

**CHAPTER 210  
PLANNED UNIT DEVELOPMENT**

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**210.001. Purpose.** The purpose of this Chapter is to provide a means to develop real property with greater latitude in site development standards, common areas, and open space than is allowed through traditional zoning; to establish standards necessary to assure well planned, harmonious development within planned unit developments; and to provide for increased amenities in the development of residential uses within certain zones. (Ord No. 31-13)

**210.005. Planned Unit Development Allowed Only in Certain Zones and Overlay Zones.** Planned unit developments are allowed only within the following zones and overlay zones:

**(a) Zones.**

- (1) Residential Agricultural (RA);
- (2) Single Family Residential (RS);
- (3) Duplex Residential (RD);
- (4) Multiple Family Residential-I (RM-I);
- (5) Multiple Family Residential-II (RM-II); and
- (6) Multiple Family High-Rise Residential (RH).

**(b) Overlay Zones.**

- (1) The General Commercial (CG) zoned portions of the Pine Street Mixed-Use Overlay Zone. (Ord No. 31-13)

**210.010. Uses.** Except as otherwise provided in this section, uses allowed in the zone or overlay zone are allowed within a PUD; provided however, certain uses may be restricted in location to convenience service areas or retail service areas as set forth in this Chapter.

**(a) Additional Permitted Uses.** The uses set forth in Table 210-1 are additional permitted uses within a PUD regardless of the zone or overlay zone.

**TABLE 210-1  
ADDITIONAL PERMITTED USES**

<b>Table 210-1: Additional Permitted Uses</b>		
<b>Use</b>	<b>Status</b>	<b>Limitations &amp; Qualifications</b>
<b>Household Living</b>		
Single Family	P	
Two Family	P	
Multiple Family	P	

**210.015. Planned Unit Development with Land Division.**

- (a) If individual lots or parcels are proposed to be created within a PUD, a subdivision or partition shall be required with the PUD tentative plan. The PUD tentative plan and the subdivision or partition shall be processed as a consolidated application under SRC 300.120(c).
- (b) Notwithstanding any other provision of the UDC, the applicable approval criteria and development standards for a PUD tentative plan with a subdivision or partition shall be the approval criteria and development standards set forth in this chapter. (Ord No. 31-13)

**210.020. Planned Unit Development Pre-Application Conference Submittal Requirements; Notice.**

- (a) **Submittal Requirements.** In addition to the submittal requirements for a pre-application under SRC Chapter 300, an application for PUD pre-application conference shall include:
  - (1) Maps in general schematic form containing the following:
    - (A) The topography of the site, with either contour lines or elevations at key locations;
    - (B) Proposed land uses;
    - (C) The approximate location of existing buildings or structures on the site, noting any that are to be retained;
    - (D) The approximate location of existing buildings, structures, and land uses on properties abutting the site;
    - (E) The approximate location of proposed buildings or structures on the site, except for those areas of the site that will contain only lots for single family dwellings;
    - (F) The approximate number of proposed dwelling units in any residential building, other than a single family dwelling;
    - (G) The approximate location of all proposed streets, walkways, and parking facilities;
    - (H) Public uses on the site including schools, parks, playgrounds, open spaces and trails; and
    - (I) The general location of any existing significant natural or cultural features on the site.
  - (2) A written statement providing an explanation of the character of the proposed planned unit development and the manner in which it has been designed to take advantage of the planned development concept;
- (b) **Notification to Neighborhood.** Within 7 days after the pre-application conference, any City-recognized neighborhood association whose boundaries within which the proposed planned unit development is located shall be notified of the proposal and its location, size, and general development concept. (Ord No. 31-13)

**210.025. Planned Unit Development Tentative Plan.**

- (a) **Applicability.** No land shall be developed as a planned unit development without receiving

PUD tentative plan approval as set forth in this section.

