

Chapter 24  
PLANNED UNIT DEVELOPMENT OVERLAY

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24.010 PURPOSE AND INTENT

The purpose of the Planned Unit Development Overlay (“PUD”) is to 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 not intended as an alternative to the variance procedures provided in Chapter 75 of the CDC. This chapter provides a means for creating cohesive planned developments that:

- A. Preserve, to the greatest extent possible, the existing landscape ~~ing, topography features~~ and natural amenities through the use of a plan that relates the type and design of the development to a particular site;

- 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;
- C. Utilize flexibility in site design, placement of buildings, use of open spaces, ~~and to best-optimize utilize~~ the potentials of the site;
- D. Allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development;
- E. 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;
- F. Produce development that is compatible with neighboring development in terms of architecture, massing, and scale; and
- G. Implement the applicable goals and policies of the Comprehensive Plan and all adopted supporting plans, including, but not limited to:
  - 1) Imagine West Linn vision document,
  - 2) Sustainable West Linn Strategic Plan,
  - 3) Transportation Systems Plan,
  - 3)4) Parks, Recreation and Open Space Master Plan;
  - 4)5) Comprehensive Trails Master Plan; and
  - 5)6) Neighborhood Plans.

24.020 APPLICABILITY AND APPROVAL PROCESS

- A. A PUD may be requested in any residential zoning district, provided the overall land area included in the PUD exceeds three (3) acres.
- B. Action on the application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial.
- C. The application and approval proceedings for a PUD shall be consolidated with other development applications in accordance with Section 99.070.

24.030 EXPIRATION OR EXTENSION OF APPROVAL

Except as provided for in CDC 24.050, a PUD is subject to the same expiration and extension requirements of the applicable subdivision or design review approval granted.

**24.040 NON-COMPLIANCE – BOND** (*same as current code*)

- A. Non-compliance with an approved final plat or development plan shall be a violation of this chapter.
- 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 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.

**24.050 STAGED OR PHASED DEVELOPMENT**

The applicant may request to develop the PUD in stages. A PUD may include up to three (3) stages, or phases. Phasing may not extend beyond five (5) years from the original approval date. Requests to phase 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.

**24.060 SUBMITTAL REQUIREMENTS**

The applicant shall 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 shall include the following:

- A. Narrative discussing the proposed development and specifying how it satisfies each of the requirements under Sections 24.080 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;
- B. Plans and table showing how the densities will be distributed within the project site;
- C. Plans identifying all lands inventoried as Goal 5 resources, Type I and II lands, Water Resource Areas, and any other environmentally sensitive lands by acreage, location and type;
- D. The applicant shall specifically identify all code requirements proposed for modification;

- E. Any voluntary conditions of approval or covenants proposed by the applicant necessary to address the approval criteria of this Chapter;
- F. If phasing of the PUD is proposed, a PUD phasing plan shall be submitted which delineates the extent of development proposed for each phase and includes a schedule of required public improvements and proposed community facilities to be made for each phase of the development; and
- G. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A). Other material as required by the Planning Director

**FYI EXISTING CODE SECTION BELOW:**

**99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED**

*A. The Planning Director may require information in addition to that required by a specific chapter in the Community Development Code; provided, that:*

- 1. The chapter expressly authorizes that additional information may be required;*
- 2. The information is needed to properly evaluate the proposed site plan or proposal; and*
- 3. The need can be justified on the basis of a special or unforeseen circumstance.*

**24.070 ALLOWABLE USES**

Except as provided for below, the use restrictions for a PUD shall be the same as the underlying zoning district:

- A. The following uses shall be permitted outright in a PUD where all other applicable standards are met:
  1. Single-family, duplex, attached housing and multiple-family housing;
  2. Community buildings;
  3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use;
  4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use;
  5. Recreation vehicle storage area; and,

6. Minor ~~U~~utilities.

- B. Any PUD 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.).

24.080 AUTHORIZATION

A. The Planning Commission shall approve a PUD only if it can make findings that the requirements of this Chapter have been satisfied or can be satisfied by conditions of approval.

B. The applica~~ntion~~ must demonstrate compliance with the each of the following standards:

1. Community Public Benefits. The PUD shall be developed so that it achieves reasonable 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 to the community. Examples of these Public benefits may include, but are not limited to, the following:

a) *Public Facilities.* The proposed PUD provides community public facilities beyond what the City requires without a PUD. The facilities must serve the public and be desired by the City. They and may be located on or off-site. (does the Task Force want to require these to be open/available to the public--- for example: tennis courts?..we should note ownership in the Code) Examples of these facilities include, but are not limited to:

- 1) Public park or open space, recreational facilities such as tennis courts, active play areas or swimming pools;
- 2) Infrastructure improvements that provide benefits for the community or region at-large, including storm water, utility, or other facilities;
- 3) Public transit facilities, bicycle/pedestrian pathway systems or other transportation improvements; or,
- 4) Other public 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;
- 2) Unique historical or cultural features; or,

3) Other special features or resources acceptable to the City.

c) For phased PUD's, the proposed community benefit(s) required in this Section shall be commensurate with the level of development for each phase. 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 designs that allow for a unique housing or building types to support an underserved population within the community;
  - b) Superior internal pedestrian, bicycle or vehicular circulation paths or patterns; or,
  - c) ~~Site Design Landscaping plans 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 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:
  - a) High quality materials, finish and textures;
  - b) Facades that include horizontal and vertical variations in the building silhouette; or,
  - 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, widows 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 ("TDM") strategies, or transportation management systems ("TMS");

- f) Minimal use of impervious surface area and materials; or,
- g) Other acceptable designs or features that create resource efficiencies and decrease the impact of the development on the built environment.

#### 24.090 ALTERNATIVE DEVELOPMENT STANDARDS

The applicant may propose alternatives to certain development regulations of the underlying zoning district. In a PUD, 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 rather than 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 outlined in 24.080. No other modifications are permitted except as provided for elsewhere in this Code. Any modifications to the underlying 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.

#### 24.100 PERIMETER TRANSITIONS

- A. Because the PUD and the provisions of this chapter allow for density transfers, modifications to certain development regulations and a variety of housing types, it may be necessary that transitions be provided between the project site and the surrounding properties. These transitions are required to mitigate the impacts of multi-family housing next to single-family housing. Transitions are required when more than two attached housing units (e.g., a triplex) are proposed adjacent to existing single-family housing. However, the lot sizes for detached single-family homes along the perimeter of the PUD that abut existing single-family homes shall not be smaller than 75 percent of the minimum size lot size permitted by the applicable zone for a single-family dwelling unit on the abutting lot outside the PUD. Additionally, 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 transitions required shall be determined by the Planning Commission. The following examples may be considered by the Planning Commission 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 that 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;
3. Manmade berms of at least five feet in height with landscaping for adequate screening a 40-foot minimum in width. This transition should be on the subject parcel;
- C. If no proposed residential unit is to be located within 200 feet of the nearest existing single-family home, the transition provisions of this subsection shall not apply. The 200-foot must be on the subject site.

#### 24.110 DENSITY TRANSFER

The PUD allows the residential density to be transferred within the site, subject to the requirements of this Chapter. The total number of dwelling units permitted is subject to the underlying zoning district and the provisions of CDC XXXX (*reference to the environmentally sensitive lands section to be prepared*).

#### 24.120 PUD AMENDMENT TRIGGER

Amendments to an approved PUD shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the approved PUD or, when the layout of streets or lots significantly change and as provided for in CDC 99.120 A. Amendments shall require review per CDC [99.120](#).