



CITY OF KIRKLAND
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MEMORANDUM

To: Kirkland Planning Commission

From: David Barnes, Senior Planner
Adam Weinstein, AICP, Deputy Planning Director

Date: September 7, 2018

Subject: Hearing on Kirkland Zoning Code (KZC) 125, Planned Unit Development (PUD) Code Amendments
File Number CAM18-00380

Staff Recommendation

- Hold public hearing on amendments to KZC Chapter 125, PUD.
- Following the public comment portion of the hearing, the Planning Commission should discuss items of interest. After conclusion of the discussion, the Planning Commission should make a recommendation to the City Council on the code amendments.

Project Background

This project is part of the 2018-2020 Planning Work Program adopted in February 2018 by City Council that involves: 1) an update to the list of public benefits that PUD applicants must provide; and 2) exploration of ways to measure and identify the value of public benefits provided by a development applicant against the value of the PUD to a development applicant. Since the August 9, 2018 Planning Commission staff has also identified a minor clean-up item that could be undertaken to make Chapter 125 easier for applicants to navigate, and easier for staff to administer related to the calculation of lot area and floor area ratio across a large development site. Staff has also identified a loophole that allows applicants to include land that would normally not be included in a density calculation for subdivision projects and recommends revisions to close that loophole.

Following is a summary of the public meetings held to educate the community about the Planned Unit Development code amendment effort and to receive input on the subsequent code amendment process (meeting materials are available on the City's website):

At [the August 27, 2018 Houghton Community Council meeting](#), staff gave an overview of the project and asked for thoughts about the potential amendments.

The Houghton Community Council's feedback is summarized below:

- Define the term “public facilities”
- Critical area buffers should be added to the list of places where restoration or rehabilitation would also be beneficial
- Add 10 minute walkable neighborhoods to the list of public benefits as well as encouraging the use of alternative transportation and connecting trails and parks
- For Net Zero developments: Consider the energy used in the development of the project as well as after it is constructed and the life cycle costs. Also, consider whether the inclusion of alternative energy is a valid public benefit.
- Further define the types of entry level housing that the city would find desirable
- Public art should be considered a public benefit

The Houghton Community Council was generally supportive of a tool that could be used to help decision-makers weigh the value of public benefits provided against the value of the code modifications to the applicant. Staff was asked to consider an off the shelf tool and/or a tool that could be customized.

[At the August 9, 2018 Planning Commission meeting](#), staff presented draft code amendments and approach to pursuing further investigation of the PUD valuation tool. The Planning Commission had the following comments on the code amendments:

- Define “significant” amount of entry-level housing and be specific about what housing types are desired.
- Define “public facility”.
- Provide a link in the code to City-adopted plans identifying public projects that would be considered public benefits.
- Public open space when proposed as a public benefit should provide signage with language that welcomes the public to use the space.
- Expand the criterion related to alternative energy systems to include carbon sequestration.
- Evaluate whether net zero is a feasible alternative energy goal.

The Planning Commission recommended further exploration of the valuation tool using a Request for Proposals (RFP) process. It was also suggested that an online tool would be useful. Staff also was asked to evaluate the cost of a staff economist that could perform the function instead of creating a tool.

At the [June 28, 2018 Planning Commission meeting](#), staff gave an overview of KZC Chapter 125 (PUD), explained the motivation behind the code amendments, and discussed the historical issues that staff and City Council have experienced while processing PUD applications.

Staff received feedback from the Planning Commission and was instructed to return to a future meeting with revised draft code related to public benefits and to obtain more information regarding the development of a valuation tool to help applicants, staff and decision-makers determine if the PUD public benefits are sufficient in relation to the benefits the applicant receives.

In July 2018, staff met with the Planning and Economic Development Council Committee and the Public Works-Parks-Human Services Council Committee to provide a briefing on this code amendment process, get feedback on potential public benefit additions, and gauge support for a public benefit valuation tool. Staff heard that many ideas for potential public benefits can be found in City plans. Committee members noted that utilizing these plans as a basis for PUD public benefits would be an efficient way for applicants, staff and decision-makers to know that the proposed public benefit is desirable to the City. In addition, Committee members expressed support for funding a PUD benefit valuation tool, which would help decision-makers evaluate whether public benefits are sufficient.

Code Amendments

Following is a revised version of KZC Section 125.35.3 that has an updated list of public benefits (new KZC text is underlined; deleted text is shown in ~~strikeout~~).

