

**ORDINANCE NO. 910**

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE, TITLE 17 TO REVISE THE REVIEW PROCEDURES AND STANDARDS FOR MASTER PLANNED DEVELOPMENTS**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the Stayton Comprehensive Plan and Title 17, Land Use and Development, of the Stayton Municipal Code (SMC), Sections 17.20.090 and 17.20.100 currently contain the procedures and standards for the approval of Master Planned Developments;

WHEREAS, the proposed amendments are necessary and appropriate because Stayton's current procedures require an undue burden on applicants in the preparation of a preliminary plan; Stayton's current standards do not provide for relaxation of the street width and layout or block length requirements that could promote better development design in selected locations; Stayton's current standards do not contain adequate design standards; and Stayton's current standards do not provide adequate incentives to encourage developers of Master Planned Developments to exceed the minimum requirements;

WHEREAS, following a public hearing, the Stayton Planning Commission has unanimously recommended that the Stayton City Council enact the proposed amendments to the procedures and standards for Master Planned Developments; and,

WHEREAS, following a public hearing, the Stayton City Council deems the proposed amendments to comply with the provisions of the Comprehensive Plan.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code, Title 17, Sections 17.20.090 and 17.20.100 are hereby amended as shown on Exhibit A attached hereto and incorporated herein.

SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

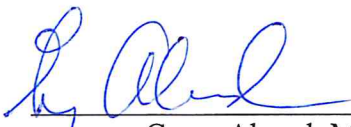
SECTION 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of May, 2009.

CITY OF STAYTON


Signed: MAY 5, 2009

BY:

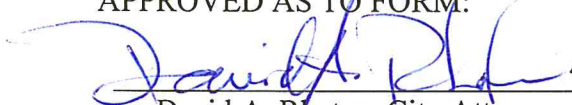
  
Gerry Aboud, Mayor

Signed: 5/5, 2009

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

**Please  
Sign & Return**

Additions are underlined; Deletions are ~~crossed-out~~.

**Part 1.** Amend **Sect. 17.24.090** to revise the review procedures and submission requirements for Master Planned Developments.

## **17.24.090 APPLICATION AND APPROVAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS**

1. **PURPOSE STATEMENT.** The purpose of a Master Planned Development is to allow flexibility in design and creative site planning for residential, commercial or industrial development consistent with the following objectives: encourage creative and efficient uses of the land, provide and ensure preservation and enhancement of open space, ensure that the project design integrates all adopted Facility Master Plans (Transportation, Water, Sewer, Parks, Facilities, etc.), Standard Specifications, and provides an attractive living and working environment.
2. **APPLICABILITY.** The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. In addition, the City may require that the following types of development be processed using the provisions of this Section:
  - a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as being significant wetland site(s) requiring protection.
  - b. Where the land division is to occur on slopes of 15% slope or greater.
  - c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development.
- ~~3. **PRE-APPLICATION CONFERENCE.** Prior to submitting a Preliminary Master Planned Development for review, the applicant shall attend a pre-application conference as provided in Section 17.12.160.~~

~~4.3. **APPLICATION AND INFORMATION REQUIREMENTS FOR PRELIMINARY CONCEPTUAL APPROVAL OF A MASTER PLANNED DEVELOPMENT.** The application and submission requirements for a preliminary-conceptual master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the preliminary plan and accompanying materials shall include:~~

- ~~a.~~ Three copies of the conceptual plan at a scale of 1 inch equals not more than 50 feet including the general location of: streets, open space, residential development identified by type, and any commercial development including potential uses. In addition, 10 copies of the conceptual plan reduced to fit on an 11 X 17 page shall be submitted.
- ~~a.b.~~ A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development such as the number of types of residential units, the range of lot sizes, and the size and scale of any non-residential uses. and The statement shall also include a discussion of the rationale behind the assumptions and choices made by the applicant.
- ~~b.c.~~ A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.

~~e.d.~~ A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.

~~d.~~ Narrative report or letter documenting compliance with the all applicable approval criteria contained in Section 17.24.100.

~~e.~~ Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource, and other impacts and required mitigation.

