

City of Tillamook Code (CTC) - Section 153.072

6. Planned Unit Development (PUD)

A. Purpose. To encourage development of large land areas as planned building groups by making possible greater variety, functionality, and diversification in the location and orientation of buildings and open spaces. It is further the purpose of Planned Unit Developments to:

A. PUD proposal must serve at least three of the above purposes.

1. Promote creative and imaginative design for urban development in a way that is more compatible with the natural topography.
2. Promote the preservation of important natural features, view sheds, and scenic qualities of the land.
3. Promote a mixture of housing types.
4. Promote a more economic and efficient use of urbanizable land while integrating with the surrounding neighborhood and not compromising the public health, safety or general welfare.
5. Promote clustering of housing to preserve open space, historic & heritage resources and limit the amount of key facilities or infrastructure to service the development.
6. Promote a mixture of land use types that are thoughtfully planned and integrated.
7. Promote the development, public utilization, and appropriate maintenance of open spaces and other elements intended for common use and ownership.
8. Provide opportunities to further the objectives and policies of the Tillamook City Comprehensive Plan.
9. Promote the use of energy-efficient, sustainable, development.
10. Promote construction of pedestrian ways including internal pedestrian circulation.

B. Application Requirements. The owner or his agent may make application for planned unit development approval by filing an application with the city. When an application is submitted for a planned development, the following items will be submitted:

1. A filing fee in an amount established by general resolution of the City Council. No part of the fee shall be refundable;
2. A current assessor's map with the boundaries of the proposed PUD identified;
3. Preliminary Plan. All applications shall be accompanied by a general development plan (12 copies). Additionally, such plans shall include preliminary plans for the provision of public access, water and sanitary sewer service and a proposal for the PUD's operative Covenants, Codes, and Restrictions (CCRs). The applicant shall also submit one copy of the Preliminary PUD Plan, which has been reduced to a size suitable for photocopy reproduction.
4. If a tentative plan for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plan shall be on separate sheets, with the tentative plan submitted in accordance with the application requirements of subsection 9.
5. The following Quantitative data is required:

- a. Total number and type of dwelling units;
 - b. Parcel sizes;
 - c. Proposed lot coverage of buildings and structures;
 - d. Approximate residential densities; total amount of open space (including separate figures for common open space and usable open space);
 - e. The total amount of non-residential acreage (including a separate figure for commercial and industrial acreage).
6. A Development Schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan. The schedule shall indicate the approximate date when construction of a Planned Unit Development is expected to begin and end, or if developed in phases, the development schedule for each phase shall be keyed to a plan that indicates phasing boundaries. The schedule coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of the primary structures in the Planned Unit Development.
7. Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed planned development must contain the following minimum information:
- a. The existing site conditions, including contours at two-foot intervals, shorelines, flood plains, unique natural features, and forest cover;
 - b. A grading plan for the site showing future contours if the existing grade is to be changed by more than two feet;
 - c. Proposed lot lines and other divisions of land for management, use, or allocation purposes;
 - d. The approximate location of present and proposed buildings and structures;
 - e. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, playgrounds, public and semi-public buildings, and similar uses;
 - f. The existing and proposed vehicular circulation system including off-street parking and loading areas;
 - g. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict;
 - h. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
 - i. Enough information on land areas adjacent to the proposed development to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;
 - j. The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls;
 - k. Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed development. When the approval of architectural plans for buildings has been proposed, the Preliminary PUD Plan shall show the footprint of planned buildings in conceptual form and indicate their approximate height(s). Such building envelopes shall

reasonably anticipate and separately define the maximum extent of the footprint for each building in the PUD.

8. A narrative description of the PUD shall cover the following:
 - a. The nature, planned use, future ownership and method of perpetual maintenance of access ways and land to be left in natural or developed open space or which is otherwise to be held in common ownership.
 - b. A listing of all deviations from the strict provisions of this Code by citing each provision of the Code to be deviated from, followed by a brief explanation which covers the nature and extent of the deviation.
 - c. A proposed development schedule which indicates the approximate date when construction of the PUD is expected to begin and end. If the PUD will be developed in phases, the development schedule for each phase shall be keyed to a plan that indicates PUD phasing boundaries.
 - d. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to adopt regulations and requirements differing from those ordinarily applicable under this chapter.
9. Written findings of fact and conclusions of law which address the approval criteria.
10. The names and mailing addresses of the owners of property which are located within 200 feet of the exterior boundary of the whole PUD. The names and mailing addresses shall be typed on mailing labels.

C. Limitation on application. No application shall be accepted for a use which will require a change of zoning district, unless said application is accompanied by an application for a zoning amendment as set forth in §153.004 of this Ordinance.

