



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 30, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 13, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Colin Cooper, City of Beaverton

<paa> ya/

NR04 **2** Notice of Adoption

THIS FORM **MUST BE MAILED TO DLCD**
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP
DEPT OF
MAR 26 2007
**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: City of Beaverton Local file number: TA 2006-0003

Date of Adoption: March 20, 2007 Date Mailed: March 23, 2007

Date original Notice of Proposed Amendment was mailed to DLCD: _____

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Preliminary Planned Unit Development, Section 40.15.15.6. Final Planned Unit
Development, Section 60.35, Planned Unit Development, 60.35.10 Modification of Base Zone,
and Section 60.35.15 Common Open Space. The intent of the proposed text amendment is
increase compatibility with surrounding development and require that open space within the
project be more

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

The Planning Commission and City Council made numerous edits to the original document; however,
these changes did not materially change the text as originally proposed or as submitted to DLCD.

Plan Map Changed from: N/A to: _____

Zone Map Changed from: N/A to: _____

Location: City Wide Application Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: 1, 2, & 12

Was an Exception Adopted? YES NO

DLCD File No.: 004-06 (15071)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: Colin Cooper, AICP, Senior Planner Phone: 503-526-2425 Extension: _____

Address: PO Box 4755 City: Beaverton

Zip Code + 4: 97076-4755 Email Address: colincooper@ci.beaverton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4430

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTERS:
40, 60, and 90;
TA 2006-0003 (PUD Text Amendment).

WHEREAS, the purpose of the Planned Unit Development (PUD) Text Amendment is to create standards that protect and improve the quality of development in Beaverton and to encourage innovative development through the use of incentive regulations. The PUD Amendment proposes to amend the PUD regulations contained in Chapter 40, Chapter 60, and Chapter 90 Definitions of the Beaverton Development Code; and

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 5, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on June 14, 2006; and

WHEREAS, the Planning Commission held the first of three public hearings on June 14, July 26, and August 23, 2006 and approved the proposed PUD Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated July 7, 2006, staff memos dated July 21, and August 17, 2006, and as amended at the hearings; and

WHEREAS, on February 7, 2007, the Planning Commission conducted a public hearing to review issues remanded to the Planning Commission from the City Council for further consideration at the conclusion of which the Planning Commission voted to recommend the Beaverton City Council adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1941; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0003 (PUD Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1941; and

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1941 dated February 12, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4414, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 5th day of March, 2007.

Passed by the Council this 19th day of March, 2007.


Approved by the Mayor this 20th day of March, 2007.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

EXHIBIT A

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Section 1: The Development Code, Ordinance No. 2050, Chapter 40, Applications, Section 40.15.15.5 shall be amended to read as follows:
~~40.15.15.~~

~~5. Preliminary Planned Unit Development.~~

~~A. Threshold. A Preliminary Planned Unit Development (PUD) application is an optional application process which may be chosen by the applicant. A Preliminary PUD application is the first application of a two-step application process with a Final PUD application as the second step. A Preliminary PUD is a plan that generally demonstrates the ultimate development of a project. A Preliminary PUD may be applied to properties within any City zoning district except Residential Agricultural (RA).~~

~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Preliminary PUD. The decision making authority is the Planning Commission.~~

~~C. Approval Criteria. In order to approve a Preliminary PUD application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:~~

- ~~1. The proposal satisfies the threshold requirements for a Preliminary PUD application.~~
- ~~2. All City application fees related to the application under consideration by the decision making authority have been submitted.~~
- ~~3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.~~
- ~~4. The proposal will comply with the applicable policies of the Comprehensive Plan.~~
- ~~5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.~~

EXHIBIT A

1 40.15.15.5.C.

