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Article 18: Planned Unit Development (PUD) & Alternative Development Options

18.010 Purpose and Effect

18.011 Concept. The Planned Unit Development is a process of design and review, and the results of this process are variable. The results may include different building types, land divisions and development types. The Base Development Standards of the Zoning Districts, Article 12, and the Base Lot Standards of Land Divisions, Article 17, represent the historic method of ensuring a safe, livable and economic community. The Planned Unit Development process is intended to permit development using alternate standards to occur, and yet maintain the safety, livability and economy of the community.

18.012 Purpose. The purpose of the Planned Unit Development process is as follows:

- (1) To provide an alternate development process and alternate development standards to the Base Development and Lot Standards set forth in Articles 12 and 17 of this Code, and embodied in much of the established areas of the City.
- (2) To encourage land use and development based upon the unique physical opportunities and constraints of each particular site, so that the outdoor living environment becomes an integral rather than an incidental feature of the design, and the overall appearance and livability of the community is enhanced.
- (3) To encourage diversity in building types, site arrangement and ownership of real property.
- (4) To encourage the greatest economic use of the land, and to lower unit development costs, in exchange for better use of open space, more recreational facilities, and greater resource conservation than possible using the Base Standards of this Code.
- (5) To provide a development product which is equal to or superior to that possible under the Base Standards of this Code.
- (6) To recognize the need to protect and buffer dissimilar development in the established districts, and to set a good precedent for future development in developing districts.

18.013 Effect. The Planned Unit Development, as finally approved, shall have the effect of varying the Base Development Standards of all Zoning Districts as contained in Article 12 of this Code, and the Base Lot Standards of Partitions and Subdivisions, Section 17.510 of this Code, without need of other variance procedure, but only insofar as indicated in the approved Planned Unit Development Plan and attached conditions. All other provisions of this Code shall apply.

18.020 General Provisions

18.021 Applicability. The provisions of this Section apply to all land within the City Limits or proposed for annexation to the City. For all Planned Unit Developments, no land, interests in land, unit ownership or tax segregation shall be created for sale prior to final approval of the Planned Unit Development. For those Planned Unit Developments including the subdivision or partition of lands, no land, interests in land, unit ownership or tax segregation shall be created for sale prior to final approval of both the Planned Unit Development and the Subdivision or Partition.

18.022 Permitted Uses and Building Types

- (1) Residential PUD. Uses are permitted consistent with the applicable Zoning District. In addition, open space, playgrounds, recreation facilities, and recreation and community centers are also permitted, but only when serving PUD residents, their families and nonpaying guests, unless otherwise permitted in the applicable Zoning District. Building types are permitted as provided in Section 12.131 of this Code.
- (2) Commercial or Industrial PUD. Uses are permitted consistent with the applicable Zoning District.
- (3) Mixed Use Residential/Commercial PUD. Uses are permitted consistent with the applicable Zoning District.

18.023 Subdivision Concurrent with PUD

- (1) Requirement. For PUD requests involving partitioning or subdividing of land, interests in land, unit ownership, or involving tax lot segregation, a Preliminary Map or Plan and a Final Map or Plat shall be prepared as provided in Article 17 of this Code.
- (2) Combined Map or Plat. Where practical, the Partition Maps or Subdivision Plats required by the Sections cited in Section 18.023 (1) above may be combined with the PUD Plan required by this Article, provided that all of the submittal requirements for each Section are satisfied.
- (3) Procedure Type. A concurrent subdivision or partition and Planned Unit Development application shall be processed as a Planned Unit Development, except that the procedure type shall be the highest type required by Article 17, Lots and Creation of Lots, or Article 18, Planned Unit Development.
- (4) Criteria. For a concurrent application, the approval, approval with conditions or denial of the PUD Plan shall be based upon the criteria for a Planned Unit Development while the approval, approval with conditions, or denial of the Partition Map or Subdivision Plat itself shall be based upon the criteria for a partition or subdivision, excepting only Section 17.510, Base Lot Standards.

18.030 Procedures

18.031 Pre-application Conference Required. Prior to submitting a Preliminary Plan for review, the applicant shall request a pre-application conference with the Director as provided in Section 3.033 of this Code.

18.032 Applicant Ownership. Application for PUD's may be filed by a person(s) having an equitable interest in the property. The application shall be filed in the name(s) of the recorded owner(s). The applicant shall evidence a full ownership interest in the land, legal title or the execution of a binding sales agreement, prior to final approval of the application.

18.033 Review Procedure Schedule. The procedures are structured to ensure adequate public review for Planned Unit Developments requiring through extensions of streets, requiring changes to the Official Street Map, and located adjacent to a Zoning District of a less dense or less intensive land use, and to expedite all other Planned Unit Development review. PUD applications shall be processed according to Schedule.

18.034 Appeals. The final action of the review body may be appealed as provided in Article 10 of this Code.

18.040 Preliminary Plan Review and Action

18.041 Complete Submittal. Prior to review of the requests, a complete application must be accepted by the Director as provided in Section 3.050 of this Code.

18.042 Referral for Review. As provided in Section 3.071 of this Code, the Director shall distribute copies of the Preliminary Plan to:

- (1) Applicable School District.
- (2) Applicable Citizen Participation Committee.
- (3) Grants Pass Irrigation District.
- (4) Affected Governmental Agencies and Other Special Districts.
- (5) Affected Public and Private Utilities.
- (6) Applicable Site Plan Review Committee.
- (7) Others, as determined by the Director. Any comments received will be included in the staff report as part of the official record and distributed to the reviewing body.

18.043 Criteria for Approval. The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

- (1) Development of any remaining contiguous property under the same ownership can be accomplished as provided in this Code.

