

Proposal	No.	Description	Staff Comments
Purpose Statement A	<u>1 1</u> <u>1 2</u>	Eliminate the reference to the variance chapter.	Staff does not believe it is necessary to include a reference that states this is not intended as an alternative to Chapter 75, Variances. It is generally considered better practice to have simple, rather than unnecessarily explanatory, code language.
Purpose Statements B & D	<u>2 1</u> <u>2 2</u>	Combine Task Force purpose statements B & D into a single purpose statement.	Staff recommends combining the two because they could otherwise be read as mutually exclusive.
Purpose Statements C & G	<u>3 1</u> <u>3 2</u>	Eliminate Purpose Statement C because it similar to G and is less specific.	Eliminating C simplifies the language, which is generally preferable.
Applicability – Willamette Neighborhood Mixed Use Transitional Zone	<u>4 1</u> <u>4 2</u>	Specifically identify the applicable zoning districts and add the WNMUTZ as an applicable zoning district. Eliminate explicit reference to the possibility of including more than one zoning district.	Staff recommends adding the WNMUTZ since it is a predominantly residential zone. Staff also recommends specifically identifying the applicable zoning districts rather than the reference to including more than one zoning district. This provides clarity as to the specific applicable zones.
Applicability – Historic Districts	<u>5 1</u> <u>5 2</u>	Remove language not permitting a PUD in a historic district.	Staff’s belief, similar to cluster/sensitive area development, is that a PUD is unlikely in the City's existing historic district and that it could likely be accommodated in this or future historic districts with appropriate design.
Expiration of Approval	<u>6 1</u> <u>6 2</u>	Add language similar to <u>85.090</u> Expiration or Extension of Approval.	Staff recommends adding language regarding expiration of approval (extensions are obsolete) to clarify the length of time available for submittal of the final plat and the terms. See the following section for additional information. It provides clarity as to the length of time available, particularly if a phased development, which has 5 rather than 3 years.
Phasing of Development	<u>7 1</u> <u>7 2</u>	Change phasing requirement to eliminate a max of 3 phases, and remove duplicative language already in CDC <u>99.125</u> and in the submittal requirements detailed in the next section.	Staff recommends eliminating the maximum number of phases. The project must be complete within the relatively short 5 year period, so setting a limited number of phases doesn’t seem particularly helpful. Staff also recommends eliminating duplicative language that appears in other code sections.

Proposal	No.	Description	Staff Comments
Submittal Requirements	<u>8 1</u> <u>8 2</u>	Modify language to specifically identify what is included in Type I and II lands, no longer require listing of all code requirements proposed for modification, and no longer require submittal of voluntary conditions of approval.	Staff recommends specifically listing the features that are included in <u>Type I and II lands</u> because these categories are often confusing. Staff also recommends eliminating the requirement for listing all of the code requirements proposed for modification, instead, the Chapter 24 and other criteria are applicable and the decision will be based on these and any other applicable criteria. Voluntary conditions of approval are not needed from the applicant. Staff will prepare these as needed.
Uses	<u>9 1</u> <u>9 2</u>	Change from “Allowable” to “Permitted” Uses.	Staff recommends “Permitted” over “Allowable” since “Permitted” is used in all of the zoning district chapters.
Specific Uses – Cluster, cottage, and zero lot line development	<u>10</u>	Add cluster, cottage, and zero lot line development as permitted uses.	As discussed at the previous work session, permit cluster, cottage, and zero lot line development. Density bonuses and ADUs are not permitted with cottage housing.
Approval Criteria/Uses – Special needs/affordable housing	<u>11 1</u> <u>11 2</u> <u>11 3</u>	Remove special needs housing as a specific permitted use and a site design criteria, and add a density bonus for affordable housing.	Staff’s understanding is that this provision was designed to encourage affordable housing and a broader range of housing types. Staff’s recommendation is to remove it as a specific permitted use (would be allowed based on zoning) and the option for it as a site design criteria. Instead, staff recommends encouraging affordable housing through a density bonus.
Approval Criteria – Public Benefit	<u>12 1</u> <u>12 2</u>	Require “Public Benefit” or “Compatibility”	This term can be difficult to apply and staff recommends criteria that the development have similar characteristics to the abutting development rather than require a “public benefit”. In addition, the subsections regarding these are reorganized with few substantive changes.
Approval Criteria – Community facilities	<u>13 1</u> <u>13 2</u>	Change the beneficiary of infrastructure improvements.	Staff recommends changing the requirement to infrastructure improvements to benefit the residents of West Linn rather than the community at-large.

