

ORDINANCE No. 553

AN ORDINANCE ADOPTING A PLANNED UNIT DEVELOPMENT PROCEDURE, PRESCRIBING THE PROCESS AND REQUIREMENTS FOR CREATION OF PLANNED UNIT DEVELOPMENTS IN STAYTON

Section 8.11000 PLANNED UNIT DEVELOPMENT

8.11001 Purpose for Planned Unit Development Regulations.

The Planned Unit Development authorization serves to encourage developing, as one project, tracts of land that are sufficiently large to allow a site design for a group of structures and that include common open space and ownerships. Planned unit developments may be located in any zone, utilizing the uses allowed in the zone. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety of grouping or uses, or utilize the economy of shared services and facilities, or both. It is further the purpose of authorizing planned unit developments to take into account the following:

1. Advances in technology and design.
2. Comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
3. Recognition and resolution of problems created by increasing population density.
4. The potential of sites characterized by special features of geography, topography, size, shape, or environmental considerations.
5. Potential for energy and natural resource conservation.
6. Maximizing the efficiency of public facilities and services through the clustering of buildings.
7. The height, bulk, and siting characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.

8.11005 Purpose Not to Deny Applications.

It is not the intent of the P.U.D. Code to judge whether or not a Planned Unit Development shall be allowed. Planned Units Developments are an allowed use if they meet the criteria of this Code.

8.11010. Applicability of Planned Unit Development Regulations.

A Planned Unit Development shall be a Conditional Use in any zone. Requirements for a Planned Unit Development set forth in this Code are in addition to the Conditional Use procedures and standards of Code Section 8.3405-8.3430.

8.11015 Definitions.

In addition to the definitions contained in Section 8.410 of this Code the following words shall mean:

Common Open Space. An area, feature, building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the public in general.

Planned Unit Development. The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this Code, and which includes commonly owned open space and/or facilities.

8.11020 Findings for Project Approval.

The Planning Commission and City Council shall approve a Planned Unit Development only if they find that the Planned Unit Development will satisfy standards of this P.U.D. Code including the following:

1. The Planned Unit Development conforms with the purpose of this Code, as stated in Section 8.11001, and works to implement the specific purposes listed in 8.11001(1) through (7), where applicable.
2. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover and rough terrain.
3. The Planned Unit Development will have no greater demand on public facilities and services than other authorized uses for the land.
4. The applicant files a performance bond sufficient to assure completion of the Planned Unit Development.

8.11025 Size of P.U.D. Site.

1. Planned Residential, Commercial or Industrial developments may be established on parcels of land which are of sufficient size to be planned and developed in a manner that is consistent with the purpose and objectives of this Code.
2. For those Planned Unit Developments which are located in the LD Zone, the site shall include not less than four acres of contiguous land, unless the Planning Commission, upon appeal, finds that the property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of the fact that it is in an isolated problem area.

8.11030 Dimensional, Bulk, and Street Standards.

1. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a P.U.D. is proposed do not apply within a Planned Unit Development.
2. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
3. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.
4. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the P.U.D. is proposed, except that a greater height may be approved if surrounding open space within the P.U.D., building setbacks and other design features are used to avoid adverse impact due to the greater height.
5. Streets may be dedicated to the public or remain in the ownership of the homeowners association. All streets shall conform to the City of Stayton's street construction standards, except as noted below.
6. Designated arterial or collector streets, as identified on the Stayton Comprehensive Plan shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way.
7. Streets shall be designed and constructed to the following minimum standards:

STREET TYPE	R/W WIDTH	CURB TO CURB PAVEMENT
Minor two-way (Less than 200')	22'	18'
Minor one-way (Less than 200')	16'	12'
Local	30'	24'

Parking need not be provided on-street, however when it is, 7' shall be added to the widths above for each side of the street parking will be allowed on.

8. Parking will be required in accordance with the provisions of Section 8.10120. However, if no parking is to be allowed on-street, the overall parking requirements for the P.U.D. will be increased 15%.
9. Sidewalks will not be required adjacent to the streets, however, the overall plan for the P.U.D. shall include an acceptable pedestrian circulation system.