1. Applicability of Planned Unit Development Regulations. The requirements for a Planned Unit Development set forth in this Section are in addition to the conditional use procedures and standards of §153.070.
2. PUD approval process. Approval of a PUD shall be a two-step process involving approval of a Preliminary PUD Plan as the first step and approval of a Final PUD Plan as the second step. Where use is made of the planned unit development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.
3. Findings for Project Approval. The Planning Commission shall approve a Planned Unit Development only if it finds that the Planned Unit Development will satisfy the criteria of this section including the following:
 - a. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal, the fact that it will result in a safe, functional, and attractive development, and the ability to carry out the project as proposed.
 - b. The proposal conforms with all requirements found in §153.073 and §153.051 that are relevant to the property or properties upon which that development proposal is located or to the off-site facilities and services which are affected by the proposal, and any other implementing ordinances of the City in terms of location and general development standards, except those for which a specific deviation has been approved under this section.
 - c. The project shall accrue benefits to the city and the general public in accordance with this section sufficient to offset any requested deviations to the zoning district.

d. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points, and additional street rights-of-way improvements.

e. The project will be compatible with the adjacent natural environment and resource areas, and shall complement the character of the area.

f. The property is or can be supplied, at the time of development, with the following types of public facilities that are determined to be sufficient in their condition and capacity to support development of the property as anticipated by the PUD:

1. Public sanitary sewerage collection facilities;
2. Public domestic water distribution facilities;
3. Storm drainage facilities;
4. Public Streets;
5. Parks and Recreational facilities. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a whole PUD project, nothing in this criterion shall prevent the approval of early phase of a PUD, which can be supplied with adequate public facilities.

g. In the case of proposed commercial developments, that such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed center, or will be obviated by presently proposed improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking; that such development will be an attractive and efficient center which will fit harmoniously into and will have minimal adverse effects upon the adjacent or surrounding development.

h. The proposal has met three of the above criteria objectives in this subsection.

i. Developments shall be designed to provide pedestrian and bicycle access and link with existing and planned pathways.

j. Designs such as detached garages to the rear of the residence shall be encouraged to reduce the conflict between automobiles and pedestrians. If an alley is available, it shall service the detached garage, if traffic impacts on other properties adjacent to the alley can be mitigated. If lot size, shape, topography, or traffic circumstances prohibit such relationships or render them impractical, attached garages may be permitted provided that the garage is located at least ten (10') feet behind the front wall of the house.

4. Potential Uses in a residential zone. The following uses are allowed in a residential planned development if the Planning Commission considers them appropriate for the particular development being proposed and if other applicable standards are satisfied:

- a. Single-family dwellings, detached or attached, row houses, on individual lots or in cooperative or condominium ownership;
- b. Duplexes and triplexes;
- c. Multi-family housing developments;
- d. Manufactured home, mobile house, or modular home;
- e. Commercial uses supported mainly by residents of the planned development when such commercial uses require an area no larger than five percent of the area devoted to residential uses;
- f. Non-residential uses permitted in the underlying zone as either an outright use or a conditional use.

5. Size of the Planned Unit Development Site. A tract of land to be developed as a Planned Unit Development shall contain not less than four (4) contiguous acres and be of a configuration that is conducive to a Planned Unit Development.

6. Density. The density of a planned development shall not exceed the density of the underlying zone, if any, with uses permitted singly or in combination. When calculating density, the gross area of the PUD shall be used (total area including street dedications). Areas of common use may be included in calculating allowable density.
7. Deviations to be authorized. The Planning Commission may authorize the design and approval of PUD's which deviate from the strict standards of this Code. It is further provided that the nature and extent of potential Code deviations shall be limited to the limitations, restrictions and design standards which are listed below and pertain to:
 - a. The size, dimension, location, position, and coverage of lots;
 - b. The location, size, height, yards, and setbacks for buildings and other structures;
 - c. Off-street vehicle parking and loading;
 - d. Lot frontage, access, buffer yards, and agricultural buffering;
 - e. Streets with respect to length, width, intersection standards, grades, curve radii, turnarounds, easements, street lighting, sidewalks, curbs and driveway approaches for streets within the PUD, provided they allow for adequate fire access.
 - f. It is further provided that any deviations from the standards adopted in this Code shall be of an equivalent or better structural quality with respect to the amount, quality and installation of construction materials. It is also provided that, when deviations are proposed for the design of streets, the City Engineer shall have sole discretion whether said streets will be accepted as dedicated city streets or shall be held in private ownership and such determination shall be made at the time the Preliminary PUD Plan is approved. In no instance, shall this section be used to deviate from the standards of this Code, which apply to collector or arterial streets whether such streets occur adjacent to or within the PUD. The overall residential housing density for the entire portion of the PUD, which is devoted to residential uses, may be increased by not more than thirty-five percent over the maximum density allowed in the underlying zone. Density bonuses shall be applied in seven (7%) percent increments by the Planning Commission; satisfied by the applicant's design.
 - g. One or more additional uses may be approved without the need to comply with the conditional use permit process or other criteria as part of the PUD provided that the amount of land devoted to uses other than those permitted outright in the underlying zone shall not exceed twenty percent of the gross acreage of the entire PUD is satisfied.
 - h. The percentage of land within the PUD allowed for other uses shall be computed by multiplying the gross area of the PUD by a factor of 0.2 and rounding the result down to the nearest whole number.
8. Dimensional and Bulk Standards.
 - a. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a Planned Unit Development is proposed do not apply within a Planned Unit Development. Such standards may be less than the minimums set forth in this ordinance, provided that the residential density, open space, and other requirements of this section are satisfied.
 - b. Other setbacks may be established by the Planning Commission to provide adequate light, ventilation, privacy, and other characteristics.
 - c. If the spacing between main buildings is not equivalent to the spacing, which would be required between buildings similarly developed under this Ordinance on separate parcels, other design

