

SUBCHAPTER 60: PLANNED UNIT DEVELOPMENT

60.005 Purpose

The purpose of this chapter is as follows:

- A. To permit the development of a group of residences (single-family dwellings, duplexes, multiple-family dwellings, or manufactured dwellings) as a planned interrelated entity;
- B. To encourage more efficient, innovative, and coordinated development than might occur if such a group of residences were developed as an aggregation of individual buildings on separate lots; and
- C. To provide standards for planned unit developments.

60.010 Definitions

- A. Planned Unit Development: A complex of residential structures constructed by a single owner or group of owners acting jointly and planned as a single unit according to the provisions of this chapter. The phrase "planned unit development" may be abbreviated "PUD".
- B. Common Open Space: An area within a PUD, which area is designed and intended for the use or enjoyment of all residents of the development or of the public in general.
- C. Homeowners Association: An association of owners or tenants created as a non-profit corporation under the laws of this state and having as its purpose the maintenance and enforcement of covenants and restrictions on the use and maintenance of common open space and other common facilities within a PUD.

60.015 PUD as a Conditional Use

An application for a PUD shall be processed as a conditional use in accordance with the procedures set forth in Chapter 11, "Land-Use Actions", and Chapter 71, "Conditional Uses". The applicant for a PUD shall be subject to the requirements of Chapters 11 and 71 in addition to the requirements of this chapter.

60.020 General Findings Necessary for Approval of a PUD

The Planning Commission shall approve a planned unit development only if it finds that the PUD will satisfy the requirements of this chapter and that the following conditions exist:

- A. The plan proposed for the PUD is an effective and unified treatment of the development possibilities on the project site, is consistent with the Comprehensive Plan, and makes appropriate provisions for the preservation of natural features such as streams, trees and rough terrain.
- B. The proposed PUD will be compatible with the area surrounding the project site and will make no greater demand on public facilities and services than other authorized uses of the land.
- C. The financing available to the applicant is sufficient to assure completion of the planned unit development.
- D. All requirements for land divisions, as applicable shall be met.
- E. All land use and development standards are met, except as modified under Section 60.030.

60.025 Minimum Area of a PUD Site

A lot, parcel, or tract proposed for development as a PUD shall have an area of at least three (3) acres.

60.030 Dimensional Requirements for a PUD

- A. The minimum lot area, width, frontage, and yard requirements applying to individual buildings in the zone in which a PUD is proposed shall not apply within a PUD.
- B. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings developed under this ordinance on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to those obtained from the spacing requirements.
- C. The maximum height of any building in a PUD may exceed those building heights prescribed in the zone in which the PUD is proposed if open space, building setbacks, and other design features of the PUD are used to avoid any adverse effects from the greater height.
- D. The lot coverage of any PUD shall not exceed 25 percent of the land area being developed, exclusive of public and private streets.
- E. Front yard and rear yard setback requirements shall not apply, except that a minimum front yard setback of 15 feet is required for any garage which faces a public or private street.

F. Side yard setback requirements shall not apply, except that all detached accessory structures shall meet Uniform Building Code requirements for fire walls.

60.035 Density of PUD

The density of the PUD shall not exceed the maximum density permitted in the zone in which the PUD is to be developed.

60.040 Common Open Space

A. No open area may be accepted as common open space within a PUD unless it meets the following requirements:

1. The location, shape, size, and character of the common open space is suitable for the planned development.
2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the PUD, considering its size, density, expected population, topography, and the number and type of dwellings provided.

B. Common open space shall be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. Buildings, structures, and improvements to be located in the common open space shall be appropriate to the uses which are authorized for the common open space.

C. The development schedule which is part of the PUD plan shall coordinate any improvement of the common open space with the construction of residential dwellings in the PUD.

D. If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that such buildings, structures, and improvements will be completed. The city manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.

E. No common open space may be put to a use not specified in the final plan unless the final plan is first amended to permit the use. However, no change of use may be considered a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

60.045 Conveyance of Common Open Space

A. Land shown on the final plan as common open space shall be conveyed under one of the following options:

1. To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or
2. To a homeowner's association, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission. Such an association shall be formed and continued for the purpose of maintaining the common open space.

B. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions.

60.050 Accessory Uses Within a PUD

The following accessory uses may be approved as a part of a PUD:

- A. Golf course;
- B. Private park, lake or waterway;
- C. Recreation area;
- D. Recreation building, clubhouse, or social hall;
- E. Any other accessory structure which the Planning Commission finds is designed to serve primarily the residents of the PUD and is compatible with the design of the PUD. Nothing in this provision shall be construed as authorizing the development of commercial or industrial uses in a residential zone.

60.060 Tentative Plan For PUD

A. The applicant for tentative approval of a PUD shall submit a tentative plan to the Planning Commission. The application for tentative plan to the Planning Commission. The application for tentative approval shall be considered a request for a conditional use. Such application shall be processed according to the provisions of Chapter 11, "Land-Use Actions, and Chapter 71, "Conditional Uses", and shall be subject to the requirements of those chapters.