3. The applicant is providing one (1) or more of the following benefits to the City as part of the proposed PUD:

a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.

Rationale – This provision is being retained as it is still relevant.

b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as ~~significant~~ woodlands, wildlife habitats, ~~or~~ streams and wetlands and their buffers, and steep slope areas that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.

Rationale – This provision is being amended to include other critical areas that would benefit from preservation and rehabilitation, including critical area buffers.

c. ~~The design of the PUD incorporates active or passive solar energy systems.~~ The proposed PUD will consist entirely of one or more of the following housing types: cottages, carriage homes, and two/three unit homes. The size limits, zones where these provisions apply, and allowed density are identified in Kirkland Zoning Code Chapter 113 (Cottage, Carriage and Two/Three Unit Homes).

Rationale – Policy H-2.4 from the Housing Element (which is also referenced in the adopted Housing Strategy Plan) provides that the City should: "Allow a broad range of housing and site planning approaches in single-family areas to increase housing supply and choice, to reduce cost, and to ensure design quality and neighborhood compatibility." The intent of this provision is to promote market-driven approaches that yield housing that is more affordable than standard, newly-built homes in Kirkland by nature of its relatively small size. Alternative energy systems are addressed in subpart f, below.

- d. The applicant is proposing public benefits or other major policy objectives identified in the Comprehensive Plan or City-adopted plans identified in the Comprehensive Plan.

Rationale – Both the Planning and Economic Development and the Public Works, Parks and Human Services Council Subcommittees recommended adding language to encourage applicants to fund or build projects already identified in City planning documents.

- ~~de. The design of the proposed PUD is superior in one (1) or more of the following ways to the design that would result from development of the subject property without a PUD:~~

- ~~4) Increased provision of usable open space or recreational facilities that provide permanent public access with signage that invites and welcomes the public.~~

Rationale – City Council and Planning Commission members have indicated in past discussions that any open space or recreational facilities such as parks and playgrounds must be accessible and open to the public to be considered a public benefit. Signage helps the public understand that they are welcome to use the open space or recreational facilities.

- ~~f.2) Superior circulation patterns or location or screening of parking facilities. Incorporation of renewable energy systems (i.e. solar, geothermal or wind) designed to create as much energy as the project uses on an annual basis also known as Net-Zero or Carbon Neutral projects or achievement of other sustainability certifications that include, but not limited to International Living Futures Institute (ILFI) Living Building Challenge Petal certification (Energy, Water, Materials), Leadership in Energy and Environmental Design (LEED) Platinum, Built Green Net Zero, Salmon Safe, ILFI Net Zero or Passive House programs. Other sustainability certification programs or carbon sequestration programs not mentioned here can also be considered.~~

Rationale – Removed language that is outdated and not relevant because regulations now require optimal circulation patterns and screening. Policy E-5.7 of the Environment Element in the Comprehensive Plan states that the City should: "Pursue 100 percent renewable energy use by 2050 through regional collaboration." This policy lends support to the overall goal of Kirkland becoming carbon neutral or a net zero carbon community. Adding language that encourages a high degree of renewable energy use as part of PUDs would help promote this goal. Alternative energy projects and or certifications that promote alternative or renewable energy production can be considered a public benefit because they help the City achieve a major policy goal identified in the Comprehensive plan. Staff has researched net-zero projects in the region and believes that it is feasible goal to achieve. In addition, other sustainability certifications that are important middle steps have been added to encourage applicants to pursue development that uses less energy and water or healthier materials, and protects natural ecosystems.

- g. Public Art

Rationale – Public Art can be considered a tangible public benefit.

- ~~3) Superior landscaping, buffering, or screening in or around the proposed PUD.~~

Rationale – This is a standard project requirement.

~~4) Superior architectural design, placement, relationship or orientation of structure.~~

Rationale – This is a standard project requirement.

~~5) Minimum use of impervious surfacing materials.~~

Rationale – Many if not all projects already discourage the use of impervious surfaces because existing regulations require onsite stormwater management.

Following is a revised version of KZC Section 125.20 that addresses an administrative problem that staff has encountered in previous PUD applications (new KZC text is underlined; deleted text is shown in ~~strikeout~~). This problem relates to requests by development applicants to allow lot coverage (generally percentage of hard surfaces on a site) and Floor Area Ratio to be calculated cumulatively over an entire project site. Typically, these calculations are made on lot by lot basis. A cumulative approach poses administrative problems and challenges to homeowners interested in building additions because FAR and lot coverage allowances for the entire development site tend to diminish over time. A potential solution to this issue is prohibiting lot coverage and FAR to be calculated on a cumulative basis and that the percentages be identified on a subdivision and recorded via covenant on each lot.