2
3 ~~6. The location, size, and functional characteristics of the proposal~~
4 ~~are such that it can be made reasonably compatible with and~~
5 ~~have a minimal impact on livability and appropriate~~
6 ~~development of properties in the surrounding area of the subject~~
7 ~~site.~~

8
9 ~~7. Lessening the Site Development Requirements results in~~
10 ~~benefits to the site, building, and structural design or~~
11 ~~preservation of natural features that could otherwise not be~~
12 ~~achieved.~~

13
14 ~~8. Applications and documents related to the request, which will~~
15 ~~require further City approval, shall be submitted to the City in~~
16 ~~the proper sequence.~~

17
18 ~~D. Submission Requirements. An application for a Preliminary PUD~~
19 ~~shall be made by the owner of the subject property, or the owner's~~
20 ~~authorized agent, on a form provided by the Director and shall be filed~~
21 ~~with the Director. The Preliminary PUD application shall be~~
22 ~~accompanied by the information required by the application form, and~~
23 ~~by Section 50.25 (Application Completeness), and any other~~
24 ~~information identified through a Pre-Application Conference.~~

25
26 ~~E. Conditions of Approval. The decision making authority may impose~~
27 ~~conditions on the approval of a Preliminary PUD application to ensure~~
28 ~~compliance with the approval criteria.~~

29
30 ~~F. Appeal of a Decision. Refer to Section 50.70.~~

31
32 ~~G. Expiration of a Decision. The decision shall expire two (2) years after~~
33 ~~of the date of decision. Refer to Section 50.90.~~

34
35 ~~H. Extension of a Decision. Refer to Section 50.93.~~

36 40.15.15.

37
38 ~~6. Final Planned Unit Development~~

39
40 ~~A. Threshold. A Final Planned Unit Development (PUD) application is~~
41 ~~the second application of a two-step application process with a~~
42 ~~Preliminary PUD as the first step. A Final PUD application may also~~
43 ~~be a one-step application process which is an alternative to the two-~~
44 ~~step process required when an applicant chooses to apply for a~~
45 ~~Preliminary PUD. The option of a one-step or two-step process rests~~
46 ~~with the applicant. The requirements for a Final PUD may be applied~~
47 ~~to properties within any City zoning district except Residential-~~
48 ~~Agricultural.~~

EXHIBIT A

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~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Final PUD approval. The decision making authority is the Planning Commission.~~

~~C. Approval Criteria. In order to approve a Final PUD application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:~~

~~1. The proposal satisfies the threshold requirements for a Final PUD application.~~

~~2. All City application fees related to the application under consideration by the decision making authority have been submitted.~~

~~3. If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.~~

~~4. The final PUD complies with the approved Preliminary PUD, if any.~~

~~5. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.~~

~~6. The proposal complies with the applicable policies of the Comprehensive Plan.~~

~~7. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.~~

~~8. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.~~

~~9. The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.~~

EXHIBIT A

- 1 10. ~~Applications and documents related to the request, which will~~
2 ~~require further City approval, shall be submitted to the City in~~
3 ~~the proper sequence.~~
4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre-Application Conference.~~
12
13 E. ~~Conditions of Approval.~~ ~~The decision-making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~
16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~
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19 G. ~~Expiration of a Decision.~~
20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~
24
25 2. ~~If the application proposes to develop the PUD over multiple~~
26 ~~phases, the decision-making authority may approve a time~~
27 ~~schedule of not more than five (5) years for the multiple~~
28 ~~development phases. However, all PUD phases must commence~~
29 ~~construction within five (5) years of the date of decision of the~~
30 ~~Final PUD. Refer to Section 50.90.~~
31
32 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

EXHIBIT A

1 Proposed Planned Unit Development Code

2
3 40.15.15.

4 5 5. Planned Unit Development

6
7 A. Threshold. A Planned Unit Development is an application process which
8 may be chosen by the applicant when one or more of the following
9 thresholds apply:

- 10
11 1. The Planned Unit Development (PUD) may be applied to Commercial,
12 Industrial, Multiple Use, and Residential properties that are 2 acres or
13 greater in size within any City zoning district except Residential-
14 Agricultural.
15
16 2. When a land division of 2 acres or greater in size within any City zoning
17 district except Residential-Agricultural requires collectively more than
18 3 of the following land use applications or combination thereof:
19 a. Minor Adjustment;
20 b. Major Adjustment;
21 c. Flexible Setback; or
22 d. Variance
23

24 B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of
25 this Code, shall apply to an application for PUD approval. The decision
26 making authority is the Planning Commission.
27

28 C. Approval Criteria. In order to approve a PUD application, the Planning
29 Commission shall make findings of fact based on evidence provided by the
30 applicant demonstrating that all the following criteria are satisfied:
31

- 32 1. The proposal satisfies the threshold requirements for a PUD
33 application.
34
35 2. All City application fees related to the application under consideration
36 by the decision making authority have been submitted.
37
38 3. The proposal meets the Site Development Requirement for setbacks
39 within the applicable zoning district for the perimeter of the parent
40 parcel unless otherwise provided by Section 60.35.03.
41
42 4. The proposal complies with the applicable policies of the
43 Comprehensive Plan.
44
45 5. The size, dimensions, configuration, and topography of the site and
46 natural and man-made features on the site can reasonably
47 accommodate the proposal.

