

**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

Current Code	Proposed Code
<p align="center">Chapter 24 PLANNED UNIT DEVELOPMENT</p>	<p align="center">Chapter 24 PLANNED UNIT DEVELOPMENT OVERLAY</p>
<p>24.010 PURPOSE The purpose of the Planned Unit Development overlay zone is to provide a means for creating planned environments:</p> <ol style="list-style-type: none"> <li>A. To produce a development which would be as good or better than that resulting from traditional lot-by-lot development.</li> <li>B. To preserve, to the greatest extent possible, the existing landscape features and amenities through the use of a plan that relates the type and design of the development to a particular site.</li> <li>C. To correlate comprehensively the provisions of this title and all applicable plans; to.</li> <li>D. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape.</li> <li>E. To allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development.</li> <li>F. To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development.</li> <li>G. To carry out the goals of West Linn’s Vision, Imagine West Linn, especially goals relating to housing, commercial, and public facilities.</li> </ol>	<p>24.010 PURPOSE AND INTENT The purpose of the Planned Unit Development (“PUD”) Overlay is provide a voluntary regulatory framework to encourage and promote superior residential development by allowing greater creativity in site design as compared to the standard zoning and subdivision standards of the CDC. The provisions of this Chapter are <del>not</del> intended as <del>an alternative means to -means to avoid-</del> the variance procedures provided in Chapter 85 of the CDC. The PUD Overlay provides a means for creating cohesive planned developments that:</p> <ol style="list-style-type: none"> <li>A. Preserve, to the greatest extent possible, the existing landscape features and amenities through the use of a plan that relates the type and design of the development to a particular site;</li> <li>B. Encourage development which will provide a greater variety of housing type of a superior design that is in harmony with that of the surrounding area;</li> <li>C. Utilize flexibility in site design, placement of buildings, use of open spaces, and to best utilize the potentials of the site;</li> <li>D. Allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development;</li> <li>E. Promote sustainable development through the use of green building technologies, reduced building footprints, pedestrian friendly streets, low-impact development practices, <del>and</del> measures that <u>mitigate the effect of climate change, and</u> reduce vehicle miles traveled;</li> <li>F. Produce development that is compatible with neighboring development in terms of architecture, massing, and scale; and</li> <li>G. Implement the goals and policies of the Comprehensive Plan and <del>are consistent with the other</del> adopted supporting plans, <u>as they are revised and amended. In particular, the PUD should be further all applicable policies from the following, non-exhaustive list of support supporting plans: such as, but not limited to:</u> <ul style="list-style-type: none"> <li>• Re-Imagine West Linn vision document,</li> <li>• Sustainable West Linn Strategic Plan,</li> <li>• Transportation Systems Plan,</li> <li>• Comprehensive Trails Master Plan, and</li> <li>• Neighborhood Plans.</li> </ul> </li> </ol>

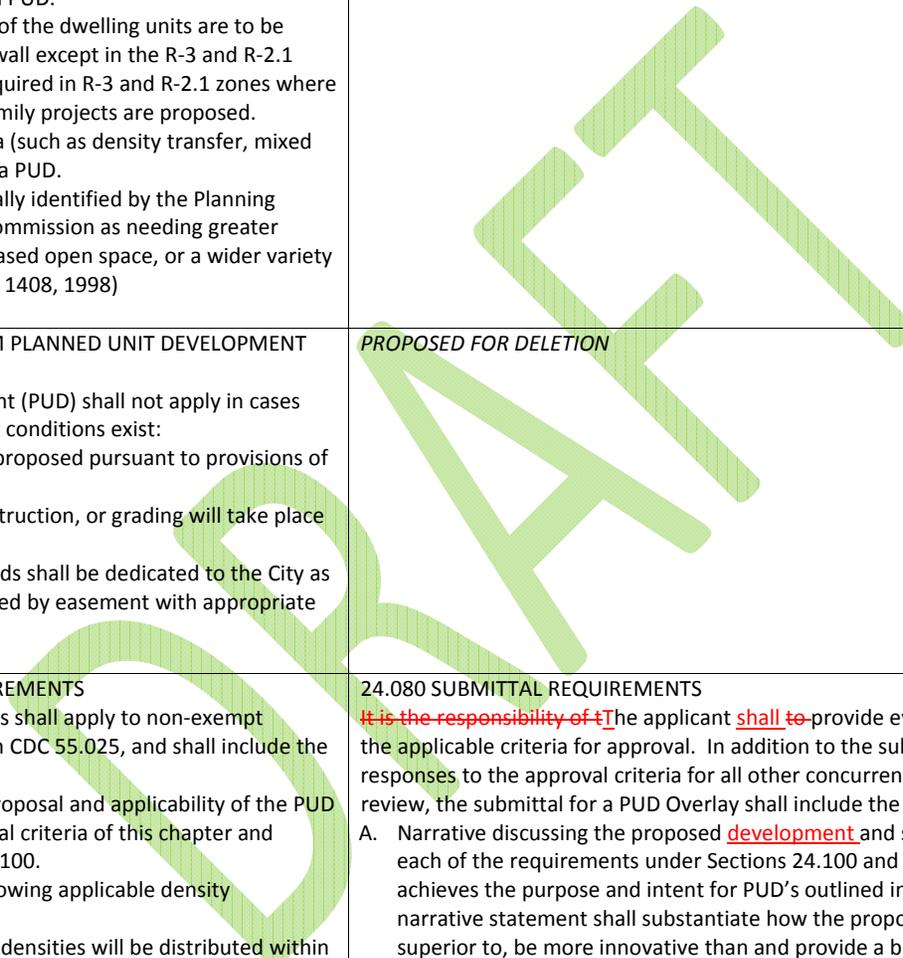
**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