8.11035 Residential Project Density.

1. Within a residential Planned Unit Development, the density shall not exceed the density of the zone in which it is located, however, after making proper findings, the City Council may authorize the following increases in density in excess of the density otherwise allowed in the zone:
 - a. For an approved scheme of common open space, a maximum increase of 5% if the space is to be continuously maintained and developed.
 - b. For distinctiveness and excellence in siting, design, and landscaping that will provide unusual enhancement to the general area, a maximum increase of 5%.
2. If the City Council finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions:
 - a. Inconvenient or unsafe access to the Planned Unit Development.
 - b. Traffic congestion in the streets which adjoin the Planned Unit Development.
 - c. An excessive burden on sewerage, water supply, parks, recreational areas, schools or other public facilities which serve or are proposed to serve the Planned Unit Development.

8.11040 Common Open Space.

1. No open area may be accepted as common open space within a P.U.D. unless it meets the following requirements:
 - a. The location, shape, size and character of the common open space is suitable for the planned development.
 - b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected resident population or work force, topography, and the number and type of structures provided.
 - c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.
 - d. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of facilities in the common open space with the construction of buildings in the Planned Unit Development.
 - e. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed. The City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.
2. Land shown on the final development plan as common open space shall be conveyed under one of the following options:
 - a. 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.
 - b. To an association of owners or tenants, created under the laws of the State, which shall adopt and impose bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Council as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. The association by laws and covenants and restrictions shall be approved by the Planning Commission and Council, with recommendations by the City Attorney; such ability to reasonably provide for the continuing care of the common elements.

3. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, no change of use may be considered as 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.
4. 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, using liens or assessments to pay the cost to the City of enforcement.

8.11045 Park and Recreation Facilities.

1. For residential developments, in addition to common open space provided in Section 11040, an additional 5% of the gross acreage shall be provided for public park and recreation use. This area shall be dedicated to the City and shall be maintained and held by the City for public park and recreation use.
2. As an alternative thereto, in cases where such recreation area would not be effectively used because of size, location, or character of the development or where agreed upon by the Council, the developer shall pay to the City a fee earmarked for recreation use and development equal to 5% of the total assessed value of the land being developed, at the time of development, as computed by the County Assessor for the coming calendar year under procedures set forth in ORS 92.095 as amended.

8.11050 Accessory Uses in a Planned Unit Development.

In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a Planned Unit Development may include the following uses:

1. Golf course.
2. Private park, lake or waterway.
3. Recreation area.
4. Recreation building, clubhouse or social hall.
5. Other accessory structure which the Council finds is designed to serve primarily the occupants of the P.U.D., and is compatible to the design of the P.U.D.

8.11055 Application Process.

Except as otherwise described in this Code, the procedure for review and approval of a Planned Unit Development is the same as contained in Code Section 8.3405 through Section 8.3430 for other Conditional Uses. The following steps shall be followed by the applicant:

1. Optional submission of outline plan for unofficial guidance by the Planning Commission.
2. Optional submission of outline plan for official review by Planning Commission and preparation of recommendations to City Council. A public hearing will be held.
3. Official review and decision on outline application, if submitted, by City Council.
4. If an outline plan was submitted and approved, mandatory submission of detail plan for official review and approval by Planning Commission. A hearing may be held at Commission's discretion.
5. If an outline plan was not submitted, mandatory submission of detail plan for official review by Planning Commission and preparation of recommendations to City Council. A hearing will be held.
6. If an outline plan was not submitted, official review and decision on detail plan by City Council.
7. Review and decision on final plan by Planning Commission.

8.11060 Outline Development Plan.

If an outline development plan is prepared, it shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed Planned Unit Development to demonstrate the relationship of the Planned Unit Development to adjoining uses, both existing and allowable.