125.20 Decision on the PUD – What Provisions May Be Modified

The City may modify any of the provisions of the code for a PUD except:

1. The City may not modify any of the provisions of this chapter; and
2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD, including all provisions in Chapter 90 and 85 KZC; and
3. The City may not modify any of the procedural provisions of this code; and
4. The City may not modify any provision that specifically applies to development on a regulated slope; and
5. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
6. The City may not modify any provision pertaining to the installation of public improvements; and
7. The City may not modify any provision regulating signs; and
8. The City may not modify any provision regulating the construction of one (1) detached dwelling unit; and
9. The City may not modify any provision permitting lot coverage and floor area ratio (FAR) to be calculated cumulatively over a subject property.

Rationale – New language to address issue of administering cumulative calculations of lot coverage and floor area ratio over a subject property.

Following is a revised version of KZC Section 125.30, (new KZC text is underlined; deleted text is shown in ~~strikeout~~). These proposed code amendments address the additional density that would be granted for PUD applications that provide smaller homes that are more affordable in relation to market priced homes and also clarify that land dedicated to the City is subtracted from the project area prior to calculating density.

125.30 Decision on the PUD – Density

The maximum residential densities that the City may approve in a PUD are as follows:

1. Except as allowed under subsections (2), ~~and (3)~~ and (4) of this section, the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.
2. If the PUD is designed, developed and maintained as “special needs housing,” additional density may be permitted on the following basis:
 - a. Housing for senior citizen households, or for mentally, physically or emotionally impaired persons, except for assisted living facilities, may be permitted a maximum density of up to 1.5 times the maximum density recommended by the Comprehensive Plan or, if the development includes affordable housing units approved pursuant to Chapter 112 KZC, the maximum density allowed for the development through Chapter 112 KZC, whichever is greater; provided, that traffic impacts, impacts to public services and utilities, and impacts to adjacent properties are comparable to the impacts of the project if it were not providing special needs housing and if it were developed at the maximum density permitted in the zone in which the project is located.
 - b. Housing for low or moderate income households in low density zones may be permitted a maximum density above the density permitted under subsections (1) and (2)(a) of this section based upon the percentage of dwelling units which are low or moderate income units, using the following multipliers:

Density	=	Multiplier
% of Low or Moderate Income Units	=	Multiplier
5 – 9%	=	1.1
10 – 14%	=	1.2
15 – 19%	=	1.3
20 – 24%	=	1.4
25% +	=	1.5

3. If a project consists of special needs housing, the applicant shall prepare a document, to be approved by the City Attorney, stating that the PUD will become void and use and occupancy must cease if the development is used for any purpose other than that for which it was specifically approved. This document, which will run with the subject property, must be recorded in the King County Recorder’s Office.

4. If a project proposes to meet the requirements of KZC Section 125.35.3.c, then the bonus density allowed is 2 times the maximum number of detached dwelling units allowed in the underlying zone.

45. If the PUD is proposed in an RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0 or RSX 5.0 Zone, the City will subtract land dedicated to the City or if land is not dedicated, the area ~~actually~~ used for vehicular circulation, public pedestrian walkways, and surface parking areas that serve more than one (1) dwelling unit, before determining the maximum number of dwelling units potentially permitted under this section.

Rationale – New density language linked to projects that meet the requirements of new KZC Section 125.35.3.c. Previous PUD’s have achieved additional density because KZC Section 125.30.5 (above) created a loophole and did not require the applicant to subtract dedicated land from the density calculation when determining the maximum dwelling units permitted under this section. The revised language closes this loophole.

Following is a revised version of KZC Section 125.40, (new KZC text is underlined; deleted text is shown in ~~strikeout~~). This section shows what is required when lot coverage or floor area ratio are modified within a subdivision.

