

Chapter 16.140 Planned Unit Development

16.140.000 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard or a special use differs from that of the underlying district, the standard for the special use shall apply.

16.140.005 Purpose

The purpose of a planned unit development is to permit the application of new technology and greater freedom of design in land development than possible under a strict interpretation of the provisions of this ordinance, including those governing lot size, setbacks, and density. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan for the City.

16.140.010 Objectives

The following objectives shall be considered in reviewing an application for a conditional use permit for a planned unit development:

1. To provide more desirable living, shopping, and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
2. To encourage the use of innovative siting and construction techniques and materials as a means of reducing building and maintenance costs and conserving energy.
3. To encourage developers to provide residents with a variety of amenities, including recreational facilities and pedestrian and bicycle paths.
4. To encourage variety in the physical development pattern of the community.

16.140.015 Standards and Requirements

The following standards and requirements shall govern the application of the planned unit development:

- A. Minimum Size For A Planned Unit Development. No application shall be made for an area of less than 4 acres in any zone.
- B. Limitation On Application. No application shall be accepted for a use which will require a change of zone unless accompanied by an application for a zoning amendment.
- C. Standards For Approval. Such uses may be permitted as a special use upon the following findings:
 - 1. The proposal conforms with the Comprehensive Plan.
 - 2. The project will satisfactorily accommodate the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required. All such improvements shall be developed to City Public Works standards.
 - 3. Streets and roads in Planned Unit Developments which are to be dedicated shall be public and developed to City Public Works standards.
 - 4. Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic and these shall be constructed to City Public Works standards except as varied by the Planning Commission.
 - 5. All utility facilities shall be installed underground and in accordance with City Public Works standards.
 - 6. The design of a Planned Unit Development shall provide direct access for all units and lots to open space areas and facilities.
 - 7. The project will be compatible with adjacent development and will not adversely affect the character of the area.
 - 8. All public utilities will be developed consistent with Urban Growth Boundary policies, plans and standards.
 - 9. The Planned Unit Development shall not have adverse impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
 - 10. A Planned Unit Development shall not be approved in any R zone if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive

Plan.

11. Developments which either provide for or contemplate private streets and common areas which will be or are proposed to be maintained by the owners of units or lots within a development must organize and maintain an owner's association. The owners association shall consist of all the owners of units or lots within the development and membership in the association must be required of all owners who must adopt and record bylaws as provided by ORS 100.410. The owners association shall adopt bylaws that contain the provisions required by ORS 100.415 and specifically the power to create a lien upon the unit or lot for services, labor or material lawfully chargeable as common expenses as provided in ORS 100.450. The owners associations power to create such a lien shall exist whether or not the property is submitted to the Oregon Unit Ownership Law (ORS 100.005-100.620).
12. All other subdivision restrictions contained in the City of North Plains Subdivision Ordinance shall be met.
13. The system of ownership of the units and open space, and the means of developing, preserving and maintaining open space is adequate.
14. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
15. Sixty-five percent (65%) of the land is to be maintained in open space.

16.140.020 Procedure

The following procedure shall be observed when a planned unit development proposal is submitted for consideration:

- A. The applicant shall submit 5 copies of a preliminary development plan to the Commission for study at least 30 days prior to the scheduled public hearing. The preliminary plan shall include the following information in graphic and written form:
 1. Proposed land uses, building locations, and housing unit densities.
 2. Proposed access and circulation, including the status of street ownership.

3. Proposed open space uses.
 4. Proposed grading and drainage pattern.
 5. Proposed method of water supply and sewage disposal.
 6. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
- B. Public notice of the proposed planned unit development shall be provided in accordance with the public notice provision of this chapter.
- C. In considering the plan, the Commission shall determine whether:
1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
 2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
 3. The area around the development can be planned and used in substantial harmony with the proposed plan.
 4. The plan can be completed within a reasonable period of time.
 5. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- D. If, in the opinion of the Commission, the provisions of Chapter 16.140.020 (C) are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application or return the plan to the applicant for revision.
- E. In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.
- F. Building permits in a planned development shall only be issued on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Commission for processing as an amendment to the

approved conditional use permit for a planned unit development.

- G. An approved planned unit development shall be identified on the zoning map as an overlay to the existing zoning district.