

PLANNED UNIT DEVELOPMENT

*Proposal is to replace existing planned unit development regulations (Chapter 24) in its entirety.
Replacement language is below:*

Chapter 24

PLANNED UNIT DEVELOPMENT OVERLAY

Sections:

24.010	PURPOSES
24.020	APPLICABILITY AND APPROVAL PROCESS
24.030	PHASED DEVELOPMENT
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24.070	ALTERNATIVE DEVELOPMENT STANDARDS
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24.010 PURPOSES

The purposes of the Planned Unit Development Overlay ("PUD") are as follows:

- A. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design compared to the standard zoning and subdivision standards of the CDC. (The provisions of this Chapter are not intended as an alternative to the variance procedures provided in Chapter 75 of the CDC).
- B. To preserve, to the greatest extent possible, consistent with the applicable regulations, the existing natural and topographic features and amenities through the use of a plan that relates the type and design of the development to a particular site;
- C. Enable development that will provide a greater variety of housing types of superior design that is in harmony with that of the surrounding area;
- D. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site;
- E. Allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development;

- F. Promote sustainable development through the use of green building technologies, reduced building footprints, pedestrian friendly streets, low-impact development practices, and measures that reduce vehicle miles traveled;
- G. Produce development that is compatible with neighboring development in terms of architecture, massing, and scale.

24.020 APPLICABILITY AND APPROVAL PROCESS

- A. A PUD may be requested in a residential zoning district for sites of 3 or more gross acres;
- B. A PUD may include more than one zoning district;
- C. A PUD is not permitted for any property located in a City designated Historic District; and
- D. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.

24.030 PHASED DEVELOPMENT

A PUD may include a maximum of three (3) phases. Phasing may not extend beyond 5 years from the original approval date. The phasing proposal shall include all improvement to be completed in each phase. Each phase shall include all facilities and offsite improvements needed to address the impacts of that phase. Requests to phase the PUD shall only be approved by the approval authority after reviewing a PUD phasing plan making findings that the applicable provisions of this Chapter and CDC 99.125 have been met.

24.040 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements and responses to the approval criteria for all other concurrent land use applications under review, the submittal for a PUD shall include the following:

- A. A narrative describing the proposed development and specifying how it satisfies each of the requirements in Section 24.080.
- B. Plans and a table showing how the proposed uses and densities will be distributed within the project site;
- C. A map delineating all Type I and II lands, Water Resource Areas; and other areas inventoried as Goal 5 resources on site and indicating acreage and type;
- D. All code requirements proposed for modification;
- E. Any voluntary conditions of approval or covenants proposed to address the approval criteria; and

- F. If phasing of the PUD is proposed, a PUD phasing plan which delineates the extent of development proposed for each phase and includes a schedule of required public improvements and proposed community facilities for each phase of the development.
- G. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

24.050 ALLOWABLE USES

- A. The permitted, accessory and conditional uses, and uses permitted under prescribed conditions in a PUD shall be the same as the underlying district. In addition, the following uses are permitted in all PUDs:
 - 1. Single-family, duplexes, attached housing and multiple-family housing;
 - 2. Community buildings scaled to serve the needs of the development;
 - 3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use scaled to serve the needs of the development;
 - 4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use; and
 - 5. Recreation vehicle storage area.
- B. Special needs housing shall be reviewed for its close proximity to existing or planned services that are necessary to serve that population, including shopping centers, medical centers, places of worship, parks, senior centers and public transit.

24.060 APPROVAL CRITERIA

- A. PUDs must comply with the each of the following standards:
 - 1. Public Benefits. The PUD shall be developed so it achieves compatibility with the neighboring development in terms of appearance, massing, and scale. Any adverse impacts or undesirable effects of the proposed PUD must be clearly outweighed by specifically identified public benefits. The applicant shall substantiate how the proposed development will be superior to and provide a greater benefit to the public than a development approved under the standard CDC regulations. Examples of public benefits include, but are not limited to, the following:
 - a) *Community Facilities*. The proposed PUD provides community facilities beyond what the City requires without a PUD. The proposed facilities may be publically or privately owned and maintained provided that, if a facility is to be privately owned, the City finds that acceptable terms for the ongoing maintenance of the facility have been provided. Any facilities that are to be dedicated to the City must serve the public and be

acceptable to the City. Community facilities may be located on or off-site. Examples of these facilities include, but are not limited to:

- 1) Parks or open spaces, recreational facilities such as tennis courts, active play areas and swimming pools;
- 2) Infrastructure improvements that provide benefits for the community or region at-large, including storm water, utility, or other facilities;
- 3) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements;
- 4) Other facilities acceptable to the City.

b) *Natural, cultural or historical resources.* The proposed PUD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PUD. Examples of these resources include, but are not limited to:

- 1) Significant natural areas, viewsheds, wildlife habitats or corridors; and
- 2) Historical and cultural features;
- 3) Other special features or resources acceptable to the City.

c) For phased PUD's, the proposed benefit(s) required by this section shall be commensurate with the level of development for each phase, as determined by the approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.

2. Superior site design. The proposed PUD provides a superior site design with elements that exceed what the City requires without a PUD. Examples of elements that represent superior site design include, but are not limited to:

- a) Site design that provides housing or building types to support an underserved population within the community;
- b) Superior internal pedestrian, bicycle or vehicular circulation paths or patterns; and,
- c) Site Design that contributes to the existing surrounding natural features and is respectful of views both into and outside of the site.

3. Superior architectural design. The proposed PUD provides architectural features that exceed what the City requires without a PUD. Examples of elements that represent superior architectural design include, but are not limited to:

- a) High quality materials, finishes and textures;

- b) Facades that include horizontal and vertical variations in the building silhouette;
 - c) Contextual design in terms of building orientation, materials, articulation, scale and roof form. Alternative designs may be appropriate when no predominant style exists, or when unique or exceptional benefits are derived under the proposed style.
4. Sustainable design. The proposed PUD includes sustainable design features or methods that exceed what the City requires without a PUD. Examples of sustainable design features or methods include, but are not limited to:
- a) Appropriate siting and orientation of buildings, windows and landscaping, with regard to solar, shade and wind impacts;
 - b) Incorporation of universal design features, such as flat entrances or wider doors;
 - c) Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass;
 - d) Use of high efficiency windows and insulation;
 - e) Transportation demand management strategies, or transportation management systems ;
 - f) Minimal use of impervious surface area and materials;
 - h) Use of “green streets” or “low impact development” where acceptable to the City; and
 - g) Other acceptable designs or features that create resource efficiencies and decrease the impact of the development on the environment.
5. Compatibility with surrounding uses – transitions and buffers.
- a) Because the provisions of this chapter allow for density transfers within the site, modifications to certain development regulations, and a variety of housing types, limitations on uses along the perimeter of the property and transitions or buffers between shall be provided as follows:
 - 1) Active recreational facilities, such as hard surface athletic courts or swimming pools, shall be located internal to the development where possible. Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.
 - 2) When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, the multifamily structures shall

include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.

- 3) All parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer's recommendation, approves a joint access between adjoining properties.
- b) The type and extent of the transitions or buffers required shall be determined by the Planning Commission. The following examples may be considered as a means to satisfy the requirement for a transition, although other transitions may be proposed by the applicant for consideration:
 - 1) An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;
 - 2) Natural topography, such as a drainageway or wetland, provides a horizontal separation of at least 50 feet, or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, and which includes adequate screening. The natural topography may be on an adjoining parcel; and
 - 3) Manmade berms of at least five feet in height with landscaping for adequate screening a 40-foot minimum in width. This transition shall be on the subject parcel unless an easement for such purpose is provided on the adjoining parcel.
- c) The transition provisions of this subsection shall not apply if the proposed residential units are setback at least 100 feet from the perimeter of the PUD.

24.070 ALTERNATIVE DEVELOPMENT STANDARDS

The applicant may propose alternatives to certain development regulations of the underlying district. In a PUD, the Floor Area Ratio and lot coverage requirements of the underlying district may be applied to the total project area rather than on a lot by lot basis. The approval authority may authorize modifications to the lot size, building setbacks, and lot dimensions of the underlying district upon demonstration that all of the requirements in Section 24.080 are satisfied. However, the lot sizes along the perimeter of the PUD that abut existing single-family homes shall not be reduced to less than 75 percent of the minimum lot size permitted for a single-family dwelling on the abutting lot outside the PUD. No other modifications are permitted except as provided for elsewhere in this Code. Any modifications to the development regulations shall be shown on the approved plans, specified in the conditions of approval, and where applicable, shall be noted on the final plat or site plan.