1. The maps which are part of the outline plan may be in general schematic form prepared on material which is suitable for printing by the Ozlid (blue-line) process, and shall contain the following information:
 - a. The existing topographic character of the land, including contour lines at minimum 5-foot intervals.
 - b. Existing and proposed land uses and the approximate location of buildings and other structures.
 - c. The character and approximate density of the proposed buildings.
 - d. The approximate location of major thoroughfares.
 - e. Public uses, including schools, parks, playgrounds and other public open spaces.
2. The written statement which is part of the outline development plan shall contain the following information:

- a. An explanation of the character of the Planned Unit Development and the manner in which it has been planned to take advantage of the Planned Unit Development regulations.
 - b. A statement of the proposed financing.
 - c. A statement of the present ownership of all the land included within the Planned Unit Development.
 - d. A general indication of the expected schedule of development.
3. Sketch or perspective drawings of typical proposed structures.
 4. A development schedule indicating:
 - 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.
 - f. However, if no specific phasing plan has been determined at the time of the application, the applicant may submit as much of the information required in (a) through (e) above, and in addition a written statement explaining why the phasing plan is not complete and what the general intentions are for determining the phasing details.
 5. Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the Planned Unit Development and any of its common areas and facilities.
 6. The following plans and diagrams, insofar as the reviewing body finds that the Planned Unit Development creates special problems of traffic, parking, landscaping, or economic feasibility, thereby justifying the time and expense to create such items:
 - a. An off-street parking and loading plan.
 - b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the Planned Unit Development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

c. A landscaping and tree plan.

d. An economic feasibility report or market analysis.

8.11065 Outline Plan Public Hearing.

Public hearings may be held in accordance with Section 8.11090 below.

8.11070 Outline Plan Approval.

1. The Planning Commission may recommend the granting, as a Conditional Use, a Planned Unit Development, providing the minimum standards are met as set forth in this Code. However, the Planning Commission may prescribe such additional conditions as the particular circumstances may require for the protection of the health, safety and welfare of the residents and property in the vicinity of the development, consistent with the purpose and intent of this Code. The Planning Commission shall render its recommendation on the application for a Planned Unit Development within 90 days after the conclusion of the public hearing. The time period may be extended with the consent of the applicants. Failure of the Planning Commission to act within the 90-day time period shall constitute approval of the application as submitted for purpose of recommendation to the City Council.
2. With the recommendations of the Planning Commission, the outline will be referred to the City Council for its consideration. If approved by the Council an ordinance shall be adopted setting forth such approval and any conditions which may be deemed to be necessary by the Council. A detail plan may be considered by the Planning Commission after the passage of such ordinance by the Council.
3. After an outline plan which has had a public hearing is approved, the developer may then file a detail plan in phases or in its entirety, however a detail plan may not be filed until the City Council adopts a resolution of intent or approves any zone change necessary for the planned development.

8.11075 Detail Development Plan Purpose.

The purpose of the detail plan is to provide a specific plan upon which the City Council can base its decision and with which substantial compliance is necessary for preparation of the final plan. When seeking approval of the Planned Unit Development, the detail plan shall be filed:

1. As the initial plan for the entire development if no outline plan has been approved at the time application is made; or
2. As the second step when an outline plan has been approved.

8.11080 Application, Maps, and Written Statements for Detail Plan Approval.

1. If no outline development plan has been filed, the detail plan shall contain the written statement required by Section 8.11035(2) and

shall include enough information on the area surrounding the proposed development to show the relationship of the Planned Unit Development to adjacent uses, both existing and proposed. The Planning Commission may also require the additional information called for in Section 8.11035(7) in accordance with the guidelines of that section.