**(b) Procedure Type.** A PUD tentative plan is processed as a Type III procedure under SRC Chapter 300.

**(c) Submittal Requirements.** In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for PUD tentative plan shall include the following:

- (1)** A PUD tentative plan map, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
  - (A)** Site topography, in sufficient detail to determine the grades and character of the site as it relates to the proposed improvements and to the adjacent area;
  - (B)** The proposed location, layout, and widths of all streets and sidewalks, and whether they will be public or private;
  - (C)** The location, layout, surfacing, and landscaping of all off-street parking areas;
  - (D)** Property boundary lines;
  - (E)** Proposed lot or parcel lines, if lots or parcels will be created;
  - (F)** The location of existing and proposed City infrastructure;
  - (G)** The location of all existing and proposed easements;
  - (H)** If an outdoor storage area is proposed, a landscaping plan for the area that includes the location of existing trees and an indication whether they are to be retained or removed;
  - (I)** If a convenience service area or retail service area is proposed, a landscaping plan for the area that includes the location of existing trees and an indication whether they are to be retained or removed;
  - (J)** If common open space is proposed, the particular uses to which the common open space will be put;
  - (K)** Areas proposed for parks, scenic ways, playgrounds, schools, public buildings, and other similar activities and whether such areas are to be public or private;
  - (L)** If the planned unit development is to be constructed in phases, an indication of the area of each phase, the sequence of construction, and the area and location of any common open space that will be provided with each phase;
  - (M)** Except for lots or parcels that will contain single family dwellings, for each existing or proposed building or structure on the site:
    - (i)** The location and size of the building or structure;
    - (ii)** The intended use of the building or structure, including, but not limited to, convenience service areas, retail service areas, and boat and recreational vehicle storage areas; and
    - (iii)** The number of dwelling units in any residential building other than a single family dwelling.
  - (N)** The location of all buildings on abutting properties.
- (2)** Elevation drawings of all typical proposed buildings or structures, other than single family dwellings. The drawings should be accurate and to scale but need not be final working drawings.
- (3)** A completed Trip Generation Estimate for the proposed development, on forms provided by the City;
- (4)** A Traffic Impact Analysis, if required under SRC Chapter 803;
- (5)** A completed tree inventory on forms provided by the Planning Administrator and, if required under SRC Chapter 808, a Tree Conservation Plan;
- (6)** A geological assessment or geotechnical report, if required under SRC Chapter 810, or a

certification from an engineer that landslide risk on the site is low and that there is no need for further landslide risk assessment; and

(7) If unique or innovative design concepts will be employed, a written description and conceptual drawings illustrating the concepts, along with an identification of the specific goals and policies in the Salem Area Comprehensive Plan that will be furthered through use of such concepts, and an explanation of how the goals and policies will be furthered.

(d) **Criteria.** A PUD tentative plan shall be approved if the following criteria are met:

(1) The PUD tentative plan conforms to the development standards of this Chapter.

(2) The PUD tentative plan provides one or more of the following:

(A) Common open space that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children's play areas, picnic and barbecue facilities, and community gardens;

(B) Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons, and private parks;

(C) Common open space that will preserve significant natural or cultural features; or

(D) Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.

(3) If a retail service area or a convenience service area is proposed, the area is designed to:

(A) Adequately provide for privacy and minimize excessive noise on adjacent uses;

(B) Provide for adequate and safe ingress and egress; and

(C) Minimize the impact of vehicular traffic on adjacent residential uses.

(e) **Expiration.** Planned unit development tentative plan approval shall expire as provided in SRC 300.850, unless an application for PUD final plan is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b). (Ord No. 31-13)

### **210.030. Planned Unit Development Final Plan.**

(a) **Applicability.** No final plan of a PUD shall be recorded without receiving PUD final plan approval as set forth in this section. An application for PUD final plan approval must be submitted prior to expiration of PUD tentative plan approval.