<p><b>24.020 ADMINISTRATION AND APPROVAL PROCESS</b></p> <p>A. The Planned Unit Development (PUD) zone is an overlay zone and the following are preconditions to filing an application:</p> <ol style="list-style-type: none"> <li>1. Attending a pre-application conference with the City Planning Department pursuant to CDC 99.030;</li> <li>2. Attending a meeting with the respective City-recognized neighborhood association(s), per CDC 99.038, and presenting their preliminary proposal and receiving comments.</li> </ol> <p>B. The application shall be filed by the owner of record or authorized agent.</p> <p>C. Action on the application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial. (Ord. 1474, 2001; Ord. 1590 § 1, 2009)</p>	<p><b>24.020 APPLICABILITY AND APPROVAL PROCESS</b></p> <p>A. A PUD Overlay may be requested in any residential zoning district, provided the overall land area included in the PUD exceeds three (3) acres in area.</p> <p>B. Action on the application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial.</p> <p>C. The application and approval proceedings for a PUD Overlay shall be consolidated with other development applications in accordance with Section 99.070.</p>
<p><b>24.030 EXPIRATION OR EXTENSION OF APPROVAL</b></p> <p>If the final plat has not been recorded with the County within three years from the date of approval of the development plan, the application shall be null and void unless an extension is granted per CDC 99.325. If an extension is granted, the final plat must be recorded with the County before the extension lapses. (Ord. 1408 ,1998; Ord. 1589 § 1 (Exh. A), 2010)</p>	<p><b>24.030 EXPIRATION OR EXTENSION OF APPROVAL</b></p> <p><i><u>Except as provided in CDC 24.050, a PUD overlay is subject to the same expiration and extension requirements of the applicable subdivision or design review approval granted.</u></i></p>
<p><b>24.040 NON-COMPLIANCE – BOND</b></p> <p>A. Non-compliance with an approved final plat or development plan shall be a violation of this chapter.</p> <p>B. The development shall be completed in accordance with the approved final plat or development plan, including landscaping and recreation areas, before any occupancy permit will be issued, except that when the Planning Director determines that immediate execution of any feature of an approved final plat or development plan is impractical due to climatic conditions, unavailability of</p>	<p><b>24.040 NON-COMPLIANCE – BOND</b></p> <p><i>No change</i></p>