EXHIBIT A

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6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
 7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
 8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.
 9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:
 - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
 - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.
 - c. The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.
 10. If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development of the future phases of the PUD shall be filed within five (5) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code. However, all PUD phases must commence construction within five (5) years of the date of decision of the PUD. Refer to Section 50.90.
 11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

EXHIBIT A

- 1 D. Submission Requirements. An application for a PUD shall be made by the
2 owner of the subject property, or the owner's authorized agent, on a form
3 provided by the Director and shall be filed with the Director. The PUD
4 application shall be accompanied by the information required by the
5 application form, and by Section 50.25 (Application Completeness), and
6 any other information identified through a Pre-Application Conference.
7
- 8 E. Conditions of Approval. The decision making authority may impose
9 conditions on the approval of a PUD application to ensure compliance
10 with the approval criteria.
11
- 12 F. If the application proposes to develop the PUD in a single phase, the
13 decision shall expire two (2) years after the date of decision. Refer to
14 Section 50.90.
15
- 16 Phasing of the development may be permitted with approval of the
17 Planning Commission. A deed restriction for those areas of the parent
18 parcel in which deferred development will occur shall limit the number of
19 future units developed to an amount consistent with the minimum and
20 maximum density or Floor Area Ratio (FAR) permitted for the overall
21 development.
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- 24 G. Appeal of a Decision. Refer to Section 50.70.
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- 26 H. Expiration of a Decision.
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- 28 1. The PUD decision shall expire five (5) years after the date of decision.
29 Refer to Section 50.90.
30
- 31 I. Extension of a Decision. Refer to Section 50.93.
32

EXHIBIT A

1 **Section 2:** The Development Code, Ordinance No. 2050, Chapter 60, Special
2 Regulations, Section 60.35 shall be amended to read as follows:

3
4 **60.35. PLANNED UNIT DEVELOPMENT** [ORD 4224, August 2002]

5
6 ~~60.35.05 Purpose.~~ It is the purpose of these provisions to allow a planned unit
7 development (PUD) in any City zoning district except Residential-
8 Agricultural (R-A). Uses or combinations of uses may be developed as a
9 single, integral, functional unit or entity. The planned unit development
10 provisions are intended to encourage more creative approaches for developing
11 land, while enhancing and preserving the value, spirit, character, and
12 integrity of surrounding areas which have developed or are developing under
13 conventional district regulations. This is to be accomplished by:

- 14
15 1. ~~Utilizing advances in technology and design.~~
16
17 2. ~~Creating a comprehensive development plan which is equal to or better than~~
18 ~~that resulting from traditional lot-by-lot land development.~~
19
20 3. ~~Employing design flexibility for locating structures, open spaces, circulation~~
21 ~~facilities, off-street parking areas, and other improvements.~~
22
23 4. ~~Retaining and protecting special topographic, natural, or environmentally~~
24 ~~sensitive features on the site.~~
25
26 5. ~~Encouraging innovative design techniques.~~
27
28 6. ~~Utilizing design flexibility afforded by the planned unit development~~
29 ~~provisions to improve compatibility of the development with surrounding~~
30 ~~properties and uses.~~
31
32 7. ~~Change from specific site development requirement and combinations of uses~~
33 ~~is allowable, subject to the provisions of this Code.~~

34
35 ~~60.35.10. Modification of Base Zoning Standards~~

36
37 ~~1. Dimensional Standards~~

38
39 ~~The dimensional standards for the applicable zoning district as listed in~~
40 ~~Chapter 20 may be modified through approval of a Planned Unit~~
41 ~~Development, except for the following situations:~~