B. A pre-application conference with the City Manager or designee shall be required for the purpose of gathering general information and guidelines prior to the submission of a tentative plan.

C. Maps, plans, and drawings required for the tentative plan shall be drawn to scale and shall be reproducible by the Ozalid (blueprint) process or by a similar means. Fifteen copies of all the maps, drawings, plans, and written statements which comprise the tentative plan shall be submitted with the application for tentative approval.

D. The tentative plan for a PUD shall include the following:

1. A map showing street systems, lot lines, and other division of land for management, use, or allocation.
2. A map showing areas proposed to be conveyed, dedicated, or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures.
4. Elevation drawings of typical proposed structures.
5. A development schedule indicating the following:
 - a. The approximate date when construction of the project can be expected to begin.
 - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - c. The anticipated rate of development.
 - d. The approximate dates when each stage in the development will be completed.
 - e. The area, location, and degree of development of common open space that will be provided at each stage.
4. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PUD and any of its common open space areas.
7. A written statement containing the following information:

- a. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations.
- b. A statement of the proposed financing;
- c. A statement of the present ownership of all the land within the PUD.

8. The following plans and diagrams may be required if the Planning Commission finds that the PUD creates special problems of traffic, parking, landscaping, or economics:

- a. An off-street parking and loading plan;
- b. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the PUD and to and from the surrounding neighborhood, including any features and traffic regulation devices needed to facilitate traffic circulation;
- c. A landscaping and tree plan;
- d. An economic feasibility report or market analysis.
- e. Special studies prepared by qualified professionals to determine potential traffic, geologic, noise, environmental, natural resource, or other impacts, and required mitigation.

60.075 Action on Tentative Plan

The Planning Commission may approve, deny, or approve with modifications or conditions any tentative plan for a PUD or one or more phases of a PUD.

60.095 Final Plan in Phases

A final plan may be submitted for one or more phases of the PUD only if such phases have been approved by the Planning Commission as a part of the tentative plan.

60.100 Final Plan

The final plan, when it has been approved and recorded, shall be a permanent public record of the PUD. The final plan shall contain, in final form, all information contained in the tentative plan approved by the Planning Commission. The final plan shall be prepared in a form suitable for inclusion in the deed records of Polk County, and shall include the following:

A. If lots are to be sold, a "hard copy" subdivision plat in the form prescribed in ORS Chapter 92.

B. If condominiums are to be sold, a condominium plat as required under ORS Chapter 91.

60.105 Review of Final Plan

A. The final plan shall be reviewed by the Planning Commission's staff and compared with the approved tentative plan. The Planning staff shall prepare a written statement indicating whether the final plan is in substantial conformance with the approved tentative plan and whether any conditions imposed by the Planning Commission have been complied with.

B. The final plan shall be submitted to the Polk County Surveyor. The county surveyor shall examine the plan for accuracy and completeness and may collect such fees as are provided by State law for such review.

60.110 Approval of the Final Plan

A. The Planning Commission shall review the final plan and the reports of the planning staff and the county surveyor. The Planning Commission shall approve the final plan if it is found to be in substantial conformance with the approved tentative plan. Final approval shall not require a public hearing but shall require approval by a majority of the Planning Commission members present and voting. If the final plan is approved, it shall be signed by the chairperson of the Planning Commission.

B. After the final plan has been approved by the Planning Commission, it shall be sent to the City Council for the approval and signature of its members. Any bond agreements, deeds, Bancroft petitions and statements of financial responsibility shall be submitted to the City Council with the final plan. The approval of the final plan shall become null and void if the final plan is not recorded within 30 days after the last required signature is obtained.

60.115 Sale of Property Prior to Final Recording

No person shall dispose of, transfer, lease, or sell, or agree, offer, or negotiate to sell any lot, building, or membership in any PUD before such PUD has received final approval in accordance with the provisions of this chapter and its final plan has been recorded with the Polk County Clerk.

60.120 Building Permits

The City Building Official shall not issue any building permit for any structure within a proposed PUD unless such PUD has received final approval in accordance with the provisions of this chapter and its final plan has been recorded with the Polk County Clerk.

60.125 Amendment of Final Plan

The recorded final plan of a PUD may be amended. Such amendment will be considered and processed in the same way as an application for a new PUD. No modification or amendment of an approved final plan is to be considered a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the planned unit development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

60.130 Assurance of Compliance

The Planning Commission or the City Council may require performance bonds or other measures to ensure that an approved PUD will be developed to required standards.

60.135 Control of the Development After Completion

The approved final plan shall continue to control the planned unit development after the final PUD is finished, and the following shall apply:

- A. The use of the land and the construction, modification, or alteration of a building or structure within the planned unit development shall be governed by the approved final plan.
- B. No change shall be made in development contrary to the approved final plan without approval of an amendment to the plan except as follows:
 - 1. Minor modifications of existing buildings or structures may be authorized by the Building Official if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.
 - 2. A building or structure that is destroyed or substantially damaged may be reconstructed without approval of an amended planned unit development if the Planning Commission finds that the proposed reconstruction conforms to the general character and purpose of the final plan.