~~f.~~ Specific Information. In addition to the general information described above, the concept plan, data, and narrative shall include the following exhibits and information:

~~1)~~ Existing Conditions map. At a minimum the existing conditions map shall contain the following:

~~e)~~ Existing Conditions map. At a minimum, the existing conditions map shall ~~The~~ show the applicant's entire property and the surrounding property to a distance of 300 feet to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified by:

~~a.1)~~ The location and width of all streets drives, sidewalks, pathways, rights-of-way and easements on the site and adjoining the site.

~~b.2)~~ Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards.

~~e.3)~~ Resource areas, including wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection.

~~d.4)~~ Site features including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches.

~~e.5)~~ Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots.

~~f.6)~~ The location, size and species of isolated trees and other vegetation having a diameter of 6 inches or greater at 4 feet above grade. The map shall also show the general location of groves of trees larger than 3,000 square feet and indicate the location of any specimen trees to be preserved in the development process in accordance with Section 17.20.150.

~~e.7)~~ Location and impact on any facilities in the adopted Water, Sewer, Transportation, Storm Drainage, and Parks Master Plans

4. PROFESSIONAL DESIGN TEAM. A professional design team shall be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be involved in the preparation of the concept and detailed plan.

a. A licensed architect or professional designer.

b. A registered professional engineer

c. A landscape architect or landscape designer.

2) Conceptual site plan, including:

- e) Lot configuration and identification of proposed uses
- f) Average density (by phase, if a phased project)
- g) Building footprints
- h) Circulation including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities.
- i) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, and similar public, semi public areas and uses.
- j) Other information necessary to convey the concept plan.

3) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)

4) Landscape plan meeting requirements of Section 17.20.090 that identifies varieties and sizes of trees, varieties of plant materials, other landscape features and irrigation systems required to maintain plant materials.

5) Architectural concepts including:

- e) Typical elevations of buildings and structures sufficient to describe architectural styles
- f) Building heights
- g) General materials

6) Sign concept plan that includes general size, style, and location of any proposed signs.

5. PRELIMINARY-CONCEPT PLAN APPROVAL CRITERIA. The decision authority may approve shall review the preliminary-concept plan or and make findings and conclusions as to compliance with approve with conditions if appropriate if the plan is found to satisfy the following criteria. The decision authority may approve the concept plan with conditions of approval necessary to assure that the proposed development meets the following standards.

- a. All relevant provisions of the Comprehensive Plan are met.
- b. The proposed Master Planned Development's general design and character will be reasonably compatible with the surrounding neighborhood.
- c. There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.
- d. If there are proposed uses that are not allowed in the underlying zone, those uses shall be compatible with the proposed development and the surrounding neighborhoods and viable in that location.
  - a. If new lots or parcels are created as part of the Master Planned Development, all applicable criteria of Section 17.24.050 (excluding subsections 8 and 11), Section 17.24.080, Chapter 17.26, Title 12, Standard Specifications, and adopted Master Plans shall be met. (Ord. 898, August 20, 2007)
  - b. If a phased development, each phase shall be:

- 1) ~~Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.~~
- 2) ~~Arranged to avoid conflicts between higher and lower density development.~~
- 3) ~~Properly related to other services of the community as a whole and to those facilities and services yet to be provided.~~
- 4) ~~Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.~~

e. ~~The design criteria of Section 17.24.100 are met. (Ord. 898, August 20, 2007)~~

6. ~~PRELIMINARY PLAN APPROVAL PROCEDURES. The review and approval procedures Section 17.24.040.5 shall apply.~~

6. TIMELINE FOR FILING A DETAILED MASTER PLAN: Within one year after the date of approval of the concept plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 6 and 7 of this Section.

a. Extension. If deemed necessary by the decision authority, a 6-month extension to the one-year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval provided:

- 1) The applicant can show intent of applying for detailed development plan review within the 6-month extension period.
- 2) There have been no changes to the applicable Comprehensive Plan policies and Code provisions on which the approval was based.