features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.

d. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.

e. The maximum building height shall, in no event, exceed those building heights prescribed in the applicable zoning district in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks, and other design features are used to avoid any adverse impact due to a greater height.

9. Common Areas.

a. In all planned developments, forty percent (40%) of the total land area shall be devoted to open space. This open space may be in the form of yards, buffers, setbacks, common open areas, or recreational facilities. Of this 40%, seventy-five percent (75%) of this area shall be common or shared open space, and the remaining twenty-five percent (25%) of said open space may be utilized privately by individual owners or users of the planned development. Notwithstanding the previous standards, the Planning Commission may increase or decrease the open space requirements depending on the particular site and the needs of the development.

b. No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:

1. The location, shape, size, and character of the common open space is suitable for the planned development.

2. The common open space is for amenity, recreational, or other common functionality purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of dwellings provided.

3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

~~4. The development schedule which is part of the development plan coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of the primary structures in the Planned Unit Development.~~ *This is a duplicate statement of d. on page 7*

5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

c. Land shown on the final development plan as common open space shall be conveyed under one of the following options:

1. To a public agency, which agrees to maintain the common open space and any buildings, structures, or other improvements, which have been placed on it.

2. To an association of owners or tenants, created in accordance with 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 and other common elements.

3. No common open space may be put to a use not specified in the final development plan unless the final development plan is amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

4. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the City to enforce their provisions at the City's discretion, and shall require City Council ratification of any amendments after initial approval.

d. The development schedule, which is part of the development plan, coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of primary structures in the planned development.

e. Where a PUD has open spaces, parking areas or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and in no event shall any lot or unit be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

1. If the PUD is a planned community under ORS Chapter 94, the declaration and plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Commission before being recorded in the official records of Tillamook County.

2. If the PUD is a condominium under ORS Chapter 100, the declaration and plat for the condominium shall have been recorded in the official records of Tillamook County and a copy of the recorded declaration and plat shall be submitted with the Final PUD Plan. A condominium declaration and plat that has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Tillamook County is not required to be reviewed and approved by the Planning Commission and the Planning Commission shall have no authority under this Subsection to require changes thereto.

3. If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents, in such instance, shall be submitted to the Planning Commission for approval as part of the Final PUD Plan before being recorded in the official records of Tillamook County.

4. When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be proportional with the development of housing and other elements intended for private ownership. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development of housing and other elements intended for private ownership.

5. Land shown on the Final Development Plan as a common element shall be conveyed under one of the following options:

a. To a public entity, which shall agree in writing to perpetually maintain the common element(s) being conveyed.

b. To an association of owners created pursuant to ORS Chapters 94 and 100 or as otherwise created under Subsection 17.64.090(3), in which instance the City shall be made a party to

the legal document which establishes the association and such document shall provide that the association cannot be terminated or discontinued without the City's prior consent, and that the City may enforce any and all of its provisions.

10. Transportation.

a. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within planned developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

b. Streets in a planned development may be dedicated to public use. All streets will be constructed in accordance with City Public Works design standards unless an alternative is accepted by the Planning Commission based upon the applicant's engineer attestation as to its equal functionality, safety, and durability.

c. All uses shall comply with access, parking, and loading standards as shown in Section 25 of this ordinance. The Planning Commission may authorize exceptions where warranted, or may specify additional requirements when appropriate.

11. Signs. All signs larger than eight (8) square feet within a planned development are subject to approval of the