Proposal	No.	Description	Staff Comments
Approval Criteria – Site design	<u>14 1</u> <u>14 2</u>	Clarify language	See above regarding affordable housing. In addition, staff recommends retaining much of the same language, but clarifying and reducing the usage of vague language such as “superior” and “respectful”.
Approval Criteria – Architectural design	<u>15 1</u> <u>15 2</u>	Clarify language	Similar to site design, staff recommends clarifying the language and reducing the usage of vague terms.
Approval Criteria – Sustainable design	<u>16 1</u> <u>16 2</u>	Consolidate similar items and remove those that will be difficult to determine at the time of approval or are relatively common	Staff is supportive of universal design, but many of these elements will not be known at the time of approval and it will be difficult to quantify and condition these items. Staff also supports the use of high efficiency windows and insulation. However, these are frequently used as a matter of course rather than as significant sustainable feature. Staff recommends requiring additional features beyond this to satisfy this criterion.
Approval Criteria – Transitions and buffers, additional options	<u>17 1</u> <u>17 2</u>	Other transitions and PC reference	Staff recommends removing the list of examples and reference to the PC. The applicant can identify other transitions. Staff will make a recommendation on the proposal and the decision will be made by the PC.
Development Standards/Alternative Development Standards	<u>18 1</u> <u>18 2</u>	Add subsections and remove provisions regarding what is shown on approved plans, in conditions of approval, and on the final plat.	Staff recommends rewording the standards in this section for ease of reading. Staff also recommends removing some language that can be addressed in conditions of approval rather than in development standards.
Open Space	<u>19</u>	Retain open space requirements for multifamily units and single family attached units as required by CDC 55.100	Staff recommends this because it will provide common open space for multifamily units and single family attached units, which generally do not have the private yard area that’s available to single family homes on larger lots.
Density Transfer – Natural Resource lands	<u>20</u>	Provide for transferring density on natural resource or other constrained lands.	Staff recommends the same density transfer language as in the cluster development section. This enables applicants to use either the cluster development provisions or these provisions. Cluster development would be allowed by right and this chapter would require additional benefits, but would also add greater flexibility.

Proposal	No.	Description	Staff Comments
Density Transfer - Zoning	<u>21 1</u> <u>21 2</u> <u>21 3</u> <u>21 4</u> <u>21 5</u> <u>21 6</u> <u>21 7</u> <u>21 8</u> <u>21 9</u>	How do we want to allow for the transfer of density on properties with more than one zoning district?	Staff recommends allowing all housing types within a zoning district if part of a PUD. If a project had multiple zones, the density would be averaged over the entire project rather than each zoning district or comp. plan designation.
Density Bonus	<u>22</u>	Do we want to provide density bonus(es) for additional elements/features?	The <u>existing PUD chapter</u> provides five types of density bonuses. Staff recommends providing density bonuses for affordable housing, additional open space, and parks. The Task Force did not provide for density bonuses in any category.