42
43 ~~A. Required setbacks shall continue to apply to the parent parcel upon~~
44 ~~which the proposed PUD will be located.~~

45
46 ~~B. The intersection standards in Section 60.55.50 shall continue to be~~
47 ~~satisfied.~~

EXHIBIT A

- 1 ~~60.35.10.1.~~
2
3 ~~C. All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~
5
6 ~~D. Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~
11
12 ~~2. Allowed Uses.~~
13
14 ~~A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~
17
18 ~~B. Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~
21
22 ~~C. In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~
25
26 ~~1. Private park, lake or waterway.~~
27
28 ~~2. Recreation area.~~
29
30 ~~3. Recreation building, clubhouse or social hall.~~
31
32 ~~4. Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~
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EXHIBIT A

- 1 ~~60.35.15~~ ~~Common Open Space.~~
2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~
5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~
9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~{ORD 4365; September 2005}~~
13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~
16
17 2. ~~Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~
19
20 3. ~~Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~
23
24 ~~A. An association of owners or tenants, created as a non-profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~
34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~
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EXHIBIT A

1 60.35 PLANNED UNIT DEVELOPMENT

2 3 60.35.05 Purpose

4 It is the purpose of these provisions to allow a Planned Unit Development (PUD) in any City
5 zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be
6 developed as a single, integral, functional unit or entity. The PUD provisions are intended to
7 encourage innovation and creative approaches for developing land while enhancing and
8 preserving the value, character, and integrity of surrounding areas which have developed or
9 are developing under conventional district regulations. This is to be accomplished by using
10 the following development and design principles:

- 11
12 1. Site design shall use the flexibility afforded by the planned unit development to:
 - 13
14 A. Provide setbacks and buffering through landscape or building design abutting to existing
15 development;
 - 16 B. Cluster buildings to create open space and protect natural resources;
 - 17 C. Provide for active recreation and passive open space;
 - 18 D. Use resource efficient development and building practices that encourage innovative
19 design techniques and construction practices that use energy saving technology;
- 20
21 2. Site design shall maximize the opportunities for diversified architecture and outdoor living
22 environments that respond to the existing site context by exploring design flexibility for
23 siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes,
24 resource conservation, and creation of other site improvements that facilitate efficient use of
25 land and create a comprehensive development plan which is better than that resulting from
26 traditional subdivision development;
- 27
28 3. Building architecture including detached residential, shall use innovative design that should
29 consider the context of the existing built and natural environment. Buildings shall be
30 architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly
31 streetscape, and respond to the natural features of the site. Cluster housing, such as
32 Courtyard, Patio, or Cottage development, that groups buildings in areas to maximize open
33 space and preserve significant cultural and natural resources is highly encouraged as are the
34 use of sustainable building materials and practices. The orientation of buildings should
35 promote human scaled and pedestrian friendly environments and maximize solar exposure
36 for passive solar gain;
- 37
38 4. Open space should provide opportunities for active and/or passive recreation that includes
39 preservation of natural and cultural resources. Good site design shall retain and protect
40 special topographic, natural, and environmentally sensitive features and existing Significant
41 Groves and Historical and Individual trees should be retained and protected. Understory and
42 the use of native plant material and sustainable landscape practices are encouraged.

EXHIBIT A

- 1 **60.35.10 Modification of Base Zoning Standards**
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5 1. *Permitted Uses*
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7 A. The uses in a PUD shall comply with the permitted and conditional use requirements
8 of the zoning district.
9
10 B. Detached and attached dwellings may be allowed in a PUD provided the overall
11 residential density satisfies the applicable residential density provisions of this Code.
12
13 C. In addition to the accessory uses and structures typical in the zoning district in which
14 the PUD is located, accessory uses approved as a part of a PUD may include, but are
15 not limited to the following:
16
17 1. Private or public park, lake or waterway;
18
19 2. Recreation area;
20
21 3. Recreation building, clubhouse or social hall; or
22 4. Other accessory uses or structures which the Planning Commission finds are
23 designed to serve primarily the residents of the PUD, and are compatible with
24 the neighborhood and to the design of the PUD.
25
26 2. *Density and Lot Dimensions*
27
28 A. Density and building scale shall relate to the surrounding neighborhood
29 development and natural resources by providing massing and architectural
30 compatibility with the surrounding neighborhood.
31
32 B. Density Transfers
33
34 1. A density transfer allows an equal transfer of dwelling units from one
35 portion of the site to another. Density transfers are allowed for the
36 following areas:
37
38 a. Area within a floodplain;
39
40 b. Area over twenty-five (25) percent slope;
41
42 c. Known landslide areas or areas shown to have potential for severe
43 or moderate landslide hazard;
44
45 d. Area in designated resource areas including: significant tree
46 groves, wetlands, riparian corridors, and their associated buffers;
47
48 e. Areas constrained by monitoring wells and similar areas dedicated
49 to remediation of contaminated soils or ground water; and

