

TITLE 10
CHAPTER 23

PLANNED UNIT DEVELOPMENT (PUD)

SECTION:

- 10-23-1: Purpose
- 10-23-2: Definitions
- 10-23-3: Development Options
- 10-23-4: General Criteria
- 10-23-5: Development Standards
- 10-23-6: Dedication and Maintenance of Facilities
- 10-23-7: Professional Design
- 10-23-8: General Procedures
- 10-23-9: Application Conference
- 10-23-10: Preliminary Approval
- 10-23-11: Approval of the Final Development Plan
- 10-23-12: Adherence to Approved Plan
- 10-23-13: Guarantee of Performance
- 10-23-14: Expiration of Approval for a PUD
- 10-23-15: Phased Planned Unit Development

10-23-1: PURPOSE: The Planned Unit Development authorization is intended to:

- A. Encourage the coordinated development of unplatted land.
- B. Encourage innovative land utilization through a flexible application of zoning regulations.
- C. Preserve the natural amenities of land and water.
- D. Create opportunities for a wide variety of life styles by creating a variety of dwelling types that help meet the needs of all income groups in the community.
- E. Provide for the efficient use of public utilities, services and facilities.
- F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

10-23-2: DEFINITIONS: As used in this chapter, the following words shall mean:

- COMMON IMPROVEMENTS: Include utilities and other facilities reserved in common ownership.
- NET DEVELOPMENT AREA: Area of property exclusive of public or private roads, or parkland.
- PUBLIC IMPROVEMENTS: Improvements that include utilities, parklands, and facilities that will be dedicated to the public and maintained by the City.
- PLANNED UNIT DEVELOPMENT: Development of a unified site design for an area of land that allows deviation from specific site development standards while observing general purposes of the zoning regulations.

10-23-3: DEVELOPMENT OPTIONS: A PUD may include any of the following land uses, either singly or in combinations when they are compatible with each other and blend harmoniously with adjacent uses:

- A. For the Low Density Residential District:
 - 1. All uses permitted in the designated zoning district including uses requiring design review.
 - 2. Single family attached dwellings
 - 3. Duplexes, triplexes and quadplexes,
 - 4. Multi-family dwellings
 - 5. Open space and Parklands
- B. For all other districts:
 - 1. All permitted uses in the designated zoning district including uses requiring design review
 - 2. Triplexes, quadplexes and multiple-family dwellings
 - 3. Open Space and Parklands (Ord. No. 2, Series 2011)
 - 4. Commercial uses
 - 5. Temporary use of vacant lots for RV use

10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:

- A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.
- B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.
- C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.
- D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.
- E. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment.

10-23-5: DEVELOPMENT STANDARDS: To ensure that a PUD fulfills the intent of this Chapter, the following standards and those of FCC 10-36 shall apply.

- A. Minimum Size: Two (2) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than two (2) acres is suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.

- B. **Perimeter Yards:** The Planning Commission may require a yard at least as deep as that required by the front yard regulations of the district adjacent to the PUD on any, or all, sides of the PUD. Such a perimeter yard does not qualify as open space unless the Planning Commission finds that such a dual purpose use of land is desirable.
- C. **Off-Street Parking:** The requirements for off-street parking and loading shall be in accordance with Chapter 3 of this Title. The Planning Commission may allow one parking space for single family dwellings in a PUD. Parking spaces or garages may be grouped together when the Planning Commission determines that such grouping of parking spaces, and the location thereof, will be accessible and useful to the residents, guests and patrons of the PUD. (Ord 12, 1998)
- D. **Underground Utilities:** All electrical, telephone, cable television, fire alarm, street light and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer.
- E. **Open Space:** A minimum of 20% of the net development area shall be open space and must be platted for that purpose. (Easements are not acceptable). At least 25% of the 20% shall include an area designated and intended for recreation use and enjoyment. The required recreation area may be provided as:
 - Public dedication for use by public in general, and/or
 - Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.

