provide a variety of housing opportunities, public recreation, and other community amenities; and
- E. Promote protection or avoidance of important natural and hazardous areas by using flexible standards and incentives. (Ord. 507 §2, 2004).

#### **16.40.020 Applicability of Provisions.**

Planned development review may apply to a subdivision application as provided by this title. (Ord. 507 §2, 2004).

#### **16.40.030 Administration.**

Planned developments shall be administered and reviewed in conjunction with a related subdivision application in accordance with this title. (Ord. 507 §2, 2004).

**16.40.040 Submittal Requirements.**

- A. The application and support information required by this title for a related subdivision application shall be submitted.
- B. The applicant shall also provide supporting narrative, illustrations, plans, and related information to clearly identify all requirements in this title that area proposed for modification as part of the planned development, and a demonstration of compliance with the provisions of this chapter. (Ord. 507 §2, 2004).

**16.40.050 Allowed Uses.**

A planned development may contain a mixture of uses subject to the density provisions of the base zone. Subject to Section 16.40.080, the following uses may be allowed as part of a planned development approval in addition to the permitted and conditional uses allowed by the base zone:

- A. Accessory services directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the base zone;
- B. Community building;
- C. Indoor and/or outdoor recreation facilities including fitness center, racquetball court, swimming pool, tennis court, or similar use; and
- D. Recreational vehicle storage area, which only serves residents in the planned development. (Ord. 507 §2, 2004).

**16.40.060 Applicability of Development Standards.**

- A. Except as provided in Section 16.40.060 B., the development standards of the base zone and this title shall continue to pertain to a planned development.
- B. The following standards of this title are optional within a planned development:
  - 1. Minimum lot size for lots that do not abut another property in the same or a more restrictive zoning district;
  - 2. Minimum average lot width for lots that do not abut another property in the same or a more restrictive zoning district;
  - 3. Minimum average lot depth for lots that do not abut another property in the same or a more restrictive zoning district;
  - 4. Side and rear yard setbacks for buildings that are more than 50 feet away from the perimeter of the planned development;

5. When more than one zoning district applies to the site, the zone designations may be moved within the boundaries of the planned development provided the total area of each zoning district remains the same. (Ord. 507 §2, 2004).

**16.40.070 Common Open Space.**

- A. The planned development shall provide a minimum of 20 percent (20%) of usable common open space as approved by the City Council. All common open space areas shall be a minimum of 1,000 square feet with minimum dimensions in any direction of 10 feet.
- B. To the extent feasible, the planned development shall retain the natural topographic features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural areas, and trees.
- C.
- D. Designated common open space shall comply with the following:
- E.
  1. The open space area shall be shown on the final plan or plat and recorded in a manner required by the city manager; and
  2. The open space shall be conveyed in accordance with one of the following methods:
    - a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication to the City must be acceptable with regard to the size, shape, location, improvement, and budgetary and maintenance limitations;
    - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Administrator for guaranteeing the following:
      - (1) The continued use of such land for the intended purposes;
      - (2) Continuity of property maintenance;
      - (3) When appropriate, the availability of funds required for such maintenance;
      - (4) Adequate insurance protection; and
      - (5) Recovery for loss sustained by casualty and condemnation or otherwise.

3. By any alternative method which achieves the objectives set forth in Subsection 2 above. (Ord. 507 §2, 2004).

**16.40.080 Approval Criteria.**

The City Council shall approve, approve with conditions, or deny a planned development based upon the following approval criteria:

- A. All proposed uses under Section 16.40.050 shall be consistent with the residential character of the proposed subdivision and compatible with existing or planned development on surrounding properties.
- B. The alternative design and/or development standards under Section 16.40.060 shall provide a character for the development that is the same or better than the character which would result by using the normal requirements of this title.
- C. The common open space requirement of Section 16.40.070 shall be satisfied.
- D. The applicable requirements of this title for the related subdivision application shall be satisfied. (Ord. 507 §2, 2004).