125.40 Decision on the PUD – Site Plan Required

As part of the approval of the PUD, the City shall incorporate a site plan submitted by the applicant of the PUD showing at a minimum:

1. The topography at 5-foot intervals of the PUD after grading.
2. The structures in the PUD.
3. All relevant dimensions of the PUD, including the outside dimensions and required yards.
4. The pedestrian and vehicular circulation and parking areas in the PUD.
5. The areas of common open space, or areas to be dedicated to the City.
6. The landscaping of the PUD, including the general type, location, and growth characteristics of the vegetation.
7. Any other relevant physical feature in the PUD.
8. For projects within a subdivision, the lot coverage percentage and floor area ratio (FAR) for each lot.

Rationale – New language to identify on a site plan the lot coverage and floor area ratio for each lot within a subdivision.

Following is a revised version of KZC Section 125.50, (new KZC text is underlined; deleted text is shown in ~~strikeout~~). This section shows how modifications to lot coverage or floor area ratio will be memorialized with required documentation on the face of a subdivision and with a covenant for each lot.

125.50 Final Site Plan Review – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit the following:

1. A completed application on the form provided by the Planning and Building Department, along with all information listed in that form.
2. A site plan of the PUD as approved by City Council.
3. Any information or material that City Council, by ordinance approving the PUD, indicated is to be submitted as part of the final site plan review.
4. For projects within a subdivision, where lot coverage or Floor Area Ratio is modified, a covenant shall be recorded on each lot and on the face of the plat that identifies the approved percentages.

Rationale – New language to memorialize lot coverage and floor area ratio for each lot within a subdivision.

Following is a revised version of KZC Section 5.10.729 to include the definition of public facility, (new KZC text is underlined; deleted text is shown in ~~strikeout~~).

KZC Chapter 5 – Definitions

5.10.729 Public Facility

A public facility can be any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Rationale – Public Facility is not defined in the Kirkland Zoning Code, but it is used in KZC Chapter 125.

Environmental Review

The requirements of the State Environmental Policy Act (SEPA) have been met by the issuance on August 28, 2018 of an addendum to the 2035 Comprehensive Plan Environmental Impact Statement (EIS).

Next Steps

The next steps include bringing a Planning Commission and Houghton Community Council recommendation on the code amendments to the City Council in October 2018. In addition, staff is pursuing further investigation of the PUD valuation tool.

Attachments:

1. Draft KZC 125 (PUD) Code
2. Draft KZC 5 (Definitions)

cc: CAM18-00380

Chapter 125 – PLANNED UNIT DEVELOPMENT

Sections:

125.05	User Guide
125.10	Process for Deciding on a PUD Application
125.15	Decision on the PUD – Application
125.20	Decision on the PUD – What Provisions May Be Modified
125.25	Decision on the PUD – Uses in a PUD
125.30	Decision on the PUD – Density
125.35	Decision on the PUD – Criteria for Approving a PUD
125.40	Decision on the PUD – Site Plan Required
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125.50	Final Site Plan Review – Application
125.55	Final Site Plan Review – General
125.60	Final Site Plan Review – Minor Modifications
125.65	Final Site Plan Review – Major Modifications
125.70	Final Site Plan Review – Effect
125.75	Map Designations

125.05 User Guide

This chapter establishes a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of this code.

This mechanism, which is called a Planned Unit Development or PUD, is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code.

If you are interested in proposing a Planned Unit Development or if you wish to participate in the City’s decision on a proposed PUD, you should read this chapter.

125.10 Process for Deciding on a PUD Application

An application for a PUD has two (2) stages. The first stage is described in KZC 125.15 through 125.45 and results in the City’s decision whether or not to grant the PUD. The decision on this stage will be made using Process IIB described in Chapter 152 KZC. During the second stage described in KZC 125.55 through 125.75, the City will review the final site plan of the project to ensure that it is consistent with the PUD as approved. The decision on this stage will be made by the Planning Director, unless the City Council determines, with the approval of the preliminary PUD, that either:

1. There is substantial public interest in the PUD; or
2. Substantial changes in the proposed preliminary PUD are required; or
3. Additional technical information is required prior to approval of the final PUD.

If the City Council determines that one (1) of the above conditions exists, then the final PUD will be reviewed and decided upon using Process IIB, described in Chapter 152 KZC. The applicant may request to have the preliminary and final PUD applications reviewed concurrently. However, the request does not ensure that one (1) or both of the applications will be approved.

125.15 Decision on the PUD – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning and Building Department, along with all the information listed on that form.