The recreation area may provide for passive and/or active recreational activities. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons with amenities, and private parks. Recreation areas shall include high-quality and durable amenities and incorporate ADA accessibility features such as, but not limited to:

- Indoor or outdoor recreation area
- Play fields or outdoor playgrounds
- Indoor or outdoor sports courts
- Swimming pools
- Walking or running fitness courses
- Pedestrian and bicycle amenities meeting park industry durability standards
- Other recreational amenities determined by the Planning Commission to fulfill the purpose of this Chapter

The recreational area is required to be developed to satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan. If the Master Plan or Comprehensive Plan shows a need for public recreation area in the location of the PUD (such as a trail connection or neighborhood park), the recreation area shall be dedicated to the public. If the recreation area is not meeting a need for public recreation, the city may choose not to accept dedication of the recreation area. (Ord. No. 2, Series 2011)

1. Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.
2. The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.
3. If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

4. The following areas are not acceptable for recreation area required as part of a PUD: (Ord. 2, 2011)
 - a. Hillsides over five (5) percent slope; (Ord. 7, 2019)
 - b. Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;
 - c. Roadside ditches;
 - d. Monument entry areas and central landscaped boulevards;
 - e. Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;
 - f. Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;
 - g. Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.
 5. A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of underdeveloped parkland as measured on public rights-of-way with reasonable pedestrian and bicycle connections to the parkland. The fee for open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Parks and Recreation Master Plan or in a City Council approved community park plan for that park.
- F. Natural Resource Protection and Unique Land Forms: Development plans shall incorporate measures to preserve, enhance or protect significant natural resources or unique land forms where identified as part of a Phase 1 site investigation report. Areas designated for preservation or protection may count towards meeting the open space requirement but may not count towards meeting the recreation area requirement.
 - G. Mixed Uses, Unit Types, and Density: Where supported by the zoning district, development plans shall incorporate a mix of dwelling unit types and densities consistent with the base zone as well as a mix of residential, commercial, and recreational uses.
 - H. The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:
 1. High quality building design using Old Town and Mainstreet Architectural Standards or higher standards
 2. Incorporation of unique land forms into the final PUD design
 3. More recreation space than the minimum required
 4. On-site amenities reflecting the value of both active and passive recreational facilities

5. Natural resource protection, where identified as part of a preliminary site investigation report
6. A mix of dwelling unit types and densities
7. A mix of residential, commercial, and recreational uses, where zoning permits

10-23-6: DEDICATION AND MAINTENANCE OF FACILITIES: The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

- A. Easement necessary to accommodate existing or proposed public utilities.
- B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.
- C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:
 1. The developer; or
 2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

10-23-7: PROFESSIONAL DESIGN: The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

10-23-8: GENERAL PROCEDURES: There shall be a three-stage review process for all PUD's. The first step is the application conference, followed by preliminary development review and approval and final review.

10-23-9: APPLICATION CONFERENCE: An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled.

Outline Development Plan: An outline development plan shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

1. The maps which are part of the outline plan may be in general schematic form, and shall contain the following information:
 - a. The existing topographic character of the land.
 - b. Existing and proposed land uses and the approximate location of buildings and other structures.
 - c. The character and approximate density of the proposed buildings.
 - d. The approximate location of major thoroughfares.

- e. General traffic flow patterns within the PUD.
 - f. Public uses, including schools, parks, playgrounds and other public open spaces.
 - g. Common open spaces and a description of the proposed use of these spaces.
2. The written statement which is part of the outline development plan shall contain the following information:
- a. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
 - b. A statement of the present ownership of all the land included within the planned unit development.
 - c. A general indication of the expected schedule of development.
 - d. A preliminary site investigation report.

10-23-10: PRELIMINARY APPROVAL: The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. The public hearing shall not be held until the complete information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

Preliminary Development Plan: A preliminary development plan shall be prepared and shall include the following information:

- 1. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- 2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- 3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.
- 4. Elevation and perspective drawings of proposed structures.
- 5. A development schedule indicating:
 - a. The approximate date when construction of the project can be expected to begin.
 - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - c. The anticipated rate of development.
 - d. The approximate dates when each stage in the development will be completed.
 - e. The area, location and degree of development of common open space that will be provided at each stage.
- 6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.
 - a. An off-street parking and loading plan.
 - b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.
 - c. A landscaping and tree plan.

