**Manzanita Development Ordinance (Planned Unit Development section)**

**Section 4.136 Planned Unit Development (PD).** In a planned development the following regulations shall apply:

1.Purpose. The purpose of "planned development" is to permit the application of greater freedom of design in land development than may be possible under a strict interpretation of the provisions of this Ordinance. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan for the area.

2. Standards and Requirements. The following standards and requirements shall govern the application of a planned development in an area in which it is permitted.

(a) A planned development may include any uses and conditional uses permitted in any underlying zone. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards that most nearly portray the character of the zone in which the greatest percentage of the planned development is proposed.

(b) The developer may aggregate the dwellings in this zone in "cluster" or multiple-dwelling structures so long as it does not exceed the density limits of the Comprehensive Plan.

(c) Assurances such as a bond or work agreement with the City may be required to insure that a development proposal as submitted is completed within the time limit agreed upon by the developer and the commission.

3.Planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development:

(a) An applicant shall submit 10 copies of a preliminary development plan to the Planning Commission for study at least 10 days prior to the public hearing at which it will be discussed. In addition to publicizing the public hearing, the City Manager shall notify all property owners within 250 feet of the proposed development by mail. The preliminary plan shall include the following information:

(1) A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands.

(2) Proposed land uses, lot overages, building locations and housing unit densities.

(3) Proposed circulation pattern indicating the status of street ownership.

Manzanita Zoning Ordinance – Adopted March 6, 1996 Page 64 of 101 Including all Ordinance Amendments through September 18, 2006 (4) Proposed open space uses.

(5) Proposed grading and drainage pattern.

(6) Geologic hazards study where required.

(7) Proposed method of water supply and sewage disposal.

(8) Relation of the proposed development to the surrounding area and the Comprehensive Plan.

(b) Prior to discussion of the plan at a public hearing, the City Manager shall distribute copies of the proposal to appropriate City agencies or staff for study and comment.

(c) The Planning Commission shall consider the preliminary development plan at a meeting, at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the Planning Commission shall seek to determine that:

(1) There are special physical conditions of objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.

(2) Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage.

(3) The area around the development can be planned to be in substantial harmony with the propose plan.

(4) The plan can be completed within a reasonable period of time.

(5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

(6) Proposed utility and drainage facilities are adequate for the population d ensities and type of development proposed.

(d) The Planning Commission shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.

(e) Following this preliminary meeting, the applicant may proceed with his request for

approval of the planned development by filing an application for an amendment to this Ordinance.

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(f) In addition to the requirements of this section, the Planning Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.

(g) An approved planned development shall be identified on the zoning map with the l etters PD in addition to the abbreviated designation of the existing zoning.

(h) Building permits in a planned development shall be issued only on a basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this Ordinance.

**Section 4.137 Site Plan Approval**. All commercial and residential development proposals shall be reviewed for conformance to the standards established by this Ordinance. Site plan approval shall be a condition of issuance of a building permit.

Condition of issuance of a building permit:

1. A site plan shall be to scale and shall contain:

(a) The exterior outline of all structures.

(b) Required on-site parking areas.

(c) Required yard setbacks and building height.

(d) Existing trees and proposed trees.

2. Removal of t rees. The City encourages retention of existing trees wherever feasible and prohibits clear cutting of lots prior to review and approval of a site plan or tree replacement plan.

(a) Removal of a tree(s) from a lot which is not associated with a development proposal may be permitted subject to City approval of a tree replacement plan. [Section 4.137(2) amended by Ord. 95-4, passed March 6, 1996].

3. Replanting of trees. Trees that have been removed from the building site shall be replaced by trees of a species native to the area or by a species that has demonstrated an ability to adapt to this area. The number and location of such trees shall be shown on the site plan. Prior to final building inspection, all trees noted on the tree replacement plan shall be planted. Replanted trees which die shall be replaced within 90 days of the death of the trees. [Amended by Ord. 06-04, passed September 18, 2006]

**Section 4.138 Filling of Lots**. The introduction of fill to a lot to obtain height for building purposes is prohibited except in those cases where a lot lies below street grade. Fill may be used to bring the lot grade up to street level abutting front lot line. The applicant shall provide a plan prepared by a registered civil engineer which prevents the diversion of water onto adjoining properties. [Section 4.138 amended by Ord. 95-4, passed March 6, 1996].