7. APPLICATION AND INFORMATION REQUIREMENTS FOR DETAILED APPROVAL OF A MASTER PLANNED DEVELOPMENT.

a. The application and submission requirements for a detailed master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the detailed plan shall include:

b. A narrative documenting compliance with the all applicable approval criteria contained in Section 17.24.100.

c. Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential geologic, noise, environmental, natural resource, and other impacts and required mitigation.

d. Detailed site plan, including:

- 1) Lot configuration and identification of proposed uses
- 2) Residential density (by phase, if a phased project) expressed in dwelling units per acre of land for each type of residential development and for the entire development.
- 3) Circulation plan including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities and their connections to existing or proposed off-site facilities.
- 4) Open space plan including:

- a) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, trails, public parks, recreational areas, and similar public, semi public areas and uses.
- b) Design of trails or open space areas including proposed landscaping.
- c) Design of any structures such as playgrounds, sports facilities, and park shelters.
- 5) Location of all potential fences including proposed materials and transparency.
- 6) Lighting plan meeting the requirements of Section 17.20.170
- 7) Landscaping plan meeting the requirements of Section 17.20.090
- 8) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)
- 9) Architectural plan including:
  - a) Narrative description of proposed building styles for all residential, commercial or other structures.
  - b) Building footprints
  - c) Proposed Codes, Covenants & Restrictions for all residential lots that meet the applicable requirements of Sections 17.20.190, 17.20.200 and 17.24.100.
  - d) Typical elevations of each type of proposed structure sufficient to describe architectural styles drawn to scale and including building dimensions.
- 10) Sign plan that includes size, style, and location of any proposed signs.

~~a. Time Limit on Filing of Detailed Development Plan. Within one year after the date of approval of the preliminary plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 8 and 9 of this Section.~~

~~b. Extension. If deemed necessary by the decision authority, a 6-month extension to the one-year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval.~~

~~1) The applicant can show intent of applying for detailed development plan review within the 6-month extension period.~~

~~2) There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.~~

~~7. DETAILED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS. The contents of the detailed development plan shall be determined based on the conditions of approval for the preliminary plan. At a minimum, the detailed development plan shall identify the detailed proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. If the planned master development is a subdivision, the submission requirements of Section 17.24.040.8 shall apply.~~

~~9.8. DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA. The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and required the conditions of its approval. Minor changes to the approved preliminary concept plan may be approved with the detailed plan when the approval~~

body finds that the modification(s) are consistent with the criteria below. ~~Changes exceeding those specified below must be reviewed as major modifications under Section 17.12.150.~~

a. The detailed development plan shall meet all applicable approval criteria of Sections 17.12.220, 17.24.050, 17.24.100, and Chapter 17.26.

b. If a phased development, each phase shall be:

1) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.

2) Arranged to avoid conflicts between higher and lower density development.

3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.

4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.

~~a. Increased residential densities by no more than 20% provided such increase conforms to the Comprehensive Plan and underlying district.~~

~~b. Increase in lot coverage or impervious surface by no more than 15% over that which is approved.~~

~~e. Reduction in open space or landscaping by no more than 10%.~~

~~d. Increase in overall automobile parking spaces by no more than 10%.~~

~~e. No change in land use shall be permitted without a major modification to the preliminary plan.~~

~~f. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard shall require major modification to the preliminary plan.~~

~~g. Changes in the location of buildings, public infrastructure, landscaping or other site improvements by more than 50 feet, or 15% relative to setbacks.~~

~~Modifications not listed in a-g above shall require approval of a major modification in conformance with Section 17.12.150.~~

#### ~~9. DETAILED PLAN APPROVAL PROCEDURES.~~

~~a. The decision authority for approval of the detailed plan is specified in Section 17.12.070.~~

~~b. The procedures for a public hearing and decision of Section 17.12.090 shall be followed in the review of a detailed plan for a master planned development.~~

**Part 2.** Amend **Sect. 17.24.100** to revise the design standards for Master Planned Developments.

## **17.24.100 MASTER PLANNED DEVELOPMENT DESIGN STANDARDS**

Master Planned Developments shall be subject to the following design criteria and objectives.



1. REGULATIONS THAT MAY BE MODIFIED. The site development standards of this Title shall apply to a Master Planned Development except the following which may be modified if the design standards of subsection 2 are met.

- a. Minimum lot area, width, frontage, setbacks, and height.
- b. ~~Where the development provides common parking areas for adjacent uses, no minimum number of parking spaces will be required. It is the developer's responsibility to provide adequate off street parking and loading areas. In proposing the parking areas, the developer shall provide the decision authority with information in expected demand for parking.~~ Minimum parking requirements.
- c. Use of back lots in a subdivision.
- d. Block length, street layout, street width.