- (2) Adjoining land under separate ownership can either be developed or be provided access that will allow its development in accordance with the Comprehensive Plan and this Code.
- (3) The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- (4) The Preliminary Plan complies with applicable portions of the Comprehensive Plan, this Code, and State and Federal laws.
- (5) The project results in an equal or superior product than would have resulted from following the Base Development Standards of the applicable Zoning District, as provided in Article 12 of this Code, or the Base Lot Standards of Land Divisions, as provided in Article 17 of this Code.
- (6) The proposal results in a balanced exchange: for the developer, flexible development standards, maximum land utilization and alternate ownership options; for the Community, greater preservation of natural features and natural resources, greater proportions of useable open space and recreation facilities; or other community benefit for both, a greater opportunity for housing at all income levels.
- (7) Potential impacts to adjoining properties have been adequately mitigated through site design and attached development conditions. These conditions include the following protections:
 - (a) Providing the necessary information to complete the tree chart identified in Section 11.401.
 - (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes that are greater than 100%.
 - (c) No fills may result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade nor create any retained slopes greater than 100%.
- (8) All utilities, access ways, open space and recreation areas not dedicated to the public are owned and maintained by a Homeowners' Association or other acceptable private legal entity with the responsibility for and capability of adequate maintenance and care of such facilities, to the satisfaction of the City Attorney and City Engineer.
- (9) The applicant has demonstrated the ability to finance the project through final completion.

18.044 Conditions. Conditions of approval may be attached to the Preliminary Plan by the review body as required to comply with the provisions of this Code or State and Federal laws. Additional conditions may be imposed, but only those conditions necessary to mitigate the impacts resulting from varying Base Development Standards and the Base Lot Standards of this Code. All conditions of approval shall be satisfied prior to Final Plan approval.

18.045 Expiration and Extension of Preliminary Plan.

- (1) Expiration. Except as provided in Section 18.047 for phased development, within 24 months following the effective date of approval of a Preliminary Plan, the Final Plan shall be submitted to the Director and shall incorporate any modification or condition required by the approval of the Preliminary Plan.
- (2) Extension. The Director may, upon written request by the applicant, grant an extension of the expiration date up to six months. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the Preliminary Plan and that no other development approval would be affected.

18.046 Staged Development. When an applicant desires to develop Planned Unit Developments in stages, then the review body may authorize a time for the submittal of the Final Plan and development of various stages. The time period may exceed one year, but in no case shall the total time period for all stages exceed five years without resubmission of the Final Plan for review and approval. Each stage so developed shall conform to the applicable requirements of this Code. Stages developed after one year are subject to modifications in accordance with any changes in the Comprehensive Plan or this Code. For staged development of a PUD involving partitioning or subdivision of land, see Article 17.

18.050 Submittal Requirements - Preliminary Plan

18.051 Preliminary Plan. The Preliminary Plan shall contain the following information:

- (1) Contour Map and Natural Features Map
 - (a) Existing contour and natural features map at 2, 5, or 10 foot intervals, as appropriate, drainage, irrigation, 100 year flood plain (showing floodway channel and floodway fringe, as applicable) and other water courses; prominent landforms including slope description at the following intervals:

Overall Site Slope	Contour Interval
0 to 5 percent	2 feet
5 to 15 percent	5 feet

15 percent or more	10 feet
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Slope Hazard areas shall be indicated as follows:

Slopes 15% to 25%	light shading
Slopes exceeding 25%	heavy shading

- (b) If the property is located within the Slope Hazard District, see Section 13.120 for additional submittal requirements.
 - (c) Existing vegetation, showing specific locations of riparian habitats, forest cover, and significant size trees.
 - (d) Significant size trees to be protected and remain during and after construction.
- (2) Buildings and Structures. Location and floor area, size of all existing and proposed structures, and other features including maximum heights, types of dwelling units, and non-residential structures; renderings and elevations of typical structures.
 - (3) Public Areas. The location and approximate size of all areas to be dedicated for public ownership and use, including streets, parks and schools.
 - (4) Open Space: Public, Private and Common. The location and size of all areas for use as outdoor open space. The map shall delineate limits of individually owned lots (private), patio-garden areas for individual unit use (private easement) and all remaining areas to be commonly owned and maintained (public and common).
 - (5) Circulation - Access. The location, widths and material of all areas proposed for vehicle, pedestrian, and bicycle circulation. Statement as to private or public street ownership, and areas proposed for on-street parking, if any.
 - (6) Off-Street Parking. Location and number of required parking spaces.
 - (7) Utilities. Existing and proposed utility systems, including sanitary sewer, storm drains and storm water detention areas, water, fire hydrants, electricity, gas, telephone lines, and cable T.V. Any required public or private easements to be shown on Final Plan.
 - (8) Landscape Plan. A general landscape plan indicating location and amounts of areas to be landscaped, and general landscape material to be used. A specific landscape plan shall be submitted for review and approval prior to issuance of a building permit.
 - (9) Surrounding Land Use. Indicate the relationship between the proposed PUD and the existing and proposed adjacent land uses; provide information

showing existing zoning and land and uses within a 250 foot radius from the PUD's perimeter.

- (10) PUD Perimeter Buffering. Show proposed treatment of the PUD perimeter, including screens, fences, setbacks, windows and walls.
- (11) Grading Plan. A tentative grading plan indicating cuts, fills, retaining walls and resulting slope steepness.
- (12) Phasing. If phased development is proposed, the Plan shall show the limits of each phase. Phasing shown on the Plan shall be consistent with the development schedule.
- (13) Statement of Proposed Financing. A general statement showing commitment of lenders or applicant's ability to finance the project through to completion.
- (14) Solar Standards. Documentation shall be provided indicating that the planned unit development either complies with Solar Setback requirements of Section 22.620 of this Code and the Solar Lot Design Standards of Section 22.630 of this Code, or that applicant proposes to vary these standards through the Planned Unit Development process.
- (15) The City Engineer may require a traffic analysis, as per Section 27.121(3), for any new development to determine the development's potential impact on the existing transportation system. At a minimum, the impact of development on transportation facility performance shall be mitigated to the standards set forth in Section 27.121(2).