2. The detail plan shall include the following information and shall be prepared on material which is suitable for printing by the Ozlid (blue-line) process:
 - a. A scale map showing the following for the planned development site:
 - i. The topography in sufficient detail to determine the grades and character of the site as they relate to the improvements and to the adjacent areas, including contour lines at two-foot contours.
 - ii. The location of all thoroughfares and walks, their widths and the nature of their improvement and whether they are to be public or private.
 - iii. The location, layout and the surfacing of all off-street parking areas.
 - iv. The property boundary lines and dimensions.
 - v. The individual lot lines of each parcel that is to be created for separate ownership, including dimensions.
 - vi. The location of easements for the waterlines, fire hydrants, sewer and storm sewer lines, and the location of the electric, gas and telephone lines, television cable, and the lighting plans.
 - vii. The landscaping and tree planting plan with a notation indicating the existing trees and shrubs which are to be retained.
 - viii. The common open areas, spaces, and facilities and the particular uses which are intended for them.
 - ix. The areas proposed to be conveyed, dedicated, reserved or used for parks, scenicways, playgrounds, schools, public buildings and similar public and semi-public uses and whether such areas are to be public or private.
 - x. If the planned development is to be constructed in phases, indicate the areas of each phase.
 - xi. A plan showing the following for each existing or proposed building or structure:

- (a) its location on the lot and/or within the Planned Unit Development;
 - (b) the intended use;
 - (c) the number of dwelling units in each residential building.
 - (d) Elevation drawings of all typical proposed structures except single-family detached residences. The drawings shall be accurate and to scale but need not be the final working drawings.
- b. The location of all buildings on abutting properties. If accurate information was submitted for the outline plan, this will be sufficient.
 - c. The manner of financing for the planned development.
 - d. The present ownership of all of the land in the planned development and the name of the developer if not an owner.
 - e. A statement from the Department of Public Works that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area.
 - f. A development time schedule indicating:
 - i. The approximate date when construction of the project is to begin.
 - ii. The phases in which the project will be built and the approximate date when construction of each phase will begin.
 - iii. The approximate dates when development of each phase will be completed.
 - iv. The area and location of open space that will be provided at each phase.
 - v. However, if no specific phasing plan has been determined at the time of the application, the applicant may submit as much of the information required in (i) through (iv) above, and in addition a written statement explaining why the phasing plan is not complete and what the general intentions are for determining the phasing details.
 - g. The application for the detail plan shall be made on forms provided by the Planning Commission and signed by the owners of the property.

8.11085 Approval of Detail Development Plan.

- 1. Public hearings may be held in accordance with Section 8.11090 below.
- 2. If an outline development plan has been submitted and the Planned Unit development has been provisionally approved based on the information

in the outline development plan, the applicant shall file the detail development plan with the Planning Commission within 12 months following the approval of the outline development plan, in accordance with Subsection (4) below. The Planning Commission shall then either approve, disapprove or reapprove with modifications the Planned Unit Development based on the detail development plan. However, the Planning Commission shall approve the Detail Plan, or approve with conditions if appropriate, if it is found to be in substantial conformance with the approved Outline Plan, if any, and if no new information was submitted with the application or in the testimony that would change the basis on which the original approval was given.

3. Substantial conformance shall exist when the comparison of the detail plan to the approved outline plan shall show that:
 - a. There are the same or fewer number of dwelling units.
 - b. There are the same or fewer number of buildings.
 - c. There is the same or less square footage in each building.
 - d. The open space and facilities are in the same general location and in the same general amount, or a greater amount.
 - e. The buildings have the same or less height.
 - f. The streets and drives follow approximately the same course, have the same or greater width, have the same public or private rights therein and have the same termini and serve the same or fewer dwelling units.
 - g. The detail plan is within the intent and purpose of the outline plan.
4. If an outline development plan has been submitted and approved, and a detail development plan covering at least 20 percent (20%) of the area of the outline development plan has not been submitted within 12 months following the outline approval, then the provisional approval of the Planned Unit Development by the City Council shall terminate unless, for good cause, the Planning Commission extends for three month periods the filing of the detail development plan.
5. If no outline plan has been filed prior to the detail plan, the detail plan shall be considered as for an outline plan in Section 8.11070.

8.11090 Public Hearing for the Planned Unit Development.

1. The public hearing may be held based on the entire outline plan or on the entire detail plan, not on individual phases of the detail plan. If the density or use of the proposed planned development do not violate the provisions of the underlying zone in which it is to be located, except as may be allowed by this Code, the hearing shall be

for the conditional use only. Procedures for hearing and considering the case shall be as set out for a Conditional Use in Sections 8.3405 through 8.3435.