(b) **Procedure Type.** A PUD final plan is processed as a Type II procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for PUD final plan approval shall include the following:

(1) A PUD final plan, in a form acceptable for recording in the county deed records, containing the information required under this paragraph. For PUD plans that include a land division, the PUD final plan shall include the information required under this paragraph, and shall be in the form required for final plats under SRC Chapter 205 and ORS Chapter 92.

(A) The location, layout, and widths of all streets and sidewalks, and whether they are public or private;

(B) The location, layout, surfacing, and landscaping of all off-street parking areas;

(C) The location of all easements;

(D) If approved in the PUD tentative plan, the location of any convenience service area,

retail service area, or outdoor storage area;

**(E)** The location of any common open space and the particular uses to which the common open space will be put;

**(F)** The location of areas proposed for parks, scenic ways, playgrounds, schools, public buildings, and other similar uses and whether such areas are public or private;

**(G)** For each existing or proposed building or structure on the site, other than single family dwellings:

**(i)** The location and size of the building or structure;

**(ii)** The intended use of the building or structure, including, but not limited to, convenience service areas, retail service areas, and boat and recreational vehicle storage areas; and

**(iii)** The number of dwelling units in any residential building other than a single family dwelling.

**(2)** If the PUD tentative plan included unique or innovative design concepts, a written description and drawings illustrating the concepts.

**(3)** A copy of the articles of the home owners association.

**(4)** Evidence that conditions of approval established as part of PUD tentative plan approval have been met.

**(d) Criteria.** A PUD final plan shall be approved if the following criteria are met:

**(1) Substantial Conformance.**

**(A)** The PUD final plan is in substantial conformance with the PUD tentative plan. Substantial conformance for the following specific components of the PUD final plan exists when a comparison of the approved PUD tentative plan with the PUD final plan shows that:

**(i)** The number of dwelling units is within 10 percent of the number of dwelling units shown on the PUD tentative plan, but in no case shall the number of dwelling units exceed the limits set forth this Chapter;

**(ii)** Setbacks, and distances between main buildings, are within 10 percent of those shown on the PUD tentative plan, but in no case shall the setbacks and distances be reduced below the minimums set forth in this Chapter;

**(iii)** Building sizes do not exceed the building sizes shown on the PUD tentative plan by more than 10 percent.

**(iv)** Building locations do not depart by more than 10 percent from the building locations shown on the tentative PUD plan;

**(v)** Common open space within the PUD final plan conforms to the following:

**(aa)** If the common open space is to be improved as a recreational amenity, the area designated as common open space has not been reduced by more than 10 percent.

**(bb)** If the common open space is to be permanently set aside for passive and/or active recreational use, the area designated as common open space has not been reduced by more than 10 percent.

**(cc)** If the common open space is to preserve significant natural feature, the area designated as common open space has not been reduced by more than 5 percent.

**(dd)** If the common open space is to preserve a significant cultural feature, the area designated as common open space is identical to that shown on the PUD tentative plan; and

**(vi)** If unique or innovative design concepts are employed, the final design

conforms with the unique or innovative design concepts as approved in the PUD tentative plan.

(B) Nothing in subparagraph (1)(A) of this paragraph shall be deemed to prohibit a reduction in the number of dwelling units or an increase in the amount of common open space. If the PUD is constructed in phases, the number of dwelling units reduced in one phase shall not be used to increase the number of dwelling units in any subsequent phase; and an increase in common open space in one phase shall not be used to reduce the amount of common open space in any subsequent phase.

(C) Notwithstanding the changes allowed under subparagraph (1)(A) of this paragraph, a PUD final plan is not in substantial conformance with the PUD tentative plan if the cumulative effect of the changes made pursuant to subparagraph (1)(A) of this paragraph results in a significant modification to the approved PUD tentative plan.

(2) Except as allowed under paragraph (1) of this subsection, the conditions of approval on the PUD tentative plan have been met.

(3) The articles of the home owners association satisfy the standards set forth in SRC 210.055(b).

