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## **Chapter 16.40 – PLANNED UNIT DEVELOPMENT (PUD)\***

### **16.40.010 - Purpose**

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.
- B. The PUD district is intended to achieve the following objectives:
  - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
  - 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
  - 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
  - 4. Achieve maximum energy efficiency in land uses.
  - 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

*(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)*

### **16.40.020 - Preliminary Development Plan**

- A. Generally  
A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per [Section 16.72.020](#), including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of [Chapter 16.122](#). The preliminary subdivision shall be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in [Section 16.90.020\(G\)](#) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
  - a. Illustrative areas within the development application covered by the pattern book.
  - b. An explanation of how the pattern book is organized, and how it is to be used.

- c. Define specific standards for architecture, color, texture, materials, and other design elements.
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
  - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
  - (2) Architectural relevance or vernacular to the Pacific Northwest.
  - (3) Doors, windows, siding, and entrances, including sash and trim details.
  - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
  - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to [Section 16.58.020](#)

C. Commission Review

The Commission shall review the application pursuant to [Chapter 16.72](#) and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

- 1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.
- 2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.
- 3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
- 4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
- 5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in [Section 16.40.050\(C\)\(3\)](#).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to [Chapter 16.72](#). The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per [Section 16.40.030](#).

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

*(Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)*

### **16.40.030 - Final Development Plan**

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per [Section 16.40.020](#). In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under [Section 16.40.020\(B\)\(6\)](#), for review and approval, pursuant to the provisions of [Chapter 16.90](#). The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to [Chapter 16.124](#).

*(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 86-851, § 3)*

**16.40.040 - General Provisions**

A. 1. Phasing

a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.

b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.

## 16.40.050 - Residential PUD

### A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located. (Ord. 86-851, § 3)

### B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851, § 3)

### C. Development Standards

#### 1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

#### 2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

#### 3. Minimum Lot Size

~~The minimum lot size required for single family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; Ord. 86-851)~~

Lots created through a PUD shall not be subject to minimum lot sizes and shall supercede the standards within the base zone provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan.

## 16.40.060 - Non-Residential (Commercial or Industrial) PUD

### A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII.

*(Ord. 91-922, § 3; Ord. 86-851)*

### B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

*(Ord. 86-851, § 3)*

### C. Development Standards

#### 1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

#### 2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

#### 3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

#### 4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

#### 5. Community Design Standards

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and

egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with [Section 16.142.040](#).

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres.

Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

*(Ord. 91-922, § 3; Ord. 86-851)*