18.052 General Requirements. In addition to the Preliminary Plan, the submittal shall contain the following:

- (1) Project Intent. A statement describing the objectives to be achieved through the PUD process that cannot be achieved through the conventional land development process. The statement shall include a description of the character of the proposed project and some of the rationale in choosing the development concept.
- (2) Development Schedule. A statement indicating the approximate construction dates for beginning and ending the project, including any proposed phases of stages of development.
- (3) Ownership Status. A statement of intention to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
- (4) Land Use Data. A quantitative description of the following:
 - (a) Total Acres Site (Acres)
 - (b) Area Dedicated to Public Right of Way (Acres)

- (c) Useable Acres Site (Acres - item [a] minus item [b])
- (d) Density Factor Used (du/Acre)
- (e) Maximum Allowable Dwelling Units (du - item [c] times item [d])
- (f) Actual Dwelling Units (du)
- (g) Area Recreation/Open Space (Acres and % Useable Site)
- (h) Area Impervious Surface (Acres and % Useable Site)

18.060 Final Plan Review and Action

18.061 Standards for Approval. Within 24 months of Preliminary Plan approval, or not later than the extension date authorized by the Director, a Final Plan shall be submitted to the Director for review. Within 25 days of submission, the Director shall determine whether the Final Plan conforms to the approved Preliminary Plan and conditions, and conforms to the applicable requirements of this Code. If the Final Plan substantially conforms to the approved Preliminary Plan, it shall be reviewed through a non-discretionary, administrative procedure.

18.062 Modification of the Final Plan. When Final Plan fails to conform to the Preliminary Plan, the applicant may petition for a modification.

(1) Major Modification. When modification to an approved Preliminary Plan is determined to be a Major Modification, the Final Plan shall be reviewed using the same review procedure that the preliminary plan required. A Major Modification constitutes one or more of the following:

- (a) An increase in the density of the development.
- (b) Modifications or changes to the proposed utility plan. Changes must conform to the adopted utility plans and the requirements of Article 28.
- (c) Modifications or changes that enlarge the boundaries of the approved plan or the general location or amount of land devoted to a specific land use, including open space.

(2) Minor Modification. A minor modification to an approved preliminary plan may be made by the Director provided the Director determines the modification does not constitute a major modification.

18.063 Criteria for Approval. The decision to approve or deny the Final Plan shall be based upon the following criteria:

- (1) Conformance with the approved Preliminary Plan.
- (2) Compliance with conditions of approval.

- (3) Adoption of proposed Future Street Plan by the governing body, or conformance with the Official Street Map or previously adopted Street Plan.

18.064 Agreement to Meet Conditions. As part of the approving action, the developer must demonstrate to the satisfaction of the review body that all required offsite and onsite improvements and conditions of approval have been satisfied or guaranteed in accordance with the provisions of Article 28, Utility Standards

18.065 Filing an Approved Final Plat as Part of a PUD. If a subdivision of land is included as a part of the PUD, and after obtaining all required approvals and signatures as provided in Section 17.225, the applicant shall:

- (1) File the Map or Plat with the County Clerk within 30 days. Failure to file within 30 days will render the Final Plat null and void, and will require resubmission of the Preliminary Plat to the Planning Commission.
- (2) Immediately after Final Plat approval, file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS Chapter 92.
- (3) File copy of survey with the County Surveyor and City Engineer.

18.066 Filing Approved Final Plan. Within 30 days of final approval of the Final Plan, if units of ownership not involving the subdivision or partitioning of land are to be offered for sale, the applicant shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. Failure to file within 30 days shall render the Final Plan null and void, and will require resubmission of the Preliminary Plan to the review body.

18.070 PUD Development

18.071 Development in Conformity to Approved Final Plan

- (1) The applicant shall enter into a Development Agreement which binds him, his successors and assigns to the approved Final Plan and development conditions. Deed restrictions shall be recorded by the applicant which will serve to notice future owners and/or developers to the development requirements of the approved Final Plan.
- (2) The approved Final Plan and authorized staged development schedule shall control the issuance of development and building permits. Minor changes to an approved Final Plan may be authorized by the Director if such changes are consistent with the purpose, general character and attached conditions of the Final Plan. All other changes shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

18.072 Failure to Comply. Failure to comply with preliminary or final plans, conditions of approval, or staged development schedule, shall constitute a violation of this Code as prescribed in Section 1.060.

18.073 Revocation of Development Permit. In the event of failure to comply with approved plans, conditions of approval, or staged development schedule, the Director shall initiate, and the Planning Commission may revoke a PUD Development Permit as provided in Section 1.062.

18.080 Submittal Requirements - Final Plan

18.081 Submittal Requirements. The Final Plan shall be sufficiently detailed to indicate fully the ultimate appearance of the development, and shall include all information of the Preliminary Plan, plus the following:

- (1) Detailed building, elevation, and landscaping plans.
- (2) The size and location of signs.
- (3) Locations and dimensions of all easements.
- (4) Plans and profiles for street improvements.
- (5) Grading and erosion control plans.
- (6) Copies of legal documents required for dedication or reservation of public facilities, and for the creation of a homeowners' association.
- (7) When the sale of individual units or parcels of land within a PUD is proposed, the Final Plans shall include adherence to the provision for land divisions, Article 17.
- (8) A tree re-vegetation plan has been submitted and approved in accordance with Section 11.060.

18.090 Planned Unit Development (PUD) Development Standards

18.091 Density Determination

- (1) Potential Units. A Planned Unit Development may use public or private streets, but in either case, rights of way do not have to be deducted from the total site area prior to determining maximum dwelling units. Increases in actual density of 10% to 20% are often accomplished. The degree to which the applicant benefits from this potential increase in actual density shall depend on the effectiveness of the PUD design in meeting the purpose and approval criteria for the PUD as provided in Sections 18.012 and 18.043.
- (2) Density bonus for open space. Within a residential PUD, applicants may earn a density bonus of one dwelling unit per acre for each acre of open space that is provided in excess of the minimum required. The open space shall be set aside and permanently protected from future development through a deed restriction or other instrument acceptable to the City.
- (3) Density Range. The applicant, therefore, has a range to work with in terms of

maximum dwelling unit yield. At the low end of the range, applicant deducts actual area utilized for streets (public or private) and then determines potential units.