**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

<p>materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require sufficient funds such as a cashier’s check to guarantee completion of the feature at a time certain not to exceed one year.</p>	
<p><b>24.050 STAGED DEVELOPMENT</b>                  The applicant may elect to develop the site in stages. “Staged development” is defined as an application that proposes numerous phases or stages to be undertaken over a period of time. Typically, the first phase will be sufficiently detailed pursuant to the submittal standards of Chapter 85 CDC. Subsequent phases shall provide the type of use(s); the land area(s) involved; the number of units; generalized location and size (square feet) of commercial, industrial, or office projects; parks and open space; street layout, access, and circulation; etc. Generalized building footprints for commercial, office, public, and multi-family projects and parking lot layout will be required.</p>	<p><b>24.050 STAGED OR PHASED DEVELOPMENT</b>                  The applicant may request to develop the PUD in stages. A PUD may include up to three (3) stages <del>or phases, but under no circumstances may the phasing</del> <u>may not</u> extend beyond five (5) years <u>from the original approval</u>. Requests to stage the PUD shall only be approved by the approval authority after reviewing a PUD phasing plan and making findings that the provisions of CDC 99.125 have been met. The PUD phasing plan shall include a schedule of required public improvements to be made for each phase of the development.</p>
<p><b>24.060 AREA OF APPLICATION</b>                  A. Planned unit developments (PUDs) may be established in all residential, commercial, and industrial districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this section.                  B. All qualifying non-residential, all mixed use developments, and all qualifying residential developments of five or more lots shall be developed as PUDs with the Hearings Officer as the decision-making body, while all qualifying residential developments of four or fewer lots shall be developed as a PUD with the Planning Director as the decision-making body, whenever one of the following qualifying criteria apply:                  1. Any development site composed of more than 25 percent</p>	<p><i>Proposed for DELETION</i></p>

**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

<p>of Type I or Type II lands, as defined by CDC 24.060(C), shall be developed as a PUD.</p> <p>2. More than 20 percent of the dwelling units are to be attached on common wall except in the R-3 and R-2.1 zones. A PUD is not required in R-3 and R-2.1 zones where common wall/multi-family projects are proposed. However, other criteria (such as density transfer, mixed uses, etc.) may trigger a PUD.</p> <p>3. A large area is specifically identified by the Planning Director or Planning Commission as needing greater design flexibility, increased open space, or a wider variety of housing types. (Ord. 1408, 1998)</p>	
<p><b>24.070 EXEMPTIONS FROM PLANNED UNIT DEVELOPMENT REQUIREMENTS</b></p> <p>A planned unit development (PUD) shall not apply in cases where all the following conditions exist:</p> <p>A. No density transfer is proposed pursuant to provisions of this chapter.</p> <p>B. No development, construction, or grading will take place on Type I and II lands.</p> <p>C. All the Type I and II lands shall be dedicated to the City as open space, or protected by easement with appropriate delineation.</p>	<p><i>PROPOSED FOR DELETION</i></p>
<p><b>24.080 SUBMITTAL REQUIREMENTS</b></p> <p>The submittal requirements shall apply to non-exempt projects as identified in CDC 55.025, and shall include the following:</p> <p>A. Narrative discussing proposal and applicability of the PUD and addressing approval criteria of this chapter and design review, CDC 55.100.</p> <p>B. Narrative and table showing applicable density calculations.</p> <p>C. Map showing how the densities will be distributed within the project site.</p>	<p><b>24.080 SUBMITTAL REQUIREMENTS</b></p> <p><del>It is the responsibility of t</del>The applicant <del>shall to</del> provide evidence of compliance with the applicable criteria for approval. 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 Overlay shall include the following:</p> <p>A. Narrative discussing the proposed <b>development</b> and specifying how it satisfies each of the requirements under Sections 24.100 and 24.105 of this chapter and achieves the purpose and intent for PUD’s outlined in Section 24.010. The narrative statement shall substantiate how the proposed development will be superior to, be more innovative than and provide a benefit to the public beyond a conventional development approved under the standard zoning regulations.</p>