After the public hearing, the Planning Commission shall determine whether the criteria and general intent of this section have been fulfilled. The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable. The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

10-23-11: APPROVAL OF THE FINAL DEVELOPMENT PLAN:

1. Within one year following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. The Planning Commission may grant a one-time extension of one (1) year maximum duration based on compliance with the following criteria:
 - a. The request for an extension is made in writing prior to the expiration of the original approval.
 - b. There are special or unusual circumstances that exist which warrant an extension.
 - c. No material changes of surrounding land uses or zoning has occurred.

The planning Commission may deny the request for an extension if new land use regulations have been adopted that affect the applicant's proposal.
2. Final development plans shall include plans for proposed:
 - a. Storm drainage.
 - b. Sewer and water utilities.
 - c. Streets, pedestrian ways, trails and paths.
 - d. Preliminary subdivision plan, if property is proposed to be divided.
 - e. Open Space and Parklands to be dedicated to the public or held in Homeowner Association ownership. (Ord. No. 2, Series 2011)
3. Plans for public improvements shall be prepared by a Registered Engineer and shall be approved by City staff before final approval by the Planning Commission.
4. If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the Planning Commission shall advise the applicant to submit an application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application.

10-23-12: ADHERENCE TO APPROVED PLAN: The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

1. The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.
2. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.
3. No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.

10-23-13: GUARANTEE OF PERFORMANCE: For public improvements, the City may require that a cash deposit, surety bond or other similar guarantee be posted to insure the full and faithful performance by the parties involved, not to exceed a period of two years after required improvements are completed.

10-23-14: EXPIRATION OF APPROVAL FOR A PUD:

- A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.
- B. If substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall lapse at two (2) years from the date of approval and shall no longer be in effect. The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed two (2) years.

10-23-15: PHASED PLANNED UNIT DEVELOPMENT: A Planned Unit Development may be phased. No building permit shall be issued without receiving preliminary development plan approval as set forth in this section. When a PUD is phased, one preliminary development plan is approved by Planning Commission for the entire development, and final development plan for each individual phase is reviewed separately. Planning Commission shall approve a phased preliminary development plan, provided affirmative findings can be made that:

- A. The proposed PUD meets the preliminary development plan requirements outlined in 10-23-1 through 10-23-10.
- B. The proposed PUD includes the following elements:
 1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.
 2. Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.
 3. Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.
 4. Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased development as a whole.

- C. If the approval of a final development plan for a phase of a phased PUD requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the phasing plan for the preliminary development plan shall be modified prior to approval of the final development plan.
- D. If a phased PUD includes creation of a subdivision, the application may be processed concurrently.
- E. PUDs approved for multi-phased development may apply for final development plan approval by phase, in the following manner:
 - 1. The first phase of development shall apply for final development plan approval within two (2) years from the date of the preliminary development plan approval;
 - 2. The second phase of development shall apply for final development plan approval within two (2) years after the final development plan approval of the first phase;
 - 3. Subsequent phases shall file for final development plan approval within two (2) years after the final development plan approval for the preceding phase, with all phases filed within eight (8) years of the preliminary development plan approval.

Amended by Ord. No. 21, Series 1988, effective 12-16-88

Amended by Ord. No. 12, Series 1998, effective 1-21-99

Amended by Ord. No. 2, Series 2011, effective 3-11-11

Section 10-23-11 amended by Ord. No. 3, Series 2013, See Exhibit B (effective 7-31-13)

Section 10-23-5(A) amended by Ord. No. 8, Series 2017, effective 7-12-17

Sections 10-23-1-D, 10-23-3, 10-23-5, 10-23-14-B amended by, and Section 10-23-15 added by Ord. No. 7, Series 2019 (effective 12-18-19)