Example: 6 acres (total site area) minus 1.2 acres (streets) equals 4.8 acres (usable site area used to calculate number of units). Multiply 4.8 x 5.5 (density factor for Low Density Comp Plan) = 26.4 units = 26 units. If actual street area is unknown, deduct a normal standard of 20%.

At the high end of the range, applicant does not deduct any area used for public or private streets and takes advantage of the density bonus for open space in accordance with (2) above.

Example: 6 acres (total site area) x 5.5 (density factor for Low Density Comp Plan) equals 33 units plus 2 additional units for setting aside 2 acres of open space = 35 units.

The review body may require density at the low end of the range, or at any intermediate point up to the high end of the range, depending on how well the applicant meets the criteria and purpose of the PUD. Therefore, the applicant has an incentive to pull together the best possible design to achieve his maximum potential units.

18.092 Residential Development Standards Apply. The development standards for residential dwelling units as provided by Article 22 of this Code shall apply to all residential development utilizing the PUD approach.

18.093 Indoor Recreation Area

- (1) In all Planned Unit Developments having 50 living units or more, indoor recreation area shall be established using the following minimum guidelines:
 - (a) Ten square feet of indoor recreation area for each living unit in the development.
 - (b) Play equipment, athletic facilities, and/or game room facilities and equipment in amounts commensurate with the size of the building or room, to be maintained by the property owner or owners' association.
 - (c) At least one restroom for all indoor recreation buildings or rooms under 600 square feet and two restrooms for all indoor recreation buildings or rooms 600 square feet or greater.
 - (d) All indoor recreation rooms and buildings shall be fully lighted, heated and shall meet all uniform building codes and should be designed primarily for the use of the residents of the PUD, their families and nonpaying guests.
 - (e) The off-street parking requirements for recreation rooms and buildings shall be one space per each 150 square feet of floor area. This requirement shall be in addition to any parking required for residents.

- (2) Alternative to Indoor Recreation Area. The requirement for indoor recreation area may be waived by the review body where increased opportunity for outdoor recreation is provided in addition to the requirements of Section 18.093(1). Such opportunities may include court sports, playgrounds, golf, swimming, or other exceptional treatment of open spaces.

18.094 Maintenance of Facilities by Homeowners' Association

- (1) Whenever private outdoor living area is provided for the use of all residents of the PUD, whether by common ownership or by easement or other legal device, the review body shall require that an association of owners be created under the laws of the State of Oregon. Owners of subject property shall automatically be members, and shall be subject to assessments levied to maintain the private outdoor living area held in common for the purposes intended, and in a manner meeting the requirements of the City Municipal Code.
- (2) Prior to and as a requirement of approval of the Final Plan, the City Attorney and the City Engineer shall review and approve the Owners' Association bylaws, articles of incorporation and restrictive covenants and conditions.

18.095 Ownership

- (1) The property included in a PUD must be in one ownership, joint ownership, or under control of the applicant.
- (2) Unless otherwise provided as a condition of PUD approval, the applicant may divide and transfer title of phases of units within a PUD provided that either state law regarding condominiums is adhered to, or state and local provisions regarding subdivisions and are adhered to. In both situations, the Preliminary Plan shall include a proposal for the division, as applicable. Any complete phases of a PUD that are partitioned or subdivided and sold must be complete entities in themselves in terms of meeting all open space, recreation, landscaping, parking, public facilities and services, and any other special requirements for PUD's.

18.096 Professional Design

- (1) The applicant shall certify in writing that each of the following categories of design professionals shall be utilized in the planning process for development:
 - (a) Licensed architect or certified architectural designer.
 - (b) Landscape architect or certified nurseryman, or landscape designer as approved by the Director.
 - (c) Registered engineer or land surveyor.

- (2) The applicant or his designated representative shall be responsible for conferring with the Director with respect to the concept and details of the Plan.

18.097 Limitations on Commercial Uses in Residential PUD

The following limitations apply in PUDs in a residential zone:

- (1) The total amount of land dedicated to trade or service uses (including required parking) within the residential PUD shall not exceed 10 percent (10%) of the total PUD site area.
- (2) Individual buildings containing trade and service uses shall not have a footprint larger than 20,000 square feet.
- (3) Trade or service uses may be located along an abutting arterial, within the interior of the PUD, or in other locations that will not impact adjacent residential uses outside the PUD.
- (4) The proposed street plan shall be designed to ensure safe and efficient access to the proposed trade or service use(s).
- (5) Mitigation. Trade or service uses within a residential PUD may require mitigation of potential land use conflicts. Issues needing mitigation may include, but are not limited to: dust, odors, noise, interference with TV/radio transmissions, electrical interference, vibrations, heat, smoke, visual interference including glare and excess lighting, storage of flammable and hazardous materials, traffic, parking and interference with residential character of a neighborhood.

Methods of mitigation may include, but are not limited to: limiting the hours of operation; limiting the hours of deliveries; buffering; controlling the number of clients on-site at any given time and the total number of customers per day; controlling the number of on-site parking spaces; restricting the type of equipment, supplies, chemicals that may be stored onsite; and limiting the type and amount of signage.

18.100 Revision or Termination of a PUD

- (1) The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:

- (a) Application for Revision; Filing Materials; Procedures:

- (i) An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD.
 - (ii) For changes deemed by the Director to be minor but not de minimis, the Director shall exercise appropriate discretion under this Section to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions.
 - (iii) PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.
- (b) Consolidated Procedure: At the discretion of the Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
- (c) Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in all applicable codes, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law. It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.
- (d) De minimis Revisions: The Director may approve revisions to an approved Preliminary or Final PUD Plan that are determined to be de minimis.
- (i) Proposed revisions shall be considered de minimis if the Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code.
 - (ii) The Director's written approval of a de minimis revision(s) shall be appended to the Final Decision of the Planning Commission or final approval of the Director of the Final PUD Plan.