EXHIBIT A

- 1 f. Areas similar to those in a-e above, as approved by the Planning
2 Commission through the PUD process.
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4 C. Single-Family Residential Lot Sizes 5

- 6 1. Minimum lot size shall be 50% of the designated base zone.
7
8 2. Maximum lot size shall be 150% of the designated base zone unless
9 designated for a future phase. When the maximum density for the parent
10 parcel has been achieved or a lot is greater than 150% of the base zone. An
11 oversized lot(s) shall include a deed restriction to preclude
12 unintended partitioning or subdividing of such lots in accordance
13 with the requirements of the approved PUD.
14
15 3. Overall lot dimensions within the development plan shall not result in a lesser
16 dwelling unit density than if the property in question were developed as a
17 conventional design subdivision.
18

19 D. Lot Coverage 20

- 21 1. The following maximum lot coverage standards shall apply to all zones.
22
23 a. Single-Family Detached Houses – sixty (60) percent of lot area.
24
25 b. Single-Family Attached (Town homes) or row homes – Seventy (70)
26 percent of lot area.
27
28 c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
29
30 d. Multi-family Housing - Sixty (60) percent of lot area.
31
32
33 2. Lot coverage may be increased by up to 10% by meeting the architectural
34 requirements listed in the Development Bonus and Development Incentive
35 Options described in section 60.35.25.
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EXHIBIT A

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3. *Setbacks*

A. The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:

1. For proposed lots abutting the perimeter of the property, the required setbacks shall comply with the standard front and rear setbacks of the parent parcel. Where the side yard of the parent parcel abuts existing development the setback for new development shall be no less than fifteen (15) feet. By meeting the Development Bonus and Development Incentive Options in section 60.35.25 the setbacks of proposed perimeter parcels may be reduced by up to ten (10) percent upon approval of the Planning Commission.
2. Where standard modifications would not promote pedestrian or bicycle connection to the street; support storm water management; or meet fire and building codes.

B. Front Setbacks

Apply to all residential developments except lots along the perimeter which shall be consistent with Section 60.35.10.3.A.1.

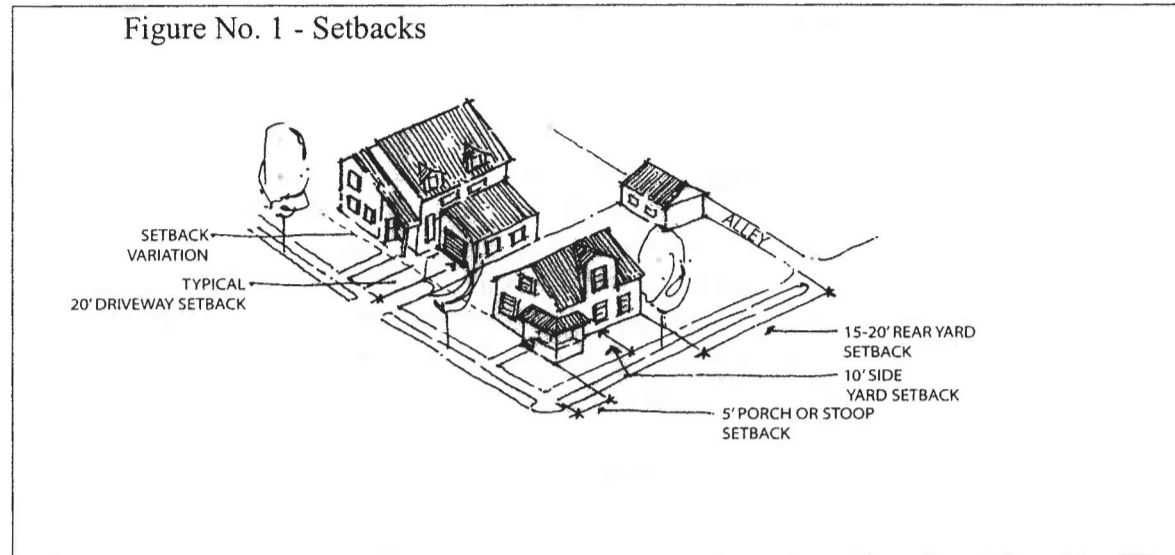
1. Proposed lots with front setbacks modified from the applicable zoning district, and lots adjacent shall have staggered front yard setbacks in order to provide diversity in the lot layout.
2. Front setbacks for a residential structure, excluding the garage where the garage door faces the front property line, shall be a minimum of ten (10) feet. An unenclosed porch or building stoop may be within five (5) feet of property line as long as it does not encroach into a public utility easement.
3. All single-family attached and detached garages that face a public or private street shall be setback a minimum of twenty (20) feet from property line. Attached and detached garages shall be recessed a minimum of four (4) feet from the front of the building, not including porches when facing a public or private street. Garages and carports accessed from an alley shall be setback a minimum of five (5) feet from rear building elevation. All other garage and carport entrances must be recessed minimum of two (2) feet when building setback is at least twenty (20) feet