Table 2 – Dimensional requirements, density transfer, and density bonus

	<u>CDC, Chapter 11, R-10</u>	<u>CDC, Chapter 12, R-7</u>	<u>Existing PUD</u>	<u>Staff Proposed PUD</u>	<u>Task Force Proposed PUD</u>
Lot Size	10,000 sq. ft.	7,000 sq. ft.	NA, except for density calculations	consistent	consistent
Front lot width	35 ft.	35 ft.	NA, except for density calculations	consistent	consistent
Average minimum lot width	50 ft.	50 ft.	NA, except for density calculations	consistent	consistent
Lot depth (non Type I and II lands)	90 ft. *	90 ft. *may be eliminated with regulatory streamlining	NA, except for density calculations	consistent	consistent
Yards/setbacks (feet)			Same as base zone for properties contiguous to the perimeter of the project; the applicant may also propose alternative setbacks; otherwise:	Recommend lots along the perimeter that abut SF homes shall not be reduced to less than 75% of the minimum lot size of the underlying zone and shall contain SF homes.	Lots that abut SF homes shall not be reduced to less than 75% of the minimum lot size permitted for an SF dwelling on the abutting lot outside the PUD.
Front	20	20	15	consistent	consistent
Interior side	7.5	7.5	5	consistent	consistent
Side street	15	15	10	consistent	consistent
Rear	20	20	15	consistent	consistent
Lot coverage	35%	35%	R-40, R-20 35% R-15 40% R-10, R-7 45% R-5, R-4.5 50% R-3, R-2.1 60%	Recommend that it be applied to total project area, exclusive of ROW/private streets	Applied to total project area

	<u>CDC, Chapter 11, R-10</u>	<u>CDC, Chapter 12, R-7</u>	<u>Existing PUD</u>	<u>Staff Proposed PUD</u>	<u>Task Force Proposed PUD</u>
FAR	0.45	0.45	Base zone applies	Recommend that it be applied to total project area, exclusive of ROW/private streets	Applied to total project area
Usable open space	Not required	Not required	300 sq. ft. req., looks like it tried to direct to Ch. 55 where it only req. this for lots under 4,000 sq. ft.	Recommend that it's required if multifamily or 10 or more duplex or single family attached as per <u>55.100(F)(2)</u>	Not required
Density transfer	NA	NA	75% for slopes 25-50%; 50% for natural resource areas; 100 for significant trees and public open space + additional limits in <u>24.140</u>	Recommend up to 50% from natural resource lands, up to 100% from sig. trees and slopes 25-50%	Between zoning designations within the same Comp. Plan designation
Density Bonuses	NA	NA	Up to 29%	Recommend up to 40%	NA
Low cost/affordable housing	NA	NA	5-8%	Recommend up to 30%	NA
Common wall housing	NA	NA	5% R-10 – R-40	consistent	consistent
Additional open space	NA	NA	5% per ½ acre dedicated	Recommend 5% per ½ acre up to 20%	NA
Parks	NA	NA	4-8% per ½ acre dedicated	Recommend 5% per ½ acre up to 30%	NA
Design excellence	NA	NA	15%	consistent	consistent

PROPOSED AMENDMENTS of the COMMUNITY DEVELOPMENT CODE

DISCUSSION DRAFT, PART II

April 2014

Notes:	
Plain text =	existing regulation (except for Chapter 24, which is repealed and replaced)
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition to existing regulations
<i>Italic</i> =	staff comment

This discussion draft contains proposals regarding planned unit developments. It includes the language on PUDs formulated by a Task Force along with alternative and supplementary provisions by staff for the Planning Commission’s consideration. The Task Force recommendation is highlighted in blue and the staff recommendation in green. Both proposals would replace the existing planned unit development regulations in Chapter 24 in their entirety. The current chapter is generally used for residential development on properties with natural resources/constrained lands rather than traditional PUDs that provide for amenities beyond what is required for a standard subdivision. The chapter has typically been used for residential development and the “waivers” as proposed in the Regulatory Streamlining project address many non-residential property owners concerns.

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Staff Option:

PLANNED UNIT DEVELOPMENT

(Overview: *Staff has made changes to the Task Force’s recommended language (which follows in its entirety) including the following:*

- *Properties with natural resources (WRA etc.) can develop under these provisions, but are not required to do so.*

- *Projects can receive density bonuses when affordable housing, additional open space, and parks are provided.*
- *Retaining some open space requirements from the existing PUD chapter.*

Both versions provide for the following:

- *Properties that develop under these regulations must provide benefits that enable them to have greater flexibility in lot size, lot coverage, and FAR.*
- *Housing types may be mixed in the PUD beyond what is allowed in a traditional subdivision, ex. attached or MF housing would be permitted in a PUD, subject to the requirements in this chapter.*