- (iii) Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as may be permitted or required by law.

- (2) A Commercial or Industrial Use PUD may be terminated by action of the Urban Area Planning Commission subject to the following procedures:
 - (a) If substantial development of the PUD has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this section.
 - (i) Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the land covered by the approved PUD and which also constitutes more than fifty percent (50%) of the total assessed value of land and improvements of the PUD.
 - (ii) Upon receipt of a valid petition, the Planning Commission shall consider the matter in open meeting and shall declare the PUD terminated.
 - (iii) The Planning Commission's termination of a PUD shall be evidenced by a Final Decision declaring the same. When the Final Decision is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect.
 - (iv) Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.
 - (b) If substantial development of the PUD has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this section.
 - (i) Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD which also constitutes more than fifty percent (50%) of the total assessed value of vacant land within the PUD.
 - (ii) If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the

correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection.

- (iii) Upon receipt of the petition, the Planning Commission shall give public notice of the proposed PUD termination and conduct a public hearing on the matter. Notice and public hearing shall be subject to a Type III Procedure pursuant to Schedule 2-1 in GPDC Article 2.
- (iv) The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare.
- (v) The Planning Commission's termination of a PUD shall be evidenced by a Final Decision declaring the same and after the Final Decision is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect.
- (vi) Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

Notwithstanding any approved deviations from other code requirements, at the termination of any PUD, or any section of a PUD, all standard requirements of the Development Code shall apply. This shall include, but not be limited to, Articles 12, 27, and 28.

18.300 Alternative Development Option: Cottage Developments

18.310 Purpose, Concept and Guiding Principles

18.311 Purpose

This section establishes standards for cottage housing development as an alternative housing choice in order to encourage creation of usable common open space in residential communities; promote neighborhood interaction and safety through design; ensure compatibility with surrounding neighborhoods; and provide opportunities for creative infill development.

Cottage Development is a grouping of four to twelve small, single family dwelling units clustered around a common open space area and developed with a coherent plan for the entire site. Cottage units may have other shared amenities. The shared common area and coordinated design may allow densities that are somewhat higher than typical in single family neighborhoods possible while minimizing impacts on adjacent residential areas.

18.312 Concept

- (1) The standards of this chapter provide a voluntary option to allow compatible infill development with an automatic density bonus together with standards designed to limit the intensity of development and provide for high-quality construction. Density standards address the number of dwellings per acre. Intensity standards address how spacious a development feels. Intensity standards address elements such as amount and arrangement of dwellings, lot coverage, and open space.
- (2) By reviewing cottage development (and the associated land division together, if applicable) with a set of cohesive standards, it is possible to ensure higher density development occurs in a way that is compatible with the surrounding area.

18.313 Guiding Principles

The following elements are intended to guide cottage developments to foster community and ensure a balance between privacy, security and neighborhood interactions. The guiding elements are encouraged. The city may require proposed cottage development to be consistent with the guiding elements.

- (1) Shared Open Space. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity.
- (2) Active Commons. Development can be arranged to encourage community interaction in the commons. This can be achieved by arrangement of mailboxes, parking areas and common buildings, and by orienting front doors toward the commons. Rather than having homes turn their backs to their neighbors, active interior rooms can be oriented so they look onto the active commons.
- (3) Common Buildings. An advantage of living in a cottage development is being able to have shared buildings. These can be simple and inexpensive shared amenities such a tool shed, outdoor barbeque, or picnic shelter. A multipurpose room with a kitchenette, bathroom and storage room can be used to host community events such as potlucks, meetings, exercise groups, and movie nights.

Example: Common buildings

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company.



- (4) Adequate Parking that does not Dominate. Parking areas should be located so they are shielded or screened from the surrounding neighborhood, adjoining public street, and the central commons. Parking areas can also be located and arranged to encourage interaction of residents and guests. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.
- (5) Connection and Contribution to the Neighborhood. A cottage development should make the neighborhood a better place. The site should be designed to connect and contribute to the fabric of the surrounding houses and streetscape. The development should be designed to make improvements that serve both personal needs and the larger community at the same time.

Example: Connection and Contribution to Neighborhood

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company



- (6) Eyes on the Commons. When the active spaces of the houses look onto the shared common areas, safety for all residents is enhanced.

- (7) Layers of Personal Space. When living closer together, the design and relationship of public and private space is important. It is desirable to help define and provide for transitions from public to semi-private to private space. Creating multiple ‘layers of personal space’ will help achieve the right balance between privacy and community.

This can be achieved between the cottage development and its surrounding neighborhood, as well as between the commons and homes within the cottage development. At the transition between the public street and the semi-public commons, this can be achieved by creating a passage of some sort: a gateway, arbor, or narrowed enclosure of plantings, for example.

Between the commons and the front door of the homes, this can be achieved by creating a series of layers such as a private yard with a low fence and/or border of shrubs and flowers at the edge of the sidewalk, a covered porch with a low railing and flowerboxes, and then the front door. With this layering, residents will feel comfortable being on the porch with enough enclosure to be private, with enough openness to acknowledge passersby.

Example: Layers of Personal Space

Project: Greenwood Avenue Cottages in Shoreline, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company



- (8) Private Space and a Place for Planting. Include private ground space for each dwelling, such as a small yard or a planting bed. Locating at least some of the private garden in view of the shared common area provides a personal touch that contributes to the character of the commons, as well as a way of fostering connections with neighbors, and transitioning between public and private space.

- (9) Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space, and height of railings are important to creating strong community connections.
- (10) Nested Houses. Residences should be designed with open and closed sides so that neighboring homes ‘nest’ together. This means the open side has large windows facing its side yard, while the closed side has high windows and skylights to bring in ample light while preserving privacy. The result is that neighbors do not peer into one another’s living space.
- (11) Smaller, High-Quality, Well-Designed Dwellings. Slightly smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. Together, the common areas and individual home elements, such as the porch, gardens and shared common buildings serve as additional living area. There are opportunities for privacy while fostering connection among neighbors with a spacious feeling and without a sense of overcrowding.

