

Chapter 17.38

PLANNED UNIT DEVELOPMENT

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17.38.010 Purpose.

The purpose of a planned unit development is to:

- (1) Encourage a more creative and flexible approach in the development of land consistent with the uses of the underlying zoning district(s).
- (2) Promote the retention of open space for integration in an efficient and aesthetically desirable manner with the overall development.
- (3) Provide the opportunity for a mixture of land uses in a creative approach to development by allowing flexibility in design, building placement, circulation, off-street parking areas, and use of open space.
- (4) Foster variety in a development pattern that is consistent with the goals and policies of the comprehensive plan.

Statutory Reference: ORS Ch. 197 and 227
History: Ord. 1131 §2 (part), 1990.

17.38.020 Applicability.

A PUD may be established on a site of at least eighty thousand square feet in any zoning district or combination thereof. A PUD shall not be established on less than eighty thousand square feet

unless the Planning Commission finds that a smaller site is suitable due to special features, such as topography, geography, size and shape, or other unique features.

Statutory Reference: ORS Ch. 197 and 227
History: Ord. 1131 §2 (part), 1990.

17.38.030 Uses permitted outright.

Uses permitted outright are those uses listed as primary uses in the zone(s) in which the development is located.

Statutory Reference: ORS Ch. 197 and 227
History: Ord. 1131 §2 (part), 1990.

17.38.040 Accessory uses.

The following uses may be allowed when developed in conjunction with a primary use:

- (1) Accessory structures consistent with the primary uses of the underlying zoning district(s).
- (2) Recreational facilities including, but not limited to, swimming pools, tennis courts, and playgrounds.
- (3) Offices, buildings, and facilities required for the operation, administration, and maintenance of the PUD and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas.

Statutory Reference: ORS Ch. 197 and 227
History: Ord. 1131 §2 (part), 1990.

17.38.050 Conditional uses.

Conditional uses may be established within a residentially zoned PUD, pursuant to GMC Chapter 17.70 (conditional use). Approval shall not be granted unless the proposal satisfies the criteria set forth in the special use requirements of GMC Chapter 17.62 (special uses):

- (1) Schools, libraries, community hall.
- (2) Retirement homes, group homes, day care centers.
- (3) Churches.
- (4) Utility facility (provided no outside storage is involved), fire station or similar public service facility.
- (5) Medical/dental office when fronting a collector or minor arterial.
- (6) Convenience establishments of a commercial and service nature, including stores, laundry, dry cleaning, beauty shops, barber shops, and convenience grocery stores (but specifically

excluding gas stations, repair garages, drive-in restaurants, and taverns), provided:

(a) Such convenience establishments are an integral part of the general plan of development and provide facilities related to the needs of the prospective residents;

(b) Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of one-half (1/2) acre per one hundred (100) dwelling units;

(c) Such convenience establishments will be located, designed, and operated to efficiently service the needs of persons residing in the planned unit development and not persons residing elsewhere;

(d) Such convenience establishments will not, by reason of location, construction, manner of hour of operation, signs, lighting, parking, traffic, or other characteristics, have adverse impacts on residential uses within or adjoining the PUD;

(e) Such convenience establishments shall not have building permits issued for their construction until at least one hundred (100) dwelling units are constructed within the PUD.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990.

17.38.060 Development standards.

In consideration of a planned unit development, the requirements of the city's development standards shall be observed unless modified by this section or as follows:

(1) Site Adaption. To the maximum extent possible, the plan and design of the development shall assure the natural and/or unique features of the environment are preserved.

(2) Lot Arrangement. All lots within the development shall have reasonable access to open space, recreational features, or service amenities. Care shall be taken to ensure adequate lot width for easements and building footprints in residential areas.

(3) Access. No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this title.

(4) Setbacks:

(a) The minimum front and street side setbacks shall be twenty feet (20') for residential uses. No front or street side setbacks shall be

required for other uses;

(b) The minimum side and rear setbacks shall be three feet (3');

(c) Setbacks for the perimeter of the planned unit development shall be the same as required for the underlying zoning district. When a lot line abuts a more restrictive zoning district, the setback of the more restrictive zoning district shall apply. Exceptions to this requirement may be granted pursuant to the conditional use review process for the planned unit development and subject to the following criteria:

(A) The size, shape, topography or allowed use of the adjoining property is such that impacts occurring to this property from setback infringement would be negligible, and

(B) The design of the planned unit development would be superior because of such a setback infringement, and

(C) The exception would be consistent with this title and the comprehensive plan.

(5) Community Services. The city may request dedication of proposed open space which is reasonably suited for use as a public park or other recreation or community purpose, taking into consideration such action as size, shape, topography, access, location, or other unique features.

(6) Building Height. Buildings shall not exceed a height of thirty-five feet (35') except as follows:

(a) Limits may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout as provided in Section 507 of the Structural Specialty and Fire Life Safety Code edition of the current Uniform Building Code;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.

(7) Open Space

(a) All PUDs shall have a minimum of twenty percent (20%) of the gross site area retained in open space. Such open space shall include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops, or recreational facilities;

(b) All improvements associated with the open space shall be constructed or guaranteed consistent with provisions of GMC Chapter 17.96

(improvement guarantees);

(c) Ownership of open space shall be in one of the following manners:

(A) A homeowners association in common for all owners within the development may be approved; membership shall be mandatory and in perpetuity and dissolution of such an association cannot occur without Planning Commission approval;

(B) Dedication of the open space to the city for management as public property may be approved by the Planning Commission and the City Council;

(C) Conservation easements may be approved when the Planning Commission determines such easements will protect the intent and purpose of this code and will be in the public interest.

(8) Off-street parking shall be required pursuant to GMC Chapter 17.48 (off-street parking and loading). Additionally:

(a) Parking may be provided on each lot or in designated parking areas close to the dwelling units they serve.

(b) Guest parking may be required in consideration of street width, traffic volume, transit amenities, and pedestrian circulation;

(c) Recreational vehicle parking may be required. If required, it shall be located so as to be compatible with the surrounding development, including adjacent properties.

(9) Density. Planned unit development shall be subject to the residential base densities and minimum densities per net acre identified in the underlying zoning district(s).

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990; Ord. 1289 §1 (part), 2000; Ord. 1323 §1 (part), 2002.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.38.070 Submittal requirements.

In addition to complying with the submittal requirements of GMC Chapters 17.32 (subdivisions) and 17.70 (conditional uses), the applicant shall submit the following:

(1) A statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form.

(2) A table showing:

(a) The total number of acres;

(b) The percent distribution by use;

(c) The percent of nonresidential uses, such as off-street parking, streets, parks, open space, recreational areas, commercial uses, industrial uses, public facilities, and any other appropriate delineations;

(d) The overall density of residential development, with a breakdown of density by dwelling types;

(e) The construction schedule for the phasing and timing of each portion of the development.

(3) A draft of the proposed restrictive covenants, easements, and reservations of non-dedicated open space.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.38.080 Review and approval.

Review and approval of a planned unit development shall be subject to GMC Chapters 17.32 (subdivisions) and 17.70 (conditional uses). Approval of a planned unit development shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee within one year of the date of the final decision unless a time extension is granted pursuant to GMC Section 17.70.040 (time limit on permit).

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