C. Rear setbacks

1. Rear setbacks shall be the same as the designated zone for the parent parcel for lots abutting the perimeter of the proposed development excepting alley accessed lots for which rear setbacks may be reduced to 6 feet for alley-accessed lots.

EXHIBIT A

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D. Side setbacks

1. Except for zero-lot line development, side setbacks shall be a minimum of four (4) feet on interior side yards, and ten (10) feet on street corner lots. All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

EXHIBIT A

60.35.15 Open space

Purpose

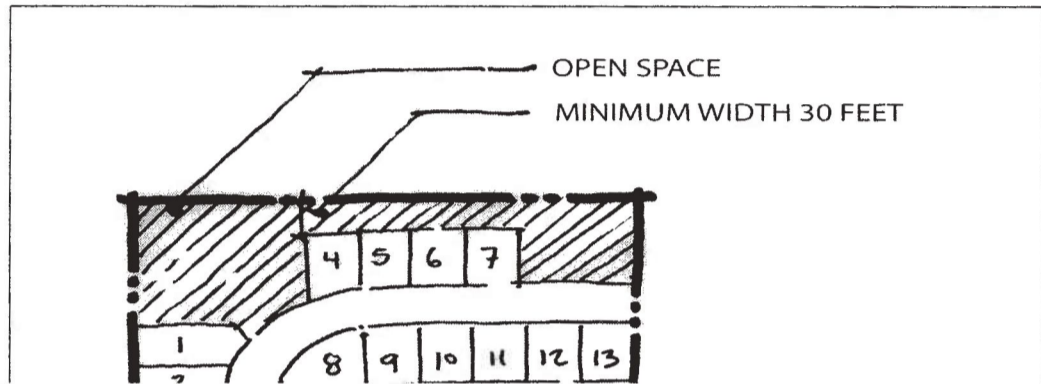
Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, understory resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A Planned Unit Development shall provide baseline open space of an area equal to at least twenty percent (20%) of the subject site.
2. Up to twenty (20) percent of the open space requirement may be dedicated to the following land uses:
 - A. Water quality facilities that have side slopes of 3:1 or less and do not require fencing per Clean Water Services (CWS) standards;
 - B. Environmentally sensitive areas including wetlands and any required buffers required by Clean Water Services or other regulatory body.
3. Standards
 - A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.
 - B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;
 - C. No more than ~~forty (40)~~ sixty (60) percent of the gross land dedicated may have slopes greater than five (5) percent;
 - D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.
 - E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.
 - F. For the purpose of this Code, open space does not include:
 1. Public or private streets;

EXHIBIT A

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- 2. Surface parking lots or paved areas not designated for active or passive recreation;
- 3. Private lots and buildings; including setbacks, or landscape buffers;
- 4. Vehicular access driveways or maneuvering areas.



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Figure No. 2 – Open Space