Additional Illustrations of Key Guiding Principles and Cottage Development Elements



Shared open space

Project: Danielson Grove in Kirkland, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company



Connection to the neighborhood

Photo provided by SERA Architects



Eyes on the common

Photo provided by SERA Architects



Project: Greenwood Avenue Cottages Architect: Ross Chapin Architects Developer: The Cottage Company Location: Shoreline, WA



Porches

Project: Greenwood Avenue Cottages in Shoreline, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company

Project: Conover Commons in Redmond, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company

18.320 Applicability and Review.

- (1) Review Procedure. Cottage development is permitted in all residential zones and shall be processed in accordance with the procedure specified in Schedule 12-2.
- (2) If a cottage development includes creation of individual lots, subsequent development of those individual lots shall be in accordance with the approved cottage development plan and the provisions of this Chapter, rather than the standards of the applicable zoning district. Special use and development standards apply to lots within a cottage development that don't apply to other lots. Those use and development provisions are specified in this Section.
- (3) Cottage development is not considered "needed housing" per the definition in Oregon Revised Statutes, and as such is not limited to clear and objective review standards. Cottage development provides a voluntary alternative to standard land division and development methods to provide creative housing solutions. However, the standards of this Section are intended to provide a "template" that clearly identifies the necessary elements to successfully obtain approval of a cottage development.

- (4) Whether or not lots are created as part of the cottage development, all provisions of the Development Code pertaining to frontage improvements along any public street frontage shall apply to the parent parcel. Improvements within the cottage development shall be as specified in this Section.

18.321 Definitions. See Article 30.

18.322 Submittal Requirements and Review Procedures

- (1) The applicant shall submit all items required for Major Site Plan review specified in Section 19.051 of the Development Code. The application shall include site plans and elevations for the structures.
- (2) If the application includes creation of individual lots, the applicant shall also submit all items required for a Preliminary Subdivision Plat specified in Section 17.411 of the Development Code.
- (3) If the application includes creation of individual lots, the applicant shall submit an application for final plat for approval upon completion of the required construction items.

18.325 Approval Criteria

- (1) The application complies with all criteria for Major Site Plan review specified in Section 19.050.
- (2) If the application includes creation of individual lots, the application complies with all of the criteria for tentative plan approval in Section 17.410. However, the base lot standards in Articles 12 and 17 may be modified as specified in this Section.
- (3) The application complies with all provisions for public street frontage improvements.
- (4) The application complies with the standards of this Section for all development and lots.
- (5) The application is consistent with the purpose and guiding principles of this Section.

18.330 Permitted Uses and Structures within a cottage development

- (1) Cottage. Permitted in all zones where cottage development is permitted.
- (2) Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use. May include guest quarters.

- (3) Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking, storage buildings. Shall not be permitted within central common area and must be screened from view from central common areas.
- (4) Individual Accessory Structures. Individual attached garages may be permitted for a cottage. Garages shall not face a central common area.
- (5) Two Cottage Unit (Attached). Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. Limited to one-third of units.
- (6) Carriage House (1 unit above a common parking structure). Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. One carriage unit is permitted for every four cottages.

18.332 Limitations on Use and Accessory Uses

- (1) Accessory Dwelling Units are not permitted as part of cottage development.
- (2) Home Occupation Limits. Home occupations are limited to exempt home occupations that don't have outside employees or on-site clients and which are only be conducted within the dwelling unit or attached garage. If the home occupation is located within an attached garage, it shall not preclude parking in the garage.

18.340 Density

- (1) An automatic density bonus is allowed with cottage developments that meet the requirements in this section. Cottage developments may reach a density of up to 125% of the maximum density established by the base zone.
- (2) In any zone that has a minimum density requirement, cottage development shall only be permitted if it meets those requirements, independently, or together with other development included in the overall proposal.

18.350 General site requirements

- (1) Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. NOTE: Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
- (2) Overall site requirements

- (a) The parent parcel shall be at least 8,000 square feet. The lot may be further subdivided to facilitate individual lot ownership combined with shared ownership of common spaces.
- (b) Cottage developments shall contain a minimum of four cottages, and no more than a total of 12 cottage units (single or attached).
- (c) Lot Coverage. Principal and accessory structures in the cottage development shall account for no more than 35 percent of the gross lot area in the overall development.
- (d) If individual lots are created, the lots shall not be subject to the minimum lot size provisions of the zone. They may be smaller subject to compliance with the density requirements for the overall cottage development, and in accordance with the provisions of this Section, including requirements for provision of common areas and private open space. There is no minimum lot size for the individual cottage lots, provided they include the footprint and private yards areas for the individual cottages.

(3) Lot/cottage arrangement

- (a) Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.
- (b) Units along the public right-of-way should have an inviting facade such as a primary or secondary entrance facing the right-of-way.
- (c) All other units shall be arranged around the common open space and have their primary entry and porch facing that common open space.
- (d) Lots fronting common area and public right-of-way should generally be arranged at a corner to avoid a need for “two fronts” that would preclude full-height fencing, if desired, of both the front and back sides of the unit.
- (e) A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, consistent with the standards in subsection (17) below.