(Ord. 4491 § 3, 2015)

125.20 Decision on the PUD – What Provisions May Be Modified

The City may modify any of the provisions of the code for a PUD except:

1. The City may not modify any of the provisions of this chapter; and
2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD, including all provisions in Chapter 90 and 85 KZC; and
3. The City may not modify any of the procedural provisions of this code; and
4. The City may not modify any provision that specifically applies to development on a regulated slope; and
5. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
6. The City may not modify any provision pertaining to the installation of public improvements; and
7. The City may not modify any provision regulating signs; and
8. The City may not modify any provision regulating the construction of one (1) detached dwelling unit-; and
9. The City may not modify any provision permitting lot coverage and floor area ratio (FAR) to be calculated cumulatively over a subject property.

(Ord. 4551 § 4, 2017)

125.25 Decision on the PUD – Uses in a PUD

1. The City may approve any use that is listed as potentially allowed in the zone in which the PUD is proposed.
2. The City may approve any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property.

125.30 Decision on the PUD – Density

The maximum residential densities that the City may approve in a PUD are as follows:

1. Except as allowed under subsections (2), ~~and~~ (3) and (4) of this section, the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.
2. If the PUD is designed, developed and maintained as “special needs housing,” additional density may be permitted on the following basis:
 - a. Housing for senior citizen households, or for mentally, physically or emotionally impaired persons, except for assisted living facilities, may be permitted a maximum density of up to 1.5 times the maximum density recommended by the Comprehensive Plan or, if the development includes affordable housing units approved pursuant to Chapter 112 KZC, the maximum density allowed for the development through Chapter 112 KZC, whichever is greater; provided, that traffic impacts, impacts to public services and utilities, and impacts to adjacent properties are comparable to the impacts of the project if it were not providing special needs housing and if it were developed at the maximum density permitted in the zone in which the project is located.
 - b. Housing for low or moderate income households in low density zones may be permitted a maximum density above the density permitted under subsections (1) and (2)(a) of this section based upon the percentage of dwelling units which are low or moderate income units, using the following multipliers:

$$\begin{array}{l} \text{Density} \\ \text{\% of Low or Moderate Income Units} \end{array} = \text{Multiplier}$$

5 – 9%	=	1.1
10 – 14%	=	1.2
15 – 19%	=	1.3
20 – 24%	=	1.4
25% +	=	1.5

3. If a project consists of special needs housing, the applicant shall prepare a document, to be approved by the City Attorney, stating that the PUD will become void and use and occupancy must cease if the development is used for any purpose other than that for which it was specifically approved. This document, which will run with the subject property, must be recorded in the King County Recorder's Office.

4. If a project proposes to meet the requirements of KZC Section 125.35.3.c, then the bonus density allowed is 2 times the maximum number of detached dwelling units allowed in the underlying zone.

4.5. If the PUD is proposed in an RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0 or RSX 5.0 Zone, the City will subtract land dedicated to the City or if land is not dedicated, the area actually used for vehicular circulation, public pedestrian walkways, and surface parking areas that serve more than one (1) dwelling unit, before determining the maximum number of dwelling units potentially permitted under this section.

(Ord. 4491 § 11, 2015; Ord. 3938 § 1, 2004; Ord. 3814 § 1, 2001)

125.35 Decision on the PUD – Criteria for Approving a PUD

The City may approve a PUD only if it finds that all of the following requirements are met:

1. The proposed PUD meets the requirements of this chapter.
2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.
3. The applicant is providing one (1) or more of the following benefits to the City as part of the proposed PUD:
 - a. The applicant is providing significant public facilities that could not be required by the City for development of the subject property without a PUD.
 - b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats, ~~or~~ streams and wetlands and their buffers, and steep slope areas that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.
 - c. ~~The design of the PUD incorporates active or passive solar energy systems.~~ The proposed PUD will provide a combination of the following housing types within in a project: Cottages, carriage or two/three unit homes. The size limits, zones where these provisions apply, and allowed density are identified in Kirkland Zoning Code Chapter 113 (Cottage, Carriage and Two/Three Unit Homes).
 - d. The applicant is proposing public benefits other major policy objectives identified in the Comprehensive Plan or City-adopted plans identified in the Comprehensive Plan.
 - e. ~~The design of the proposed PUD is superior in one (1) or more of the following ways to the design that would result from development of the subject property without a PUD:~~
 - 1) Increased provision of usable open space or recreational facilities that provide permanent public access with required signage that invites and welcomes the public.
 - 2) Superior circulation patterns or location or screening of parking facilities. Incorporation of renewable energy systems (i.e. solar, geothermal or wind) designed to create as much energy as the project uses on

an annual basis also known as Net-Zero or Carbon Neutral projects, or achievement of other sustainability certifications that include, but not limited to International Living Futures Institute (ILFI) Living Building Challenge (full or Petal certification (Energy, Water, Materials)), Leadership in Energy and Environmental Design (LEED) Platinum, Built Green Net Zero, Salmon Safe, ILFI Net Zero or Passive House programs. Other sustainability certification programs or carbon sequestration programs not mentioned here can also be considered.