~~2. PROFESSIONAL DESIGN TEAM. A professional design team will be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be provided:~~

- ~~a. A licensed architect or professional designer.~~
- ~~b. A registered professional engineer.~~
- ~~c. A landscape architect, or landscape designer.~~

~~3. 2. DESIGN STANDARDS. In addition to the applicable design standards of Sections 17.20.190, 17.20.200, 17.20.220, and 17.20.230, the following design standards shall be met by preliminary plans for Master Planned Developments.~~

- a. Design Consistency: All structures, commercial, multi-family dwellings, single family dwellings, open space facilities shall have consistency in design through the use of similar design features such as but not limited to architectural details, lighting fixtures, and exterior finishes.
  - 1) This criterion does not require the development to conform to one specific architectural "style" such as Arts & Crafts, or Colonial, but it shall require continuity of design for all structures in the development.
  - 2) The design chosen by the developer shall be specified in the approval documents and the Codes, Covenants & Restrictions (CCRs) of the development and/or a specific set of standards approved as part of the detailed master plan. The design standards shall be enforced by the City throughout the development and permitting process and shall be enforceable by any homeowners owners association and individual lot owners through the CCRs.
- b. Design for Detached Single Family Dwellings. The detailed design plan for any portion of the master planned development that includes detached single family dwellings shall meet the following standards:
  - 1) A minimum of fifteen percent of each lot shall be landscaped.
  - 2) Recreational vehicle storage in the front yard shall be prohibited.
  - 3) Graveled/paved parking areas in the front yard outside of the driveway shall be prohibited.

- 4) At least four of the following design features shall be included on the sides of a building facing a street, public right of way or open space.
  - a) Dormers or gables
  - b) Cupolas
  - c) Bay or bow windows
  - d) Exterior shutters
  - e) Recessed entries
  - f) Covered porch entries or porticos
  - g) Front porch of at least 100 square feet
  - h) Covered or uncovered balconies
  - i) Pillars or posts
  - j) Eaves with a minimum 18 inch projection
  - k) Exterior brick work or masonry on a minimum of 15% of the façade, not including the area of doors and windows.
- 5) All buildings sides facing a street, public right of way or open space shall have a minimum of 15% in windows or doors with glazing.
- 6) A break in wall plane of at least 16 inches every 30 feet.
- 7) Offsets or breaks in roof elevation of at least 2 feet every 30 feet.

c. Fences.

- 1) There shall be no fences in the front yard of residential structures
- 2) If a lot adjoins an open space, trail or water way, any fence not located in the front yard or between two structures must be 50% open and no more than 4 feet in height. Alternately, a solid fence of not more than 6 feet in height may be allowed in rear yards for privacy if an additional 10 feet of public open space is added between any trails, waterways or common open space and the fence and that area is landscaped to buffer and conceal the fence.

d. Open Space: Master Planned Developments shall contain a minimum of 25% open space, except in the downtown zones, where the open space requirement shall be 10%. Open space includes all areas not in a street right-of-way that are publicly dedicated or under common ownership.

- 1) If the development is adjacent to the shorelines of the North Santiam River, Mill Creek, the Stayton Ditch, or the Salem Ditch a useable portion of the shoreline and reasonable public access to it shall be part of the open space and the open space requirement shall be reduced to 20%.
- 2) The decision authority may waive or reduce the requirement for open space when the master planned development is adjacent to and provides access to a public park or other off-site open spaces.
- 3) The open space area shall be shown on the detailed plan and recorded with the final plat.

- 4) The open space shall be conveyed in accordance with one of the following methods:
- a) At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.
  - b) By conveying title to a nonprofit corporation, lot-owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.
- 5) Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities.
- 6) Areas identified as open space shall preserve important natural features such as wetlands, hillsides or historical features and integrate them into the development design. If the development abuts wetlands, the wetlands and an area around their perimeter shall be included in the open space.
- 7) Pedestrian trails shall provide connectivity within the development and to the adjacent area and meet the requirements of the adopted Trails Master Plan.
- a) Any pedestrian paths shall be public.
  - b) Paths with hard surface shall be a minimum of 10 feet in width centered within a 20-foot wide right of way or easement.
  - c) Paths with soft surface shall be a minimum of 6 feet in width generally centered within a 16-foot wide right of way or easement.
  - d) Paths shall have a minimum average illumination level of 1.0 foot candles.
    - i. If the path is a sidewalk or adjacent to an open space with lighting such as a park or playground, this standard may be met if the surrounding lighting can meet the standard.
    - ii. If there is no surrounding lighting, the path shall be provided with continuous pedestrian scale lighting that meets this standard.
- 8) A minimum of 10% of the open space shall include amenities such as but not limited to: plazas, playgrounds, picnic areas, park shelters, indoor or outdoor recreation facilities, and community buildings.

e. Streets.