Sections:

24.010 PURPOSES

24.020 APPLICABILITY AND APPROVAL PROCESS

24.030 EXPIRATION OF APPROVAL

24.040 SUBMITTAL REQUIREMENTS

24.050 PERMITTED USES

24.060 APPROVAL CRITERIA

24.070 DEVELOPMENT STANDARDS

24.010 PURPOSES

The purposes of the Planned Unit Development (PUD) overlay are to:

- A. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design than afforded by the zoning and subdivision standards of the CDC;
- B. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site while preserving, to the greatest extent possible and consistent with the applicable regulations, the existing natural and topographic features and amenities.
- C. Produce development that is compatible and consistent with neighboring development in terms of architecture, massing, and scale.
- D. Allow a mixture of housing types within the established density range for the zoning district; and
- E. Promote sustainable development through the use of green building technologies, pedestrian friendly streets, low impact development practices and, as appropriate, measures that reduce vehicle miles traveled.

24.020 APPLICABILITY AND APPROVAL PROCESS

- A. A PUD may be requested in one or more residential zoning districts (R-40 – R-2.1) and the Willamette Neighborhood Mixed Use Transitional Zone.
- B. A PUD may be requested for sites that have three or more gross acres.
- C. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.

24.030 EXPIRATION OF APPROVAL

If the final plat has not been recorded with the County within three years from the date of approval of the development plan, or within five years in the case of a phased development (see Section 99.125), the application shall be null and void.

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. Narrative describing the proposed development and specifying how it satisfies each of the approval criteria in CDC 24.060;
- B. Narrative, table, and map showing how the proposed uses and densities will be distributed within the project site;
- C. If applicable, tables and maps indicating location, acreage, and type of all
 1. Flood management areas regulated by Chapter 27;
 2. Willamette and Tualatin River protection areas regulated by Chapter 28;
 3. Water resource areas regulated by Chapter 32;
 4. potentially severe landslide hazard areas;
 5. slopes greater than 25%;
 6. trees and documents required per the Tree Technical Manual; or
 7. cultural or historic resources.
- D. If applicable, covenants proposed to address the approval criteria;
- E. If applicable, a PUD phasing plan that
 1. delineates the extent of development proposed for each phase,
 2. includes a schedule of required public improvements and proposed community facilities for each phase of the development, and
 3. meets the applicable provisions of this chapter and CDC 99.125; and
- F. Any additional information required by the Planning Director pursuant to CDC 99.035(A).

24.050 PERMITTED USES

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:

- A. Duplexes, attached housing and multiple-family housing, including cluster development, cottage housing and zero lot line development;
- B. Community buildings scaled to serve the needs of the residents of the development;
- C. Indoor recreation facilities, athletic club, fitness center, racquetball courts, swimming pools, tennis courts, or similar uses scaled to serve the needs of the development;
- D. Outdoor recreation facilities, golf course, swimming pools, tennis courts, or similar use; and
- E. Recreation vehicle storage areas.

24.060 APPROVAL CRITERIA

PUDs must comply with the following standards:

A. Compatibility. The PUD shall be developed so it achieves compatibility with the abutting development in terms of architectural character, massing, and scale. In addition, the development must include at least one of the following:

1. Community facilities. Provision of community facilities beyond what the City requires without a PUD. Community facilities may be located on or off-site. For phased PUDs, the proposed benefits 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.

a. Types of community facilities. Examples of community 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 residents of West Linn, including storm water, utility, or other facilities; and
- 3) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements.

b. Ownership. The proposed facilities may be publicly or privately owned in accordance with the following requirements:

- 1) If a facility is to be privately owned, the City must find that acceptable terms for the ongoing maintenance of the facility have been provided.
- 2) If a facility is to be publicly owned, any facilities that are to be dedicated to the City must serve the public and be acceptable to the City.

2. 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:

- a. Significant natural areas, publically accessible views, and wildlife habitats or corridors; and
- b. Historical and cultural features.

B. 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, site designs that provide:

1. Internal pedestrian, bicycle, or vehicular circulation paths or patterns that exceed city requirements;
2. Location and/or screening of parking facilities, and
3. High quality and/or extensive landscaping, buffering, and/or screening.