2. If the proposed planned development does not conform to the density or use provisions of the underlying zone, except as may be allowed by this Code, a zone change must be considered before or concurrently with the conditional use. In this case, the provisions for hearing and considering a Zone Change as found in Section 8.3010 through 8.3040 shall be followed.

8.11095 Approval of the Final Development Plan.

1. Within 12 months following the approval of the detail development plan, the applicant shall file with the Planning Commission a final development plan for at least the first phase of the planned development containing in final form the information required in the detail plan. Subsequent phases must be filed in intervals of no more than 12 months. The final development plan shall be the plat to be recorded. At its discretion and for a good cause, the Planning Commission may extend for six months periods the filing of the final development plan(s).
2. If the Planning Commission finds evidence of a material deviation from the detail development plan, the Planning Commission shall advise the applicant to submit an application for amendment of the Planned Unit Development.
3. If the Planning Commission finds that the final plan conforms to the approved detail development plan, it shall approve the final plan. The Chairman of the Planning Commission shall affix his or her signature to the final development plan as evidence of the approval.

8.11100 Control of Development After Completion.

The final development plan shall continue to control the Planned Unit Development after it is finished and the following shall apply:

1. The building official in issuing a certificate of completion of the Planned Unit Development shall note the issuance on the recorded final development plan.
2. After the certificate of completion has been issued, 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 final development plan.
3. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - a. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent

with the purposes and intent of the final plan and are not to increase the cubic footage of a building or structure.

- b. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.
4. An amendment to a completed Planned Unit Development may be approved if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.
5. No modification or amendment to a completed Planned Unit Development is to be considered as a waiver of the covenants limiting the use of the land, building, structures and improvements within the area of the Planned Unit Development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

8.11110 General Provisions.

1. A Planned Unit Development is not transferable. The Planned Unit Development project may not be transferred, except when such transfer is approved by the Planning Commission and further excepting transfer of individual lots within the development.
2. An appeal from any decision made under the provisions of this Code may be taken to the Common Council as provided in Section 8.2055 of the Stayton Code.

8.11115 Revocation of Permit.

Any planned development or adjustment granted under this Code may be cancelled by the Common Council, the Planning Commission, or the Building Inspector if it develops that the application contained any false statement, or if the planned development does not proceed as granted. In such case, it shall be unlawful for any person to exercise any right granted by the Planning Commission or the Common Council pursuant to such application.

8.11120 Building and Construction Plans.

Following final approval of the planned development, the developer shall make application to the Building Department for approval of plans for building construction and for all site development. The site development plans will include all private thoroughfares and driveways, sidewalks, walls, fences, screen planting and other permanent installation. Each permanent installation shall be included in a permit issued by the Building Inspector.

8.11125 Filing Fees.

A filing fee for a Planned Unit Development of \$400.00, plus \$10.00 per acre, shall be paid in advance to the secretary of the Planning Commission, with the first filing of a planned development plan, either the outline or detail plan.

8.11130 Zone Changes.

Zone changes for property within a Planned Unit Development may be considered and heard concurrently with the application for a planned development. All of the requirements for the preparation of the petition shall be observed as provided in Sections 8.2000 through 8.3430. If the zone change is heard concurrently with the Planned Unit Development application, an additional filing fee shall be required. In the event that a zone change is included in the application for a planned development, the decision on the planned development shall not be effective until the City Council has approved the zone change.

8.11135 Penalty.

Any person, firm or corporation who violates any provisions of this Code Section shall be punishable upon conviction by a fine, as provided in Section 8.990. Each day that the violation persists shall be deemed a separate offense.

APPROVED BY THE COMMON COUNCIL THIS 1st DAY OF June, 1981.

Signed by the Mayor this 10th day of June, 1981.

Henry A. Pata
Mayor

ATTEST:

Ellen Vandenberg
City Administrator