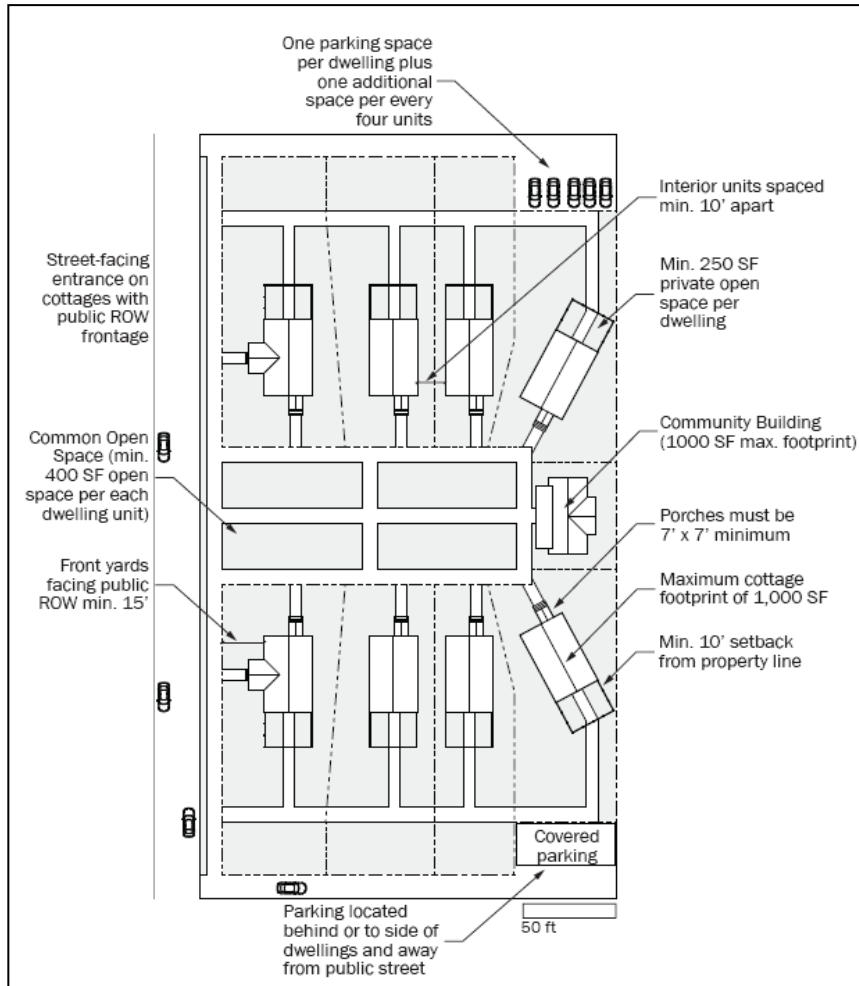
(4) Setbacks

- (a) Front yards (yards facing a public right-of-way) shall meet the front yard setback of the zoning district.
- (b) Exterior side and rear yards (facing public right-of-way) shall be a minimum of 10 feet.
- (c) Interior units on a common lot or separate lots shall be spaced at least 10 feet apart.

- (d) If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy.
 - (e) Setbacks from central common area – private area between sidewalk and unit. Minimum of 5 feet to porch.
- (5) Private and common open space
- (a) Central Common Open Space
 - (i) Common open space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of central common open space per unit shall be provided.
 - (ii) Up to 50 percent of the central common open space requirement may be provided in an area constrained from development such as a wetlands, steep slope, or forested area.
 - (iii) Cottages shall be present on at least two sides of common open space to provide a sense of enclosure.
 - (iv) Common space should be in one contiguous area, or no more than three separate areas. Each contiguous common area shall have a minimum of four cottages arranged around at least 2 sides of the common area.
 - (v) Each common open space area should have minimum width and depth dimensions of 20 feet.
 - (vi) The central common shall include a sidewalk (width) around the open space, connecting to each cottage front entrance facing the common area.
 - (vii) No vehicular areas shall be located between dwellings and central common areas. Vehicular areas shall be screened as specified in Subsection.
 - (b) Private Open Space
 - (i) A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.
 - (ii) Required exterior side yards shall not apply to the calculation of required private open space.
- (6) Frontage, access, parking, and vehicular circulation
- (a) Frontage. The parent parcel shall have frontage on a public street.

- (b) If individual lots are created within the cottage development, each lot shall abut a common area, but is not required to have public street frontage.
- (c) Access. Access, parking and circulation will be provided through a shared private lane. A lane is similar to a private driveway and parking area serving multiple units. There shall be pedestrian connectivity to the common area, but a lane is not a public street and is not subject to street standards. A lane will not fulfill block length and connectivity standards and is not intended for through-connectivity to other properties, although shared access may be required or desirable in some cases. If a public street connection is required to meet connectivity requirements or other street connectivity standards or plans, a public street connection shall be required where applicable.
- (d) Parking. A minimum of one parking space per unit shall be provided, plus one additional parking space for every four cottages to provide for visitors and extra vehicles.
- (e) Parking and/or garage structures shall be located behind or to the side of the residential area and open space. They shall be accessed from the back of the cottages.
- (f) Parking areas, shared parking structures, and garages shall be screened from common space and public streets by landscaping or architectural screening, not chain link.
- (g) Shared covered or uncovered parking is permitted. Parking should be limited to groups not to exceed 4 spaces, with each group separated by at least 20 feet.
- (h) If the property has frontage on a public alley, access and parking may be provided from the alley.
- (i) If individual lots are created, parking and access shall be provided in a common area with access easement.
- (j) Fire Access. Fire access shall be provided consistent with the fire code, and fire hydrants shall be provided consistent with the fire code.
- (k) On-Street parking may be counted toward meeting the guest parking requirements for the development.

Cottage Development Layout



(7) Landscaping and vegetation

- (a) Where feasible, cottage developments should be designed to retain existing mature trees (at least 6 inches in diameter) that do not pose a safety hazard.
- (b) Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.

(8) Fences

- (a) No fence taller than 36 inches in height shall be located between the front wall of a cottage or community building and the common open space.
- (b) Fences around dwelling units or on the street frontage shall not exceed 36 inches in height.
- (c) If private yards between buildings are fenced, they shall not exceed 6 feet in height.

(9) Utilities

- (a) Cottage development is subject to any applicable code provisions regarding public street frontages.
 - (b) Water. Water meters shall be installed within the public right-of-way. If the property is retained as a single lot, a master meter or individual meters may be used. If individual lots are created, each lot shall have a separate meter and service. Service lines may cross common areas to the individual lots, but shall not cross individual lots. If on-site fire hydrants are required, they shall be served by a public fire line located in a drivable easement within the parking and circulation areas.
 - (c) Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots.
 - (d) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots. [*City is considering language to limit the location and number of utility pedestals*]
 - (e) Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation.
 - (f) Mailboxes. Mailboxes may be individual or grouped and are encouraged to be placed within or near a common area. Mailboxes are subject to all post office requirements.
- (10) Addressing. Cottages should be addressed from a public street, not a private lane.