C. Architectural design. The proposed PUD provides superior 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:

1. High quality materials, finishes and textures;
2. For single family attached or multi-family housing, facades that include horizontal and vertical variations in the building silhouette that are consistent with single family housing;

3. Contextual design in terms of building orientation, placement, articulation, scale and roof form; and
4. Compatibility with the neighboring development's architecture, massing, and scale.

D. 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:

1. Siting and orientation of buildings, windows, and/or landscaping to take advantage of solar, shade, and wind impacts;
2. Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass;
3. Transportation demand management strategies or transportation management systems;
4. Minimal use of impervious surface area and materials;
5. Use of green streets or low impact development, including, but not limited to, street side planters, swales, rain gardens, or permeable pavement, when acceptable to the City; and
6. LEED or similar certification.

E. Transitions and buffers. Transitions or buffers between the site and adjacent properties 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 or Planning Director's recommendation, approves a smaller setback or joint access between adjoining properties.
4. Other transition as proposed by the applicant that meets the intent of this Subsection (E).

24.070 DEVELOPMENT STANDARDS

A. Applicable Zone Exceptions.

The provisions of the applicable zoning district apply, except as follows:

1. The floor area ratio and lot coverage requirements of the underlying zone may be applied to the total project area, exclusive of right-of-way/private streets, rather than on a lot by lot basis;
2. Lot size, yards, and lot dimensions may be modified; and
3. Lots along the perimeter of a PUD that abut existing single family homes shall not be reduced to less than 75% of the minimum lot size of the underlying zone and shall contain single family homes.

- B. Open space. PUDs that contain multi-family units or 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet shall comply with the requirements of CDC 55.100(F).
- C. Density Transfer. Density transfers shall be based on the minimum lot size in the applicable zoning district and at the following rates:
1. Density may be transferred at a rate of 50% from lands where development is not allowed by the following
 - a. Chapter 27, Flood Management Areas;
 - b. Chapter 28, Willamette and Tualatin River Protection;
 - c. Chapter 32, Water Resource Area Protection; or
 - d. potentially severe landslide hazard areas and slopes greater than 50%.
 2. Density may be transferred at a rate of 100% from land with the following characteristics
 - a. Heritage Trees and significant trees, consistent with Section 55.100(b), or
 - b. slopes between 25-50%.
- D. Density Bonus. Density bonuses, using the minimum lot size in the underlying zone, may be given for the categories below. The cumulative density bonus from all of the provisions below shall not exceed 40%.
1. Affordable housing. Affordable housing units may receive a density bonus of up to 30% when the dwellings are part of a Federal, State, or local housing program, at least 20% of the dwellings are available for populations with household incomes that are up to 80 percent of the area median family income, and their affordability is guaranteed.
(Staff comment: 80% of the area median income in the Portland area is currently \$38,850 for a single person household and \$55,500 for a four person family. The median income for a family of four is \$68,000. ORS 197.309 prevents cities from establishing inclusionary zoning, but does not prohibit cities from enacting voluntary regulations, density bonuses, or other policies to increase the supply of these units.)
 2. Additional open space land. The dedication of additional natural resource areas beyond what is required under the approval criteria, including trails, paths, significant trees, stands of trees, and trailheads may result in a density bonus up to 5% per ½ acre, with a maximum density bonus under this provision of up to 20%.
 3. Parks. The dedication of improved site area that is accepted by the City, consistent with the Parks, Recreation, and Open Space Master Plan, or another public agency, as usable, accessible park land, may result in a density bonus of 5% per ½ acre, with a maximum density bonus under this provision of up to 30%.

Task Force Option:

PLANNED UNIT DEVELOPMENT

(Overview: The proposal is to replace existing planned unit development regulations (Chapter 24) in its entirety. The replacement language was prepared by the Task Force in 2010 and 2011.)