(4) For planned unit developments with a land division, SRC 205.035(c)(6) has been met. If the PUD does not include a land division, the City Engineer has determined that each building or structure on the PUD final plan can be adequately served by the following City infrastructure and private improvements:

(A) A domestic water supply;

(B) A sanitary sewage disposal system;

(C) Streets improved to the extent that adequate paved access is provided to each building or structure;

(D) A storm water discharge system; and

(E) Fire hydrants installed to fire code standards.

(5) The owner has entered into an improvement agreement with the City providing that any improvements required to be constructed which are not complete at the time of submission of the PUD final plan will be completed within 18 months of PUD final plan approval, and the owner has furnished sufficient performance security, as provided in SRC 110.100, to ensure completion of the improvements. The time within which the improvements must be completed may be extended for one additional 6-month period, subject to prior written approval from the Director.

(6) If applicable, the applicant has executed a fee-in-lieu agreement pursuant to SRC 66.590 through SRC 66.610.

(e) **Approval or Rejection of Planned Unit Development Final Plan.** If the Planning Administrator finds that the PUD final plan does not satisfy the PUD final plan approval criteria, the Planning Administrator shall notify the applicant of the deficiencies and afford the applicant opportunity to modify the PUD final plan to eliminate the deficiencies. If the PUD final plan complies with the PUD final plan approval criteria, the Planning Administrator shall notify the applicant that the PUD final plan has been approved.

(f) **Recording of Planned Unit Development Final Plan.** The approved PUD final plan shall be recorded within 10 years of the effective date of the PUD tentative plan approval. (Ord No. 31-13)

## **210.035. Modification of Approval.**

### **(a) Modification of Planned Unit Development Tentative Approval.**

(1) **Applicability.** The approval of a PUD tentative plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set

forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD tentative plan.

**(2) Procedure Type.** Modification of a PUD tentative plan approval is processed as a Type II procedure under SRC Chapter 300.

**(3) Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for modification of a PUD tentative plan approval shall include the information required under SRC 210.025(c).

**(4) Criteria.** An application for modification of a PUD tentative plan approval shall be granted if the following criteria are met:

**(A)** The proposed modification is not substantially inconsistent with the conditions of the original approval; and

**(B)** The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

**(5) Expiration.** The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

**(b) Modification of Planned Unit Development Final Plan Approval.**

**(1) Applicability.** The approval of a PUD final plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD final plan.

**(2) Procedure Type.** Modification of a PUD final plan approval is processed as a Type II procedure under SRC Chapter 300.

**(3) Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for modification of a PUD final plan approval shall include the information required under SRC 210.030(c).

**(4) Criteria.** An application for modification a PUD final plan approval shall be granted if the following criteria are met.

**(A)** The proposed modification is not substantially inconsistent with the conditions of the original approval; and

**(B)** The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

**(5) Expiration.** The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision. (Ord No. 31-13)

**210.040. Modifications at Time of Building Permit.**

**(a)** An applicant may request the following modifications at the time of building permit to development as approved in a PUD final plan:

**(1) Lot Coverage.** Lot coverage may be increased by not more than 2 percent, provided the total increase does not exceed 250 square feet per lot.

**(2) Front Setback and Setbacks Abutting a Street.** Front setbacks and setbacks abutting a street may be decreased by not more than 10 percent of the depth of the front setback or setback abutting a street.

**(3) Side Setbacks.** Side setbacks may be decreased by not more than 1 foot; provided, however, no decrease shall be allowed if the decrease would result in:

**(A)** A side setback depth of less than 5 feet for a one story building; or

**(B)** A side setback depth of less than 6 feet for a building having two or more stories.

**(4) Rear Setback.** Rear setbacks may be decreased by not more than 4 feet or, when

additional yard area equal in area to the decrease is provided at another location on the lot, rear setbacks may be decreased by not more than 10 feet.