24.080 DENSITY TRANSFER

The PUD allows residential density to be transferred between zoning districts within the overall project, subject to the requirements of this chapter. Density may not be transferred between Comprehensive Plan land use designations. The total number of dwelling units permitted in the PUD is subject to the underlying zoning districts and the applicable provisions of the CDC.

ENVIRONMENTALLY CONSTRAINED LANDS

Proposal is for a new subsection section to be added to Chapter 85.

Chapter 85: Land Division (General Provisions)

85.200 Approval Criteria

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B. Blocks and lots

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9. Sensitive Area (“SA”) land division. An SA land division is an alternative site-planning technique that concentrates development of the land to specific areas of a site to allow for sensitive resource areas to be preserved. A portion of the residential density from the sensitive area of the site may be transferred to the unencumbered (non-sensitive) portion of the site. Use of the SA technique allows for more compact development by permitting reductions in minimum lot sizes and building setbacks.

a. Applicability

1) Lots that are completely encumbered by a designated sensitive resource area are not eligible for a land division under this subsection.

2) An SA land division may only be requested when a portion of a lot or parcel zoned residential includes at least one of the following sensitive resource areas:

- A. Slopes in excess of 25 percent;
- B. Potentially severe landslide hazard areas
- C. Flood Management Area, as defined in CDC Chapter 27;
- D. Willamette and Tualatin River Protection, as defined in CDC Chapter 28;
- E. Water Resource Area, as defined in CDC Chapter 32;
- F. Heritage trees, as defined in the Municipal Code, together with 20% of all trees and clusters of trees that are located on non-Type 1 and Type 2 lands considered significant by the City Arborist, as defined in CDC 55.100 B; or,
- G. Any other natural, cultural or hazardous area not specified above which is proposed by the applicant in conjunction with their land division application and which is deemed significant and worthy of preservation by the decision maker in the final decision.

3) An SA land division is not permitted for properties located in City designated historic districts.

b. Density Calculations

For the purposes of transferring density, the applicant must demonstrate that the non-sensitive portion of the property can accommodate the transferred density, subject to all development standards of the CDC. A maximum of 50% of the density from the sensitive resource areas of the site may be transferred to the non-sensitive portion. The total number of dwelling units permitted in an SA land division shall be calculated in the following manner:

1. The maximum number of dwelling units which may be transferred shall be calculated by dividing the square footage of the sensitive area by the minimum lot size in the zoning district for the housing type proposed. The result shall be multiplied by 0.5. This number shall be the maximum of units that may be transferred from the sensitive area to the non-sensitive area; and,

2. The square footage of the non-sensitive area shall be divided by the minimum lot size in the zoning district for the housing type proposed. The maximum number of units that may be built as part of the SA land division shall be the sum of the units transferred from the sensitive area (under Subsection 85.200 B(9)(b)(1) added to the units permitted on the non-sensitive area, rounded down to the nearest whole number.

Example:

Zoning Designation R-7 (7,000 SF minimum lot size)

<i>Total Acreage of Parcel:</i>	<i>3.5 acres (152,460 SF)</i>
<i>Sensitive area (may be combination of sensitive areas):</i>	<i>28,460 SF</i>
<i>Non-sensitive area:</i>	<i>124,000 SF (17.7 units)</i>
<i>28,460 SF divided by 7,000 SF (min. lot size):</i>	<i>4.07 units</i>
<i>Multiply by 0.5:</i>	<i>2.04 units</i>

Total: up to 2.04 units may be transferred to the non-sensitive portion of the site

Therefore, as part of an SA land division, a maximum of 19 units may be permitted (17.7 from non-sensitive area + 2.04 sensitive area) on the non-sensitive area of the site. (The final number of units permitted is always rounded down.)

c. Development standards for SA land divisions

Development approved under this subsection may modify the lot size, lot dimension and setback standards of the zoning district which would otherwise require a variance pursuant to Chapter 75. Applicants may request up to a twenty (20) percent reduction in lot sizes, lot dimensions and building setbacks in order to cluster the housing to avoid development in sensitive resource areas.

d Restricted use of sensitive resource areas.

The tentative subdivision plan or partition shall delineate the sensitive resource area as a separate tract(s), to be permanently restricted from future development. This restriction shall be provided on the final plat and the area shall be preserved by granting of a conservation easement, for the benefit of the City, in a manner approved by the City attorney prior to recording; or, if acceptable to the City, dedication of land to the City. The sensitive resource area shall be subject to all other applicable standards of this Code, including the restrictions and requirements for maintaining sensitive areas.