Sections:

24.010 PURPOSES

24.020 APPLICABILITY AND APPROVAL PROCESS

24.030 PHASED DEVELOPMENT

24.040 SUBMITTAL REQUIREMENTS

24.050 ALLOWABLE USES

24.060 APPROVAL CRITERIA

24.070 ALTERNATIVE DEVELOPMENT STANDARDS

24.080 DENSITY TRANSFER

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 Areas 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.

Related Provisions (in numerical order and coded if applicable to only one version):

Chapter 8, Single-Family Residential Detached, R-40

08.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre or which has less than 20,000 feet per head of livestock.

5. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.

Chapter 9, Single-Family Residential Detached, R-20

09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre, or which has less than 20,000 feet per head of livestock.
5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

7. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.

Chapter 10, Single-Family Residential Detached, R-15

10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

7. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.

Chapter 11, Single-Family Residential Detached, R-10

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre or which has less than 20,000 feet per head of livestock.
6. Manufactured homes subject to the provision of CDC 36.020, Manufactured Home Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

8. Cottage housing, subject to the provisions of CDC 17.030.

9. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.

Chapter 12, Single-Family Residential Detached and Attached, R-7

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.

5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
6. Manufactured home subject to the provisions of CDC 36.020, Manufactured Homes Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
- 8. Cottage housing, subject to the provisions of CDC 17.030.**
- 9. Duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.**

Chapter 13, Single-Family Residential Detached and Attached/Duplex, R-5

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Manufactured homes subject to the provisions of CDC 36.020.
7. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
- 9. Cottage housing, subject to the provisions of CDC 17.030.**

10. Multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.

Chapter 14, Single-Family Residential Attached and Detached/Duplex, R-4.5

14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
- 7. Cottage housing, subject to the provisions of CDC 17.030.**
- 8. Multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.**

Related Provisions for both Staff and Task Force Options:

(Staff Comment: The following are removed since the PUD/PUD would only be permitted in residential zones.)

Chapter 18, Neighborhood Commercial

18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

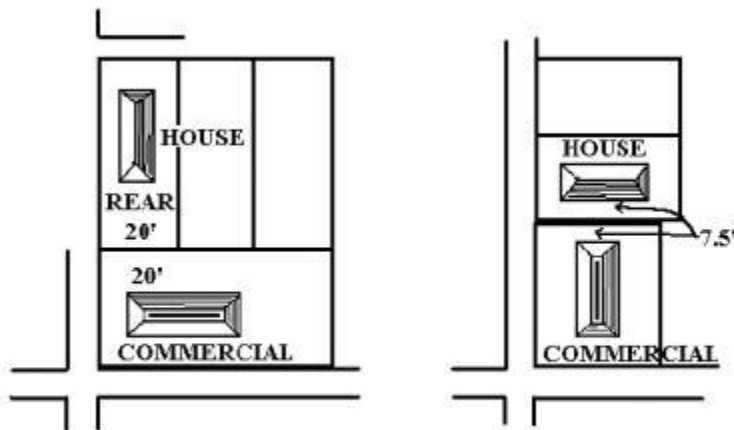
- ...
- 5.—The maximum lot coverage shall be 50 percent; ~~however, the above requirements in this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.~~

Chapter 19, General Commercial

19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A: Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- A1.** The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
- B2.** The average minimum lot width shall be 50 feet.
- C3.** The average minimum lot depth shall not be less than 90 feet.
- D4.** Where the use abuts a residential district, the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



SETBACK OF ABUTTING HOUSE
DICTATES COMMERCIAL SETBACK

- E5.** The maximum lot coverage shall be 50 percent.

~~F6.~~ The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.

~~G7.~~ For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

~~B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.~~

Chapter 21, Office Business Center

21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

~~A1.~~ The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

~~B2.~~ The average minimum lot width shall be 35 feet.

~~C3.~~ The average minimum lot depth shall not be less than 90 feet.