(b) Modifications pursuant to this section shall be processed as a Type I procedure under SRC Chapter 300. The Planning Administrator shall grant the modification; provided, however, in no case shall such modification result in nonconformance with the standards set forth in this Chapter, or in the conditions of approval. (Ord No. 31-13)

**210.045. Planned Unit Development Standards.** Planned unit developments must comply with the development standards set forth in this section.

(a) **General Development Standards.** Planned unit developments shall conform to the general development standards set forth in Table 210-2.

**TABLE 210-2  
GENERAL DEVELOPMENT STANDARDS**

<b>Table 210-2: General Development Standards</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
<b>Minimum Number of Dwelling Units within PUD</b>		
RA, RS, RD, and RH Zones	No Minimum	
RM-I and RM-II Zones	Minimum number of dwelling units required in zone where PUD is located.	
Pine Street Mixed-Use Overlay Zone	Min. 14 d.u./acre	
<b>Maximum Number of Dwelling Units within PUD</b>		
RA, RS, and RD Zones	Maximum number of dwelling units allowed in zone where PUD is located.	The maximum number of dwelling units allowed shall be calculated by dividing the net area of the lot by the minimum lot size for single family dwellings in the zone where the PUD is located.  For purposes of this standard, “net area” is the total area of the site minus the total area used for streets and flag lot accessways.
RM-I and RM-II Zones	Maximum number of dwelling units allowed in zone where PUD is located.	
RH Zone; and Pine Street Mixed-Use Overlay Zone	No Maximum	
<b>Maximum Number of Dwellings Units within a Building</b>		

**Table 210-2: General Development Standards**

Requirement	Standard	Limitations & Qualifications
RA, RS, RD, RM-I, RM-II, and RH Zones; and Pine Street Mixed-Use Overlay Zone	No Maximum	The number of dwelling units within an individual building shall not exceed the overall maximum number of dwelling units allowed for the entire PUD.

(b) **Setbacks.** Unless otherwise provide in this Chapter, setbacks within a PUD shall be provided as set forth in Table 210-3.

**TABLE 210-3  
SETBACKS**

**Table 210-3: Setbacks**

Requirement	Standard	Limitations & Qualifications
<b>PUD PERIMETER SETBACKS - ABUTTING STREET</b>		
<b>Buildings</b>		
All uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable on collector or arterial streets.
	None	Applicable along private streets.  When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>Accessory Structures</b>		
Accessory to all uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable on collector or arterial streets.
	None	Applicable along private streets.  When a driveway approach is present, accessory structures shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>PUD PERIMETER SETBACKS - NOT ABUTTING STREET</b>		
<b>INTERIOR SIDE</b>		
<b>Buildings</b>		
All uses	Min. 5 ft., plus one-foot for each one-foot of height	

**Table 210-3: Setbacks**

<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
	over 35 ft, but need not exceed 20 ft. in depth.	
<b>Accessory Structures</b>		
Accessory to all uses	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
<b>INTERIOR REAR</b>		
<b>Buildings</b>		
All uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable when the interior rear yard does not abut the interior rear yard of an RA or RS zoned lot located outside the PUD.
<b>Accessory Structures</b>		
All uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
<b>PUD INTERIOR SETBACKS - ABUTTING STREET</b>		
<b>Buildings</b>		
All uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets.  When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>Accessory Structures</b>		

<b>Table 210-3: Setbacks</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
Accessory to all uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets.  When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>PUD INTERIOR SETBACKS – NOT ABUTTING STREET</b>		
<b>INTERIOR FRONT</b>		
<b>Buildings</b>		
All uses	None	
<b>Accessory Structures</b>		
Accessory to all uses	None	
<b>INTERIOR SIDE</b>		
<b>Buildings</b>		
All uses	None	
<b>Accessory Structures</b>		
Accessory to all uses	None	
<b>INTERIOR REAR</b>		
<b>Buildings</b>		
All uses	None	
<b>Accessory Structures</b>		
Accessory to all uses	None	

(c) **Height.** Buildings and accessory structures within a PUD shall conform to the height standards set forth in Table 210-4.