g. Public Art

- ~~3) Superior landscaping, buffering, or screening in or around the proposed PUD.~~
- ~~4) Superior architectural design, placement, relationship or orientation of structure.~~
- ~~5) Minimum use of impervious surfacing materials.~~

4. Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.).

125.40 Decision on the PUD – Site Plan Required

As part of the approval of the PUD, the City shall incorporate a site plan submitted by the applicant of the PUD showing at a minimum:

1. The topography at 5-foot intervals of the PUD after grading.
2. The structures in the PUD.
3. All relevant dimensions of the PUD, including the outside dimensions and required yards.
4. The pedestrian and vehicular circulation and parking areas in the PUD.
5. The areas of common open space, or areas to be dedicated to the City.
6. The landscaping of the PUD, including the general type, location, and growth characteristics of the vegetation.
7. Any other relevant physical feature in the PUD.
8. For projects within a subdivision, the lot coverage percentage and floor area ratio (FAR) for each lot.

125.45 Decision on the PUD – Effect of an Approved PUD

1. General – Except as specified in subsection (2) of this section, the applicant must comply with KZC 125.50 through 125.70 before commencing any development activities on the subject property.
2. Exception – If the City approves the preliminary PUD, the applicant may, subject to all other applicable codes and ordinances, begin clearing and grading of the site, and any other site work on the subject property that is specifically approved in the resolution or ordinance approving the preliminary PUD.

(Ord. 3814 § 1, 2001)

125.50 Final Site Plan Review – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit the following:

1. A completed application on the form provided by the Planning and Building Department, along with all information listed in that form.
2. A site plan of the PUD as approved by City Council.
3. Any information or material that City Council, by ordinance approving the PUD, indicated is to be submitted as part of the final site plan review.

4. For projects within a subdivision, where lot coverage or Floor Area Ratio is modified, a covenant shall be recorded on each lot and on the face of the plat that identifies the approved percentages.

(Ord. 4491 § 3, 2015)

125.55 Final Site Plan Review – General

The City shall use the final site plan review process for the following two (2) purposes:

1. To check the final site plan submitted under KZC 125.50 to ensure that the PUD conforms in all respects to that which was approved by City Council.
2. To make any decisions or determinations that the City Council, by ordinance approving the PUD, indicated are to be made during the final site plan review. Any decisions or determinations made during this process become part of the approved PUD.

125.60 Final Site Plan Review – Minor Modifications

The City may require or approve a minor modification to the site plan of the PUD as approved by City Council if:

1. The change will not have the effect of reducing landscaped area, or reducing or encroaching into buffering areas or reducing the amount of open space in the PUD; and
2. The change will not have the effect of increasing the residential density of the PUD; and
3. The change will not have the effect of increasing the area devoted to nonresidential uses in the PUD; and
4. The change will not increase the height of any structure above the height allowed in the underlying zone nor change the orientation of structures which would result in reduced view corridors or increase in the perceived bulk and mass of the structure; and
5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

125.65 Final Site Plan Review – Major Modifications

If an applicant seeks a modification to an approved PUD that does not meet all of the requirements of KZC 125.60, he/she may do so by submitting the application material required for approval of a new PUD. The City will process and decide upon this application, using the provisions of this chapter, as if it were an application for a new PUD.

125.70 Final Site Plan Review – Effect

If the City approves the final site plan, the applicant may proceed with the development of the PUD subject to all other applicable codes and ordinances.

125.75 Map Designation

1. General – Upon completion of the PUD as approved, the City shall place the designation “PUD” on the subject property on the Zoning Map.
2. Effect – This PUD designation means that any redevelopment of the subject property must either:
 - a. Comply with the PUD as approved; or
 - b. Comply with all of the requirements for development in the zone in which the subject property is located without a PUD.

KZC Chapter 5 – Definitions

5.10.729 Public Facility

A public facility can be any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