**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

<p>D. Compliance with submittal requirements of Chapter 55 CDC, Design Review, including full response to approval criteria for Chapter 55 CDC, Design Review, and Chapter 85 CDC, if it is a single-family PUD.</p> <p>E. Narrative, tables, and showing all density transfers.</p> <p>F. Tables and maps identifying all Type I, II, III and IV lands by acreage, location and type (please refer to definitions of these lands in Chapter 02 CDC).</p> <p>G. Other material as required by the Planning Director. (Ord. 1408, 1998; Ord. 1463, 2000)</p>	<p>B. Plans and table showing how the densities will be distributed within the project site.</p> <p>C. Plans identifying all lands inventoried <u>as</u> Goal 5 resources, Type I and II lands, Water Resource Areas, and any other environmentally sensitive lands by acreage, location and type.</p> <p>D. <u>Any</u> <del>Voluntary</del> conditions of approval or covenants proposed by the applicant necessary to address <u>es</u> the approval criteria of this Chapter.</p> <p>E. Other material as required by the Planning Director.</p>
<p><b>24.090 APPLICABILITY AND ALLOWED USES</b> Subject to the provisions of CDC 24.070, 24.080 and this section, the PUD Overlay Zone may be applied to all residential, commercial, and industrial zones.</p> <p>A. In addition to the uses allowed outright in the underlying zone the following uses shall be allowed outright where all other applicable standards are met.</p> <ol style="list-style-type: none"> <li>1. Single-family, duplex, attached housing and multiple-family housing.</li> <li>2. Community buildings.</li> <li>3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use.</li> <li>4. <del>Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use.</del></li> <li>5. <del>Recreation vehicle storage area.</del></li> <li>6. Public safety facilities.</li> <li>7. Major or minor utilities.</li> <li>8. Religious institution, day care center, public or private schools.</li> </ol> <p>B. Any commercial uses listed under the Neighborhood Commercial (NC) zone shall be allowed in the manner provided by the base zone or adopted plan document and, in addition, the applicant must prove:</p> <ol style="list-style-type: none"> <li>1. The uses are for the purpose of primarily serving the residents of the proposed development; and</li> </ol>	<p><b>24.090 ALLOWABLE USES</b> Except as provided for below, the use restrictions for a PUD shall be the same as the underlying zoning district:</p> <p>A. The following uses shall be permitted outright <del>in the outright</del> in a PUD where all other applicable standards are met:</p> <ol style="list-style-type: none"> <li>1. Single-family, duplex, attached housing and multiple-family housing<del>;</del></li> <li>2. Community buildings<del>;</del></li> <li>3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use<del>;</del></li> <li>4. <del>Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use;</del></li> <li>5. <del>Recreation vehicle storage area; and,</del></li> <li>6. <del>Minor Utilities.</del></li> </ol> <p>B. Any PUD Overlay which proposes special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, senior centers, public transit, etc.).</p>

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**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

<p>2. There is a need for the type and amount of commercial space. A market analysis may be required.</p> <p>3. The use will reduce vehicle miles traveled (VMT) between residents and existing neighborhood commercial locations. (Ord. 1463, 2000)</p>	
<p>24.100 APPROVAL CRITERIA</p> <p>A. The approval criteria of CDC 55.100, design review, shall apply to non-exempted projects per CDC 55.025. Single-family detached, single-family attached, and duplex residential units proposed shall comply with the provisions of Chapter 43 CDC at time of building permit application.</p> <p>B. The application shall also demonstrate compliance with the following criteria:</p> <p>1. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.</p> <p>2. The proposed PUD shall provide a desirable, attractive, and stable environment in harmony with that of the surrounding area through thorough, well-developed, detailed planning and by comprehensively correlating the provisions of this code and all applicable adopted plans.</p> <p>3. The placement and design of buildings, use of open spaces, circulation facilities, off-street parking areas, and landscaping shall be designed to best utilize the potentials of the site characterized by special features of geography, topography, size, and shape.</p> <p>4. The PUD shall be developed so that it is compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions shall be provided that are deferential or sympathetic to existing development.</p> <p>C. All densities, density transfers, transitions, density bonuses, and proposed setbacks shall conform to</p>	<p align="center"><b>FOR EASIER READING, ATTACHED TO MY EMAIL IS A DRAFT 'CLEAN' VERSION OF SECTION 24.100 (NO STRIKEOUT/UNDERLINES)</b></p> <p>24.100 AUTHORIZATION</p> <p>A. The Planning Commission <del>shall may</del> approve a PUD only if it can make findings, <del>based on objective measures,</del> that the requirements of this <del>Section Chapter</del> have been <del>satisfied, or can be satisfied by condition of approval. met.</del></p> <p>B. The application must demonstrate compliance with the following standards:</p> <p>1. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the <del>community. residents of the City.</del></p> <p>2. The applicant is providing one or more of the following benefits to the <del>community City</del> as part of the proposed PUD:</p> <p>a. <del>Public Benefits.</del> <del>The proposed PUD applicant is providing</del> public facilities <del>that beyond what the could not be required by the City requires for development of the subject property</del> without a PUD. <del>These may include, but are not limited to, the following:</del></p> <ol style="list-style-type: none"> <li><u>1) Public park or open space, recreational facilities such as tennis courts, active play areas or swimming pools;</u></li> <li><u>2) Facilities or land for civic purposes, such as public buildings, schools; library, or similar uses;</u></li> <li><u>3) On or off-site facilities providing benefits for the community or region at-large, including storm water, utility, or other facilities;</u></li> <li><u>4) Public transit facilities, bicycle/pedestrian pathway systems or other transportation improvements; or</u></li> <li><u>5) Other public facilities acceptable to the City.</u></li> </ol> <p>b. <u>Natural, cultural or historical resources.</u> The proposed PUD preserves, enhances or rehabilitates natural, <u>cultural or historical</u> features of the</p>