**TABLE 210-4  
HEIGHT**

<b>Table 210-4: Height</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
<b>HEIGHT</b>		
<b>Buildings</b>		

Table 210-4: Height		
Requirement	Standard	Limitations & Qualifications
All uses	Max. 35 ft.	Applicable within the RA, RS, RD, RM-I, and RM-II Zones
	No Maximum	Applicable within the RH Zone
	Max. 70 ft.	Applicable within the Pine Street Mixed-Use Overlay Zone
<b>Accessory Structures</b>		
Accessory to all uses	Max. 15 ft.	

**(d) Parking.** Except as provided in this subsection, parking within a PUD shall be developed in conformance with the standards set forth in SRC Chapter 806.

**(1) Minimum Required Parking.** Unless otherwise provided in this Chapter, parking within a PUD shall be provided in amounts not less than those set forth in Table 210-5.

**TABLE 210-5  
PARKING**

Table 210-5: Parking		
Zone/Overlay Zone	Minimum Number of Spaces Required	Limitations & Qualifications
RA and RS Zones	2 per dwelling unit	One of the required spaces must be located within a garage or carport; provided, however, an uncovered parking area meeting the standards set forth in SRC 210.045(d)(2)(D) may be permitted in lieu of a garage or carport.
RD, RM-I, RM-II, and RH Zones	2.5 per dwelling unit	Applicable to the first 10 dwelling units.
	2 per dwelling unit	Applicable to each additional dwelling unit over 10 dwelling units.
Pine Street Mixed Use Overlay Zone	1 per dwelling unit	There shall be no limit on the maximum number of parking spaces provided.

**(2) Off-Street Parking Development Standards.** Parking within a PUD shall conform to the following standards:

**(A) Location.** Required parking spaces shall be located within the planned unit development, and may be either on-street, off-street, or a combination thereof.

**(B) Garage or Carport Vehicle Entrance Setback Abutting Street or Flag Lot Accessway.** The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be set back a minimum of 20 feet from one of the following lines,

whichever is closest to the proposed vehicle entrance of the garage or carport:

- (i) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (ii) The outside curbline; or
- (iii) The edge of the sidewalk furthest from the street.

**(C) Dimensions.** On-street parallel parking spaces shall be at least 7 feet in width and 22 feet in length.

**(D) Landscaping and Screening.** All off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or carport, shall be effectively landscaped, designed to minimize the effect of a large number of cars in one area, and screened with ornamental evergreens or architectural features such as fences and walls.

**(e) Side lot lines.** As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

**(f) Limits on Common Open Space.** Streets, parking areas, traffic circles, and other similar transportation related improvements shall not be considered, or considered to be a part of, common open space.

**(g) Utilities.** Except for storm water management facilities, all utility services shall be undergrounded. (Ord No. 31-13)

#### **210.050. Design Standards for Multiple Family Buildings.**

**(a)** When one or more multiple family buildings are proposed within a PUD, the buildings shall conform to the following standards:

- (1) Buildings shall not present excessive visual mass or bulk.
- (2) Buildings shall not have long, monotonous exterior walls.
- (3) Buildings shall be sited with sensitivity to topography and natural landform.
- (4) Buildings shall be designed to provide an appropriate transition to abutting properties.
- (5) Buildings shall utilize architectural elements and facade materials to provide visual interest and continuity with other buildings in the PUD.
- (6) Individual private open space shall be provided for each dwelling unit.
- (7) When abutting property zoned Residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided to buffer between the multiple family building and the adjacent RA or RS zoned property.

**(b)** For the purposes of this section, “multiple family building” means a building that contains three or more dwelling units.

#### **210.055. Home Owners Association.**

**(a) Formation; Articles; Contents.** The perpetual maintenance and operation of common open space within a planned unit development shall be provided by a home owners association.