The detailed development plan may provide for streets that are narrower than those typically required in a subdivision.

1) Street right of way width may be reduced to 50 feet if:

- a) All lots and buildings that front on that portion of the street are accessed by alleys, with no driveway entrances onto that portion of the street which is reduced in width.

- b) On-street parking is restricted to only one side of the street.
- c) The street layout pattern preserves connectivity and intersection design that meets the standards of Title 12 and intent of the Transportation Master Plan.
- e) If there are one-way loops provided to serve residential developments.
- 2) If there are long blocks in the design, additional pedestrian connectivity will be required
- 3) Approval of street designs shall be required from the Public Works Director after consultation with the Fire Chief.

f. Parking.

Common parking areas shall meet the landscaping standards of Section 17.20.060. The total number of required parking spaces may be reduced by up to 15% if:

- 1) The parking area has pedestrian facilities that are connected to city's pedestrian trail system.
- 2) The required number of bicycle parking spaces is increased by 25% and provided with a covered parking area.
- 3) Additional parking spaces can be provided in parking areas within 500 feet with pedestrian connectivity or on-street parking is available.
- 4) The area meets the joint use standards of Section 17.20.060.6.

g. Density.

- 1) When calculating the density for a Master Planned Development, the density may be averaged across the development to meet the density criteria, allowing a clustering of development and preservation of open space. If a development is located in more than one zone, the maximum number of dwelling units shall be calculated by determining the number of units permitted in those portions of the development in each zone. Dwelling units may be provided in any mix of attached or detached single family, duplex, triplex, or multifamily dwellings. (Amended Ord. 902, May 7, 2008)
- 2) Residential density bonuses may be granted when one or more of the following criteria are met, up to a 25% increase in density.
  - 1) a) Where the percentage of open space increases. The bonus shall permit a 15% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.
  - 2) b) When the decision authority determines that the architectural standards proposed for the development exceed the applicable design standards provided by the underlying zone district of Sections 17.20.190, 17.20.200 and subsection 2.b through quality, distinctive and innovative design, and use of architectural amenities, a density bonus of up to 15% may be granted.
  - 3) c) Up to a 15% density increase may be granted by the decision authority if the development exceeds the standards of subsection 2.d.8. for provision of additional facilities including, but not limited to: community buildings, indoor recreation facilities (e.g. athletic club, fitness center, tennis courts, swimming pool), or outdoor recreation facilities (e.g. golf course, driving range, swimming pool, tennis court, basketball courts, or similar use).

d) Up to a 15% density increase may be granted by the decision authority if open space amenities such as those identified in subsection 2.d.8 are open to the public.

~~1) Up to a 5% density increase may be granted by the decision authority for preservation of significant natural features, historical landmarks, or wetlands through clustering and site design.~~

~~b. All of the applicable land use, development, and design standards contained in Sections 17.16, 17.20, and 17.26, Title 12, Standard Specifications and adopted Master Plans shall be met except as may be modified in accordance with subsection 1 of this Section.~~

~~e. Natural Landscape. Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural features of the site.~~

~~d. Recreational areas (active and passive) shall be dispersed throughout the development.~~

~~e. Master Planned Developments shall contain a minimum of 25% open space, except in the downtown zones, where the open space requirement shall be 10%. The decision authority may waive the requirement for open space when the master planned development is adjacent to and provides access to a public park or other open space area that is accessible by the public. Open space shall be integral to the master plan. Plans shall emphasize gathering places such as plazas, parks and trails. Where public or common private open space is designated the following standards apply: (Amended Ord. 902, May 7, 2008)~~

~~1) The open space area shall be shown on the detailed plan and recorded with the final plat.~~

~~2) The open space shall be conveyed in accordance with one of the following methods:~~

~~e) At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.~~

~~f) By conveying title to a nonprofit corporation, lot owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.~~

~~f. Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities. The period of existence of such association will be at least 20 years, and it shall continue thereafter until a majority vote of the members shall terminate it.~~