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**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

provisions of this chapter as required by CDC 24.080 and 24.110 through 24.170 inclusive. (Ord. 1463, 2000; Ord. 1547, 2007)

subject property beyond what the City requires without a PUD. These may include, but are not limited to, the following: such as significant woodlands, wildlife habitats or streams, that the City would not require if the subject property were not being developed as a PUD.

- 1) Significant natural areas, wildlife habitats or corridors;
- 2) Unique historical or cultural features; or
- 3) Other special features acceptable to the City

c. Superior Design. The design of the proposed PUD includes superior design elements beyond what the City requires without a PUD. These may include, but are not limited to, the following: is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:

- 1) Increased provision of open space or recreational facilities.
- 2) Superior internal pedestrian, bicycle or vehicular circulation patterns, or location or screening of parking facilities.
- 3) Superior landscaping, buffering, or screening in or around the proposed PUD. The landscape plan should incorporate available natural site features (e.g., rock outcroppings, creeks, etc.). The landscape plan should frame views both into and outside of the site for the residents within. Landscape elements may include rockeries, ornamental pools, and pathways.
- 4) Superior architectural design, placement, relationship or orientation of structure(s). Innovative architectural designs emphasize high quality materials, finish, texture and craftsmanship. Contextual design that draws from the predominant architecture of the area is preferred over contrasting design. Facades should be broken up into multiple elements, both horizontally and vertically with variations in the building silhouette and depth. A compendium of architectural elevations, details, and colors of each building type may be submitted as part of any PUD application, and, if approved, shall act as the architectural control for the homeowners association.
- 4) Sustainable design elements are incorporated into the development. These elements might include preservation of solar access; south orientation with added glazing for inhabited structures; the use of landscaping and topography for windbreaks and shading; universal design features; common wall construction; transportation demand

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**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

management (“TDM”) strategies; the use of solar energy systems either passive or active for heating and/or cooling; energy conserving design of roadways and structures; and minimal use of impervious surfacing materials.

~~5) Minimum use of impervious surfacing materials.~~

3. The PUD shall be developed so that it is compatible with neighboring development in terms of architecture, massing, and scale.

~~C. In making their determination, the Planning Commission shall consider whether the applicant has provided evidence as to how the development exceeds the minimum code requirements the following areas (but it shall not be limited to these areas):~~

~~1. Preservation of open space and natural, historical and cultural features: Items for consideration may include the quality of agricultural soils; preservation and minimum disturbance of natural features and wildlife habitat; preservation of unique historical or cultural features; preservation of open space; dedication for to the city of land within the city’s potential park or open space areas and corridor as designated in the comprehensive plan and as shown on the land use map; and preservation of air, sunlight and scenic resources.~~

~~2. Superior landscaping: Consideration will be given to landscaping elements such as quantity and quality represented by size of plant/tree, variety of plant/tree, and mix to allow seasonal colors. The landscape plan should incorporate available natural site features (e.g., rock outcroppings, creeks, etc.). The landscape plan should frame views both into and outside of the site for the residents within. Landscape elements may include rockeries, ornamental pools, and pathways.~~

~~3. Innovative architectural design: Innovative architectural designs emphasize high quality materials, finish, texture and craftsmanship. Architectural complexity and richness of detail is paramount. Contextual design that draws from the predominant architecture of the area is preferred over contrasting design. Only examples of manifestly outstanding contrasting design would be acceptable alternatives to the contextual approach. The design should accommodate the human scale with multiple light windows, appropriately scaled entryways, and porches. Facades should be broken up into multiple elements, both horizontally and vertically. Variations in the building silhouette and depth are also desirable. A compendium of architectural elevations,~~

**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

details, and colors of each building type may be submitted as part of any PUD application. A pattern book may be submitted with the application and shall act as the architectural control for the homeowner's association. An Architectural Pattern Book shall address the following:

- a. Illustrative areas within the development application covered by the pattern book.
  - b. An explanation of how the pattern book is organized, and how it is to be used.
  - c. Define specific standards for architecture, color, texture, materials, and other design elements.
  - d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
4. Public service and facility availability: Items for consideration may include the provision of public schools; public park or other public facilities and/or sites; bicycle and pedestrian pathway systems; public transit and arterial access to the site; and special site design for special needs residents to situate or cluster uses within a reasonable distance of fire and police protection, medical, shopping, church and other such amenities.
5. Sustainable design: Items for consideration may include preservation of solar access; south orientation with added glazing for inhabited structures; the use of landscaping and topography for windbreaks and shading; universal design elements; common wall construction; transportation management strategies, including transportation demand management ("TDM") strategies; the use of solar energy systems either passive or active for heating and/or cooling; energy conserving design of roadways and structures; and higher insulation levels.
6. Public recreation facilities: Items for consideration may include provisions for public recreational features such as tennis courts, active play areas, swimming pools, passive open space areas, bicycle and pedestrian pathway systems.
7. Environmental design: Items for consideration may include on-site designs providing regional benefits, including drainage control using natural drainage and landscaped drainage retention facilities; flood control measures, particularly those measures serving regional needs; significant public access provided to designated potential open space or park areas, shoreline areas, trails, scenic sites and viewpoints; provision for substantial and exceptional landscape treatment; and the use of recycled materials and resource conserving designs.

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**PROPOSED CHAPTER 24 – PLANNED UNIT DEVELOPMENT OVERLAY (3-3-11)**

**24.110 RESIDENTIAL DENSITY CALCULATIONS**

- A. The PUD allows density to be transferred on residential portions of the site. The following sections explain how the allowed number of dwelling units per acre is calculated. The standards are also intended to ensure that PUDs and adjoining developments are compatible and maintain a sense of neighborhood unity.
- B. Net acres for land to be developed with detached single-family dwellings, or multi-family dwellings including duplexes, is computed by subtracting the following from the gross acres:
  - 1. Any land area which is included in a boundary street right-of-way or water course, or planned open space areas if density transfer is not requested.
  - 2. An allocation of 25 percent for public or private facilities (e.g., streets, paths, right-of-way, etc.) or, when a tentative plat or plan has been developed, the total land area allocated for public or private facilities.
  - 3. A lot of at least the size required by the applicable base zone, if an existing dwelling is to remain on the site.
- C. The allowed density or number of dwelling units on the site, subject to the limitations in CDC 24.140 and 24.150, is computed by dividing the number of square feet in the net acres by the minimum number of square feet required for each lot, by the base zone.

**24.105 ALTERNATIVE DEVELOPMENT STANDARDS**

- A. The applicant may propose alternatives to certain development regulations of the underlying zoning district. For approved PUD's, the FAR and lot coverage requirements of the underlying zoning district may be applied with reference to the total area of the project as a whole and not on a lot by lot basis. The Planning Commission may grant modifications to the lot size, building setbacks, and lot dimensions of the underlying zone if the applicant demonstrates that the proposed PUD meets all of the requirements in 24.100 and finds that each proposed modification provides the same, or better sense of privacy and appropriate scale as would be achieved under the standard zoning district. In making a determination for the proposed modifications, the Commission should consider how granting each modification will allow for the development to provide for:
  - 1. The reservation or dedicated of more than the minimum amount of open space required;
  - 2. Lots designed in a manner that provides better access to common open space areas from within and/or outside the PUD, better protects views, allows better solar access, maintains or improves relationships between structures, maintains or improves privacy and/or improves pedestrian or bicycle access to surrounding neighborhoods;
  - 3. A more attractive streetscape through use of meandering streets, access through alleys or shared driveways, provision of median plantings, or other pedestrian amenities;
  - 4. Enhanced or better protection of a significant natural feature on the site, such as a wetland, a tree or tree grove, or a stream corridor;
  - 5. Improved linkages with adjacent neighborhoods, parks and open space areas, pathways, and natural features; and
  - 6. A more compatible design with the topography and/or physical limitations of the site.
- B. The applicant shall specifically identify all code requirements and criteria proposed for modification.
- C. Any modifications to the underlying development regulations shall be shown on the approved plans, included as conditions of approval, and shall be noted on the final plat where applicable.