**(b)** The articles of the home owners association shall include the following provisions:

- (1) Property owners within the planned unit development shall automatically be members of the home owners association with the purchase of a dwelling unit or other property within the planned unit development.
- (2) The home owners association's principal source of funds shall be an assessment levied against each dwelling unit or other property, which assessment shall be enforceable as a lien against the dwelling unit or property.
- (3) An identification of the permitted use of the common open space and, if unique or innovative design concepts are used, requirements that the property be maintained in such a way as to preserve the concepts in perpetuity.

(4) A prohibition against any changes to the articles which would eliminate the provisions required under paragraphs (1)-(4) of this subsection.

(c) **Planned Unit Development Under One Owner.** If the entire planned unit development is to remain under one ownership, the PUD final plan shall include a covenant that requires the formation of a home owners association in compliance with this section if any part of the planned unit development is sold. (Ord No. 31-13)

**210.060. Outdoor Storage Area Development Standards.** If provided within a PUD, outdoor storage areas shall meet the following standards:

(a) **Operation.** Outdoor storage areas shall be operated by the PUD home owners association.

(b) **Limit on Use.** Use of outdoor storage areas shall be limited exclusively to on-premises storage of home owners association members' boats, recreational vehicles, trailers, or utility trailers, and shall not be used in connection with any commercial activity.

(c) **Setbacks.** All outdoor storage space and other outdoor vehicle parking, loading and maneuvering areas in the outdoor storage area shall be set back a minimum of five feet from all lot lines.

(d) **Landscaping and Screening.**

(1) All unpaved areas within outdoor storage areas not occupied by buildings or structures, and all required setbacks, shall be landscaped and screened. Landscaping shall be provided in the minimum amount of one plant unit, as set forth in SRC Chapter 807, for each 20 square feet of landscaped area.

(2) Outdoor storage areas shall be screened from all adjacent properties and from all but one abutting street by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

(e) **Surfacing.** All driveways, outdoor storage space, and other outdoor vehicle parking, loading, and maneuvering areas within outdoor storage areas shall be paved with a hard surface material meeting Public Works Design Standards.

(f) **Lighting.** Outdoor lighting for outdoor storage areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under Household Living, or cast glare onto the street. (Ord No. 31-13)

**210.065. Convenience Service Area and Retail Service Areas Development Standards.** If provided within a PUD, convenience service areas and retail services areas shall meet the following standards:

(a) **Convenience Service Area.** A convenience service area may be located within a PUD containing less than 150 dwelling units. A convenience service area that conforms to the requirements of this section may be located within a planned unit development without a zone change.

(1) **Permitted Activities.** The following activities are permitted within a convenience service area:

(A) Newsstands;

(B) Barbershop and beauty parlors;

(C) Delicatessens, coffee shops, and tea rooms; and

(D) Activity rooms and meeting rooms.

(2) **Drive-Through Prohibited.** Otherwise permitted activities within a convenience service area shall not be developed with a drive-through.

(b) **Retail Service Area.** A retail service area may be located within a PUD containing 150 or more dwelling units. A retail service area that conforms to the requirements of this section may be located within a planned unit development without a zone change.

(1) **Permitted Activities.** In addition to the activities permitted within a convenience service area, the following activities are permitted within a retail service area:

- (A) Banks;
- (B) Craft and hobby shops;
- (C) Drugstores;
- (D) Grocery stores;
- (E) Laundry and dry cleaning pick-up services;
- (F) Coin operated dry cleaning establishments;
- (G) Post office;
- (H) Restaurants;
- (I) Variety stores; and
- (J) Other similar uses, if approved with the PUD tentative plan and identified in the PUD final plan approval.

(2) **Drive-Through Prohibited.** Restaurants, delicatessens, coffee shops, and tea rooms otherwise permitted within a retail service area shall not be developed with a drive-through.

(c) **Maximum Square Footage.**

(1) The gross square footage of building area within a convenience service area or retail service area shall be limited to a maximum of 40 square feet per dwelling unit within the planned unit development.