FLAG LOTS

Proposal is to replace existing flag lot definition and flag lot standards found in Ch. 85. Replacement language is below:

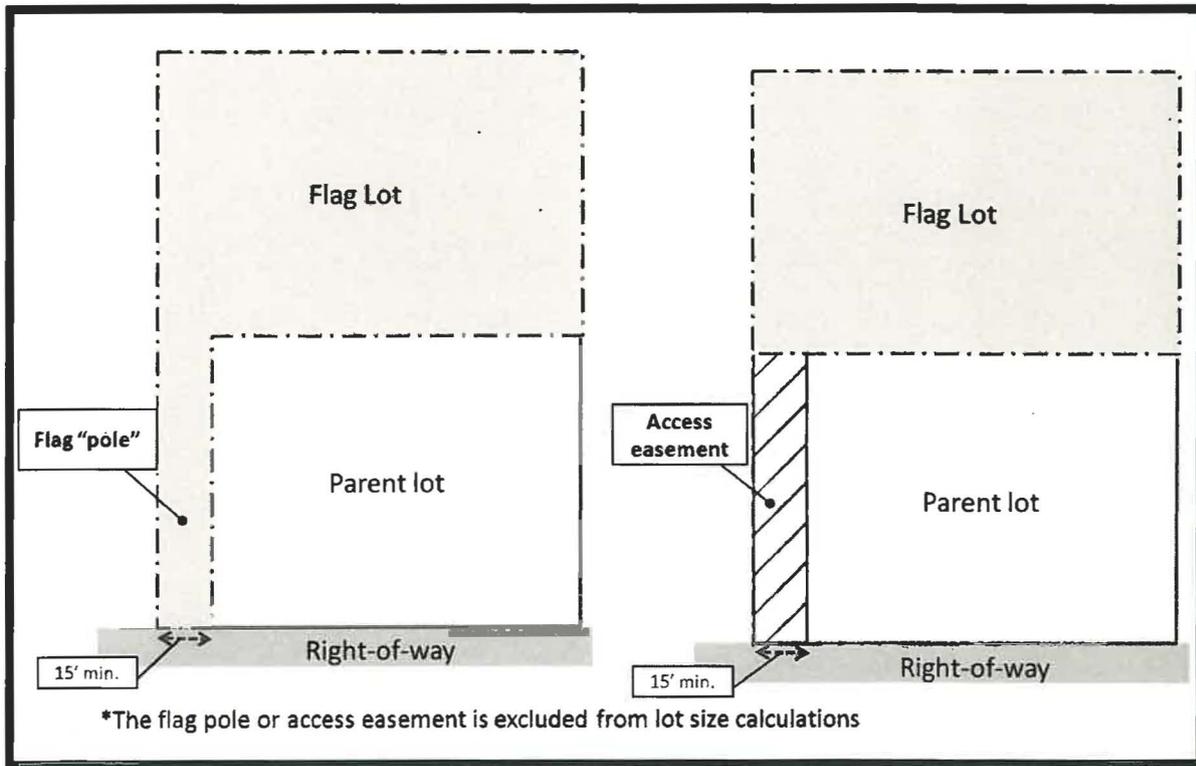
Chapter 02: DEFINITIONS

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02.030

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Flag Lot. A lot located partially behind another lot with street frontage less than the minimum required under this code and where access is provided to the rear lot via a narrow "flag pole", such as a driveway or access easement. There are two distinct parts of a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag.



Chapter 85: GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

B. Blocks and lots.

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7. Flag Lots. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. The standards in this section include additional restrictions on the development of flag lots in order to protect the privacy of the abutting adjacent residences and to minimize any disruption to the character of the neighborhood, and be consistent with the TSP.

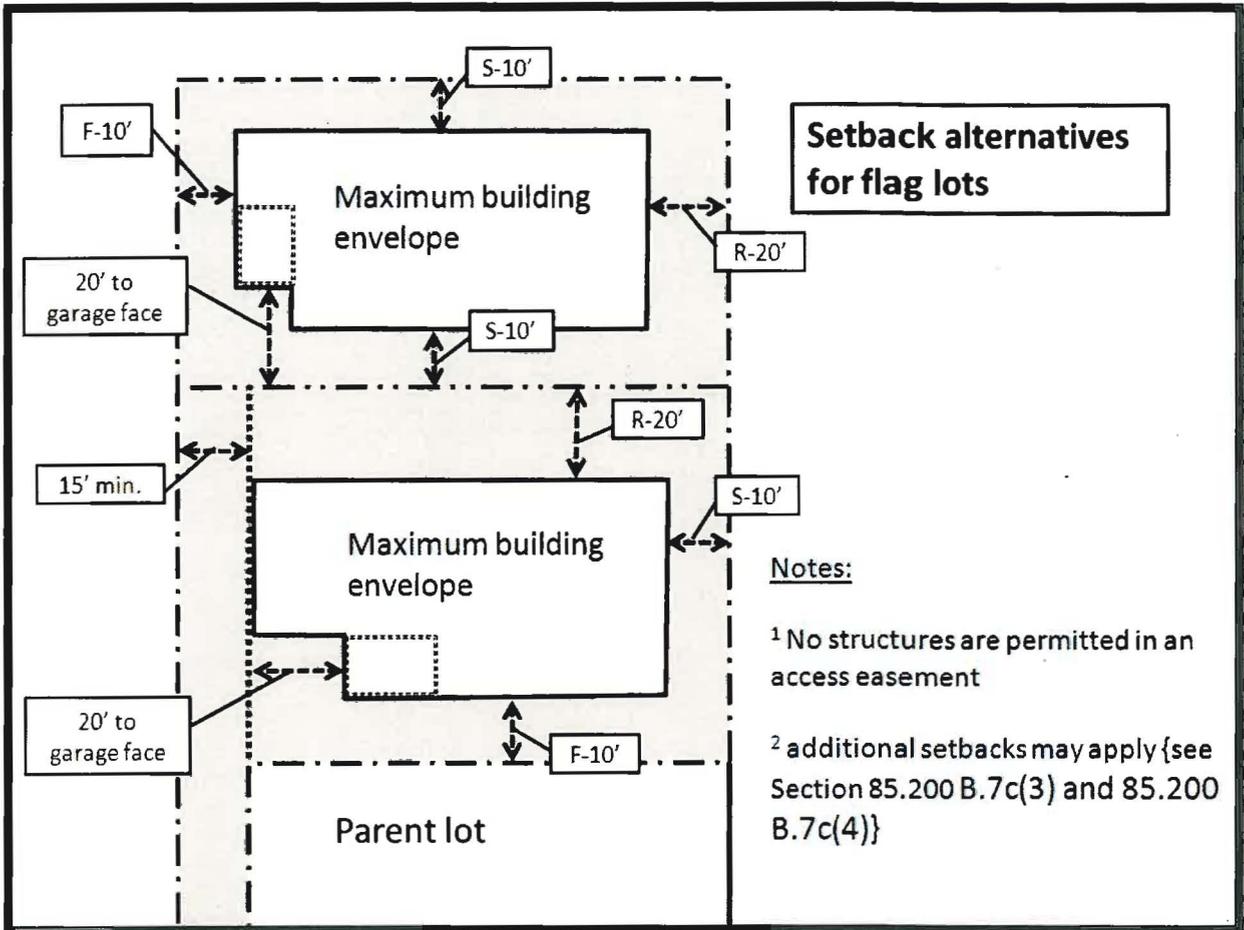
Flag lots shall only be permitted if the approval authority finds that the following standards have been satisfied:

- a. The applicant demonstrates that a land division that meets the minimum street frontage requirements of the applicable zoning district for each lot cannot be met due to either the existing parcel configuration, topographic constraints, the location of an existing dwelling, or other physical constraint.
- b. There is adequate lot area to divide the property into two or more lots but not enough street frontage to meet the applicable minimum front lot line width.
- c. The accessway shall be a minimum of 15 feet in width. The width of the driveway dimensions shall meet the requirements of Section 48.030. Joint access easements along existing driveways shall be provided unless the location of the existing dwelling unit prevents it. Easements shall include all necessary mutual maintenance agreements and reciprocal access and utility easements. No more than two accessways shall be permitted within a distance equal to the minimum lot required average width of the underlying zone.
- d. Except as provided for in this section, the setbacks and associated exceptions of the applicable zoning district apply. Flag lots shall be granted the same yard and height exceptions as are permitted elsewhere in this Code. Setbacks shall be measured from property lines. The minimum yard setbacks for structures on flag lots, generally illustrated in Figure 1, shall be as follows:
 - (1) The front yard setback shall be at least 10 feet, however, a minimum setback of 20 feet must be provided between the face of the garage door and the nearest edge of the access easement. The front yard setback shall be measured from either:
 - a) the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access; or,

b) the lot line that runs closest to and parallel with the accessway. If no accessway is proposed, then the applicant may elect to use the lot line which is parallel to the projected extension of the accessway if it were to continue through the property.

(2) Rear yard and side street yard setbacks shall be the same as the underlying zoning district.

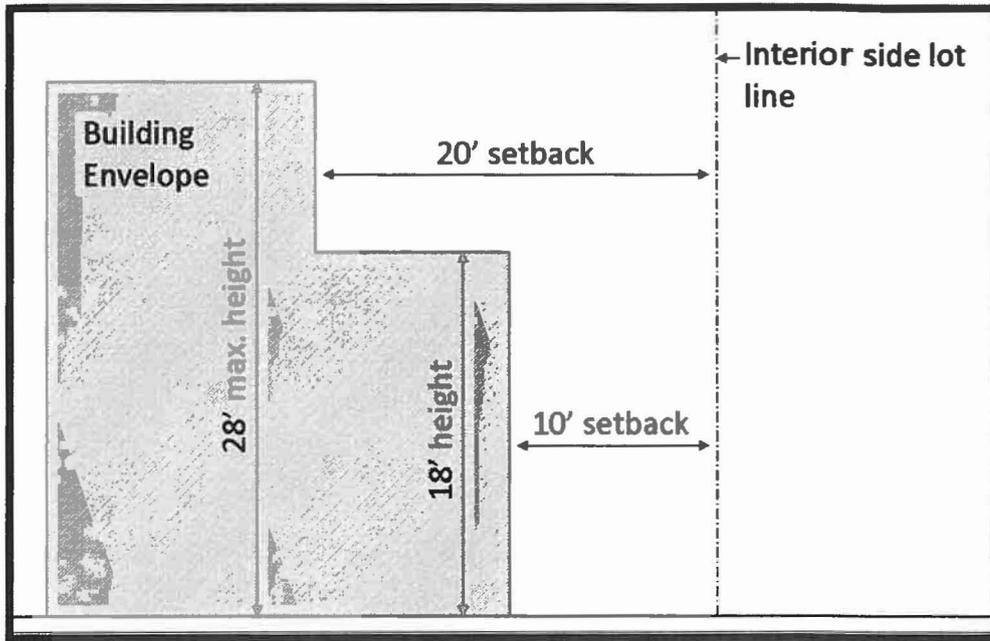
FIGURE 1:



(3) Exterior balconies and patios with a floor in excess of 9 feet in height are prohibited within 20 feet of any interior side or rear property line.

(4) In the R-40 to R-7 zoning districts inclusive, portions of any structure that exceed 18 feet in height must be setback a minimum of 20 feet from all interior side yards, as illustrated in Figure 3:

FIGURE 2:



- (5) The standards of 85.200B 7(c) 3 and 4 shall not apply to lot lines contiguous to land:
- a) designated by the City as park or open space;
 - b) zoned non-residential;
 - c) unbuildable by plat or other instrument recorded with the County; or,
 - d) not including any dwelling units within 50 feet of the shared property line.
- e. Building height limitation. The maximum building height for a structure on flag lots shall be the taller of:
- 1. 28 feet; or,
 - 2. The average height of the dwelling units on any two abutting properties which are not part of the petition site.

(Staff note: As part of a separate project (CDC regulatory package), Staff is proposing to amend the CDC to include all building height requirements in a single chapter. If those amendments are approved, Staff will include the flag lot height regulations into that chapter as well with a cross reference to the appropriate section)

- f. The lot size shall be calculated exclusive of the access easement or flag pole (i.e., all area of the lot of less than the minimum width);

- g. The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access.
- h. The plans submitted for a flag lot shall include the location, height and setbacks of existing structures on adjacent parcels.
- i. No structures are permitted in a flag pole or access easement.
- j. Addresses for all flag lot residences shall be posted where the access lane or driveway meets the public right-of-way.
- k. Flag lots shall not be permitted where a public through street is required to meet the connectivity standards of the TSP.

ADDITIONAL TASK FORCE RECOMMENDATION:

The Task Force is also recommending that the Staff amend their procedures such that the notice of the pre-application conference is mailed to all abutting property owners for all future flag lot petitions.