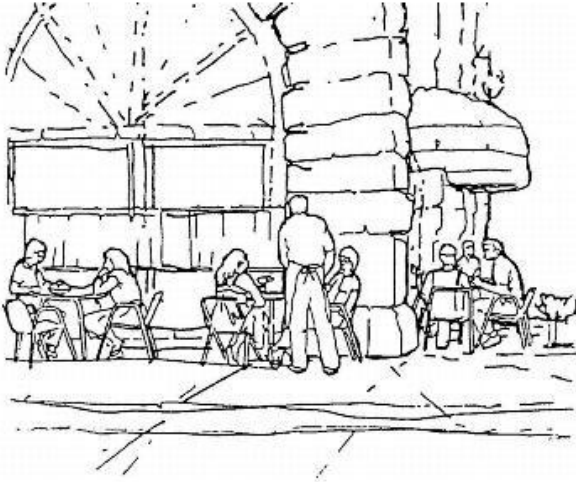
~~D4.~~ The minimum yard dimensions or minimum building setback area from the lot line shall be:

~~1a.~~ For an interior side yard, seven and one-half feet.

~~2b.~~ For a side yard abutting a street, 15 feet.

~~3c.~~ For a rear yard, 25 feet; however, where the use abuts a residential district, the setback distance of the residential zone shall apply and, in addition, a buffer of up to 50 feet may be required.

~~E5.~~ For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.



~~F~~6. The maximum lot coverage shall be 50 percent.

~~G~~7. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

~~B.~~ The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Chapter 22, Campus Industrial

22.080 DEVELOPMENT STANDARDS

All development within this district is subject to the review procedures and application requirements under Chapter 55 CDC. In addition, the following specific standards, requirements, and objectives shall apply to all development in this district:

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~~H.~~ The requirements of subsections A through G of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Chapter 23, General Industrial

23.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

~~A.~~ Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

~~A~~1. The minimum front lot line length of the minimum lot width at the front lot line shall be 50 feet.

~~B~~2. The average minimum lot width shall be 50 feet.

~~C~~3. The average minimum lot depth shall not be less than 90 feet.

~~D~~4. Where the use abuts a residential district, the setback distance of the residential zone shall apply, and, in addition, a buffer of up to 50 feet may be required.

~~E~~5. The maximum lot coverage shall be 50 percent.

~~F6.~~ The maximum building height shall be two and one-half stories or 35 feet for any structure located within 100 feet of a residential zone and three and one-half stories or 45 feet for any structure located 100 feet or more from a residential zone.

~~B.~~ The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Related Provisions for Staff Option:

Chapter 28, Willamette and Tualatin River Protection

28.110 Approval Criteria

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Chapter 28

28.110 APPROVAL CRITERIA

H. Partitions, subdivisions and incentives.

1. When partitioning a property into parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.
3. Development of HCA-dominated lands shall be undertaken as a last resort. **The applicant may develop using the provisions in CDC 17.030(A) Cluster Development or Chapter 24, Planned Residential Development.** ~~A planned unit development (PUD) of Chapter 24 CDC may be required.~~
4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:
 - a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and
 - b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;
 - c. Fencing may be required near steep dropoffs or grade changes.

Chapter 55, Design Review

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F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUD under the provisions of CDC 24.170(B).

Chapter 59, Willamette Mixed Use Transitional Zone

59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Signs, subject to the following provisions:
 - a. Wall signs. Shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The 10 percent shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts.
 - b. Ground-mounted signs. One ground-mounted sign is permitted in the front yard with a maximum size of 16 square feet, a maximum height of four feet, and a minimum setback of five feet from the right-of-way.
 - c. No signs shall be the internally lit “can” type. No backlit signs are permitted. Illumination by spotlight is permitted for either sign type. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques that describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project from the building face.
 - d. Temporary signs. Temporary sandwich board signs are permitted without the temporal restrictions of Chapter 52 CDC.
 - e. All other provisions of Chapter 52 CDC. Signs are applicable unless they conflict with the provisions of this chapter.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
3. Home occupations, subject to the provisions of Chapter 37 CDC.
4. **Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.**

Chapter 85, General Provisions

85.200 APPROVAL CRITERIA

A.

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19. All lots in a subdivision shall have access to a public street **through direct frontage or an access easement**. ~~Lots created by partition may have access to a public street via an access easement pursuant to the~~ **Easements shall comply with** the standards and limitations set forth for such accessways in Chapter 48 CDC.