(2) No single establishment within a convenience service area or retail service area shall occupy more than 50 percent of the gross square footage permitted within the convenience service area or retail service area at the time of the completion of the planned unit development.

(d) **Parking.** Off-street parking within a convenience service area or retail service area shall be provided in the minimum amount of one space per 250 square feet of gross floor area.

(e) **Construction of Retail Service Area.**

(1) Construction of a retail service area shall not commence until at least 150 dwelling units have been completed.

(2) The gross floor area to be constructed at any time shall not exceed the gross floor area allowed under subsection (c) of this section, based on the number of dwelling units that have been constructed at the time the retail service area is constructed.

(3) When 50 percent or more of the dwelling units within the planned unit development have been constructed, the Planning Administrator may authorize construction of the remainder of the retail service area, provided that satisfactory evidence is presented to the Planning Administrator that all of the remaining dwelling units will be constructed.

(e) **Activities Enclosed.** Unless otherwise approved within the PUD tentative plan, all commercial activity within a convenience service area or retail service area shall be conducted entirely within an enclosed building.

(f) **Landscaping and Screening.**

(1) Convenience service areas and retail service areas shall be surrounded by a landscaped area a minimum 20 feet in depth, excluding driveways. The landscaped area shall be planted with a minimum of one plant unit, as set forth in SRC Chapter 807, per 20 square feet of landscaped area.

(2) Convenience service areas and retail service areas shall be screened from adjacent residential uses by a minimum 6-foot high sight-obscuring fence or wall.

(g) **Storage of Garbage and Refuse.** All solid waste generated by a convenience service area or retail service area shall be stored entirely within the building until the time of disposal. (Ord No. 31-13)

**210.070. Development Agreements.**

**(a) Applicability.** The applicant for PUD approval may request a development agreement as authorized in ORS Chapter 94.

**(b) Procedure Type.** A development agreement is processed as a Type IV procedure under SRC Chapter 300.

**(c) Criteria.** A development agreement shall be approved if the following criteria are met:

(1) The development agreement is consistent with UDC.

(2) There will be a public benefit which would not otherwise accrue to the City absent the development agreement.

**(d) Submittal Requirements.** In addition to the submittal requirements for a Type IV application under SRC Chapter 300, an application for a development agreement shall include the information required in ORS 94.504(2) and the following:

(1) A master plan containing the general layout of major infrastructure and public utilities, including, but not limited to, major streets and major utility lines;

(2) A description of the type and density of development by area;

(3) The general location of any convenience service areas or retail service areas; and

(4) Such other additional information the Planning Administrator may require.

**(e) Effect of Approval of Development Agreement.** Each phase in a PUD that has an accompanying development agreement shall comply with the approved PUD final plan and the development agreement. Fees and charges applicable to use or development under the development agreement shall be as provided at the time of such use or development. (Ord No. 31-13)

**210.075. Other Provisions.** In addition to the standards set forth in this Chapter, development within a PUD must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:

<b>(a)</b> Trees and Shrubs	SRC Chapter 86
<b>(b)</b> General Development Standards	SRC Chapter 800
<b>(c)</b> Public Improvements	SRC Chapter 802
<b>(d)</b> Streets and Right-of-Way Improvement	SRC Chapter 803
<b>(e)</b> Driveway Approaches	SRC Chapter 804
<b>(f)</b> Vision Clearance	SRC Chapter 805
<b>(g)</b> Off-Street Parking, Loading, and Driveways	SRC Chapter 806
<b>(h)</b> Landscaping and Screening	SRC Chapter 807
<b>(i)</b> Preservation of Trees and Vegetation	SRC Chapter 808
<b>(j)</b> Wetlands	SRC Chapter 809
<b>(k)</b> Landslide Hazards	SRC Chapter 810
<b>(l)</b> Sign Code	SRC Chapter 900

(Ord No. 31-13)