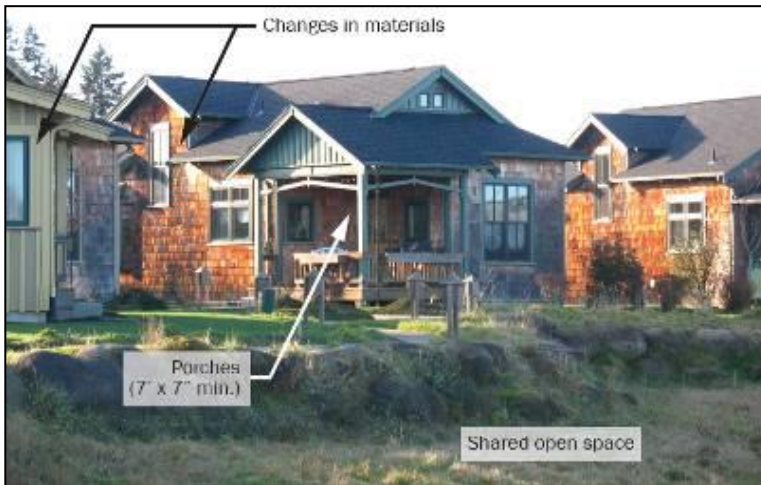
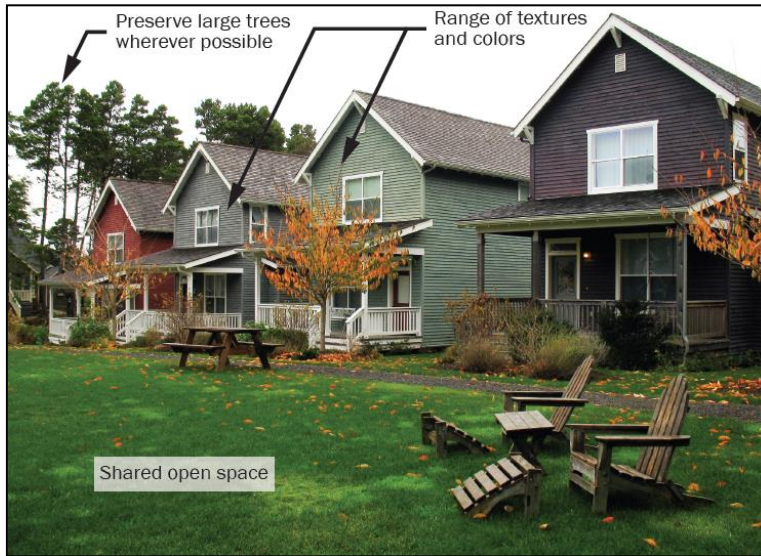
18.360 Building Requirements

- (1) Cottages
 - (a) Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. The footprint of an attached one-car garage is not included in this maximum, but shall not exceed 200 square feet per unit.
 - (b) Cottages may have a second partial or full story, provided that the floor area of the second story is no more than 0.6 of the square footage of the main floor (e.g., a cottage with an 800-square-foot building footprint (main floor) could have a second floor of 480 square feet, for a total floor area of 1,280 square feet).

- (c) The maximum total floor area of cottages shall be 1,600 square feet (e.g., a cottage with a 1,000-square-foot building footprint (main floor) could have a second floor of 600 square feet, for a total floor area of 1,600 square feet).. An additional 200 square feet is permitted for an attached garage.
 - (d) A below-grade partial story may be allowed, but habitable space on that story shall count toward the total floor area of the cottage.
 - (e) Building Height. The maximum building height shall be 24 feet.
 - (f) Porches. Attached, covered porches are required and shall have minimum width and depth dimensions of seven feet. (for cottages, two-unit cottages). Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck).
 - (g) Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. (Some repetition is acceptable.)
- (2) Two-Unit Structures
- (a) Where permitted, two-unit attached cottages shall not exceed a building footprint of 2,000 square feet for one-story units (average 1000 square feet footprint per unit) or 1,800 square feet for either one-and-a-half or two-story units (average 900 square feet footprint per unit).
 - (b) The number of attached units in a cottage development may not exceed one-third of the total number of units.
 - (c) Attached two-unit structures are allowed and must be similar in appearance to detached cottages.
 - (d) Attached two-unit structures shall have one primary shared entry facing the common open space.
- (3) Carriage Units
- (a) One carriage unit may be provided for every four cottages.
- (4) Community Buildings
- (a) Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or similar amenities. Guest quarters, storage space, or a carriage unit could be included as part of a community building.

- (b) A community building shall be of similar scale, design, and height as the cottages, with a maximum footprint of 1,000 square feet and with the second floor not to exceed 0.6 square footage of the first floor.
 - (c) Commercial uses are prohibited in the community building.
- (5) Accessory Structures
- (a) Accessory structures such as garages, carports, storage or tool sheds shall not exceed 200 square feet per unit, or 1,000 square feet per accessory structure that is shared by five or more dwelling units. Storage space may be included in a garage structure, but vehicle space may not be used for storage or uses other than parking.
 - (b) The design of garages, carports, and other accessory structures must be similar or compatible with that of the cottages in the development.
- (6) Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.
- (7) Renovation and Expansion
- (a) Renovations shall be in keeping with the size and architectural character of the new development.
 - (b) A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this section shall be recorded against the property.

Cottage development design standards



REVISIONS

DATE	ORD #
3/6/96	4853

1/3/96	4848
5/21/97	4889
9/4/02	5152
4/20/05	5285
1/16/13	5567
3/5/14	5598
11/12/14	5630
2/17/16	5673
4/6/16	5675
6/6/18	5735