[Section 4.140 added by Ord. 95-4, passed March 6, 1996; repealed by Ord. 01-03, passed 8/27/01]

**Section 4.141 Parking Structure within front yard.** On lots that slope downhill from the street with an average slope of 20 percent or greater, an uncovered parking structure may be located within the front yard. Such a parking structure must be constructed at no higher than the grade of the street. The parking structure may not have a roof or side walls of any materials, but a railing of the minimum height required by the building code is permitted. [Added by Ord. 01-03, passed 8/27/01]

**Section 4.150 Design Review**. The purpose of Sections 4.150 through 4.158 is to provide design standards for commercial and mixed use development in Manzanita’s commercial zones. Design review provides aesthetic judgment over development projects in order to maintain the unique character of the community by keeping buildings to human scale and reflecting the natural beauty of the city’s setting, to encourage the traditional style of the Pacific Northwest, and to protect the viability of the commercial zones. The standards provide for originality, flexibility and innovation in site planning and development and encourage development where structures, use areas, artistic expression and site elements are integrated in a manner that is harmonious within the site and with adjacent properties. Design review criteria shall be applicable to all new construction, alteration of site improvements, or exterior alteration of commercial and mixed use development in the C-1 and LC zones. [Amended by Ord. 06-04, passed September 18, 2006]

**Section 4.151 Definitions.** [Amended by Ord. 06-04, passed September 18, 2006]

a. New construction: New building, public improvements such as sidewalks, benches, lighting and/or landscaping.

b. Alteration of site improvements: The removal of landscaping of an area of 100 square feet or more.

c. Exterior alteration: The addition of more than 100 square feet of interior building space.

d. Minor alteration: Modification of a building or improvement which is (a) not a Major Revision to an approved design review plan, (b) does not significantly alter or move an exterior wall or roof or change the height of a portion of a building, (c) does not relocate an existing building on its lot, (d) creates no new driveways, and (e) adds no additional uses to the building.

e. Major revision: Modifications to an approved design review plan which result in a significant change to the plan; including but not limited to changes to the siting of a building or improvements, the modification of the areas to be landscaped, or modifications to a plan element that was the subject of a Design Review Board condition.

f. Minor revision: Minor modifications to an approved design review plan which result in an insignificant change to the plan; such as limited changes to the dimension or placement of windows or doors, changes in building materials where only a limited area is affected and which do not affect the overall architectural design, or the substitution of landscape materials which do not affect the overall landscape design.

g. Landscaping: A combination of living plant materials such as trees, shrubs, groundcovers, flowers, lawn, and non-living materials such as benches, walkways, and courtyards, consisting of brick/concrete, rock or other decorative material.

h. Design Review Board: The Planning Commission or a separate board designated by the City Council.

**Section 4.152 Design Review Plan - When Approval is Required.** Design review plan approval shall be required prior to:

1. Site clearance activities such as tree removal, grading, excavation or filling.

2. The issuance of a building permit for new construction or alteration. The plan for which a building permit is issued shall conform in all aspects to the plan approved through the design review process.

3. Alteration of site improvements.

4. Design review approval is not required for minor alterations as defined in Section 4.151.

[Section 4.152 amended by Ord. 06-04, passed September 18, 2006]

**Section 4.153 Design Review Plan - Review Procedures.**

1. Pre Application Conference. Prior to applying for design review approval, applicants shall meet with the City Manager or designee, and present a plan which shall contain, in preliminary form, the information required on a design review plan application. The City will advise the applicant of the intent, standards, criteria and provision of the ordinance, other City ordinances, variance requirements, conditional uses, etc. Preliminary information presented shall be considered confidential.

2. Property owners, or their designated representatives, shall file a design review application and submit site plans, elevations, renderings, landscape plans, models, or other materials to insure a clear understanding by the Design Review Board. The materials submitted must include at least one rendering or model showing the proposed development and the adjacent properties so that the Design Review Board can evaluate the project’s harmony relative to adjacent structures. The applicant bears the responsibility or burden of proof that the proposed development complies with the design review criteria.

3. The design plan must identify:

a. Natural and man-made features, including trees and structures onsite and on adjacent properties having a visual or other significant relationship with or that may affect the development.

b. The location and external dimensions of proposed buildings and structures, and of existing buildings and structures to be retained.

c. The location of fences, retaining walls, mechanical equipment, garbage disposal areas, utility appurtenances and similar structures.

d. Pedestrian, parking and vehicular circulation areas including service areas for the loading and delivery of goods.

e. Private and shared outdoor areas, including walkways, plazas, courtyards, seating areas, street furniture and permanent outdoor features including sculptures and artwork.

f. Exterior lighting on all buildings and in landscape areas, including type, intensity and area to be illuminated.

g. Location, size and method of illuminating signs.

h. Points of access and interior floor plans on architectural plans to the extent required to clarify access functions and the relationship to decks, porches, balconies, stairs or other exterior features.

i. The color and texture of finish materials, window and door placement and materials, light fixtures, stairways, unique architectural elements, especially in development plans that are unique or innovative.

4. The City Manager or designee shall prepare a report to the Design Review Board on

conformance with pertinent zoning ordinance requirements. The report shall be available to the public, at reasonable cost, at least 7 days prior to the date set for the hearing.

5. Design Review Board Meeting and Decision

a. Before the Design Review Board may act on a design review plan, written notice must be sent to all property owners within 150 feet of the proposed development or alteration informing them of the date, time and location of the Board meeting in which the design plan will be reviewed.

b. The Design Review Board shall determine whether the proposed development meets all applicable design review criteria. The Board may request additional materials from the applicant prior to reaching a decision. The Board may approve, approve with conditions, or deny a design review plan.

[Section 4.153 amended by Ord. 06-04, passed September 18, 2006]

**Section 4.154 Design Review Criteria**

1. The design review criteria are intended to provide a frame of reference for the applicant in the development of site, building and landscape plans and to provide the city with a means of reviewing proposed plans. These criteria are not intended to be inflexible requirements nor are they intended to discourage creativity or innovation. The criteria do not intend to specify a particular architectural style.

2. The Design Review Board is not authorized to approve projects which do not adhere to specific development standards provided by this ordinance (e.g. building height or setbacks.)

[Section 4.154 added by Ord. 06-04, passed September 18, 2006]

**Section 4.155 Site Design Evaluation Criteria.**

1. In terms of setback from street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structure and the surrounding area.

2. The design incorporates existing features such as rocks, slopes and vegetation.

3. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining space in order to create pedestrian pathways and/or open system that connects other properties.

4. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.

5. All functions, uses and improvements are arranged to reflect and harmonize with the natural characteristics and limitations of the site and adjacent properties.

[Section 4.155 renumbered and amended by Ord. 06-04, passed September 18, 2006]

**Section 4.156 Architectural and Landscape Design Evaluation Criteria.**

1. The design integrates and harmonizes the existing and proposed development with the existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages village design and visual diversity within development projects and the surrounding area.

2. The landscape design acknowledges the growing conditions for the climatic zone, and provisions are made for the survival and continuous maintenance. The landscape design shall include the use of local native species of trees and shrubs.

3. The minimum lot area required to be landscaped shall be 10% for commercial uses, and 20% for residential and other uses.

4. Living plant material shall constitute of minimum of 50% of the total required landscape area, which can include landscaping around buildings, in parking lots and loading areas, outdoor recreation use areas, and screening and buffering areas.

5. The grading and contouring of the site, and on site drainage facilities, shall be designed so there is no adverse affect on neighboring properties or public rights-of-way.

6. The design avoids monotony and provides visual interest by giving sufficient attention to architectural details and to design elements.

7. The design adequately addresses the pedestrian nature of the commercial area and places structures in relation to sidewalks and open areas to foster human interaction.

8. Lighting is non-industrial and non-invasive in character, and contributes to the village character.

9. Compatibility. All new commercial and mixed use buildings and exterior alterations shall be designed consistent with the architectural context in which they are located. This standard is met when the Design Review Board finds that all of the criteria in a.- c., below, are met.

a. There is compatibility in building sizes between new and existing commercial and mixed use buildings;

b. The size, shape and scale of the structures are architecturally compatible with the site and with the village character of the surrounding neighborhood.

c. All buildings and developments shall provide human scale design. The design avoids a monolithic expanse of frontages and roof lines, diminishes the massing of buildings by breaking up building sections, and/or by use of such elements as visual planes, projections, bays, dormers, setbacks or changes in the roof line, and/or similar features generally shown in the following figure (Note: The examples shown below are meant to illustrate these building design elements, and should not be interpreted as a required architectural style).

[Section 4.156 renumbered and amended by Ord. 06-04, passed September 18, 2006]

**Figure 4.156(A). Examples of design elements**

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**Section 4.157 Revision of Approved Plans.**

Building permits and construction documents shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the design review plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review the modification. The City Manager and the Design Review Board Chair shall review the proposed modification to determine whether it constitutes a major or minor revision of the approved plans. Major revisions require approval of the Design Review Board in the same manner as a new application. Minor revisions may be approved by the City Manager and do not require a new approval by the Design Review Board.

[Section 4.157 added by Ord. 06-04, passed September 18, 2006]

**Section 4.158 Performance Assurance**.

1. Site, building and landscape improvements required pursuant to an approved design review plan shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the property owner submits a performance assurance agreement committing to the installation of landscaping or other site improvements within 6 months. In no case shall the property owner delay performance for more than 6 months.

2. The final approval of a design review plan shall be void after one year of the date of

approval unless a building permit has been obtained. [Sections 4.150 - 4.157 added by Ord. 95-4, passed March 6, 1996; Section 4.158 renumbered by Ord. 06-04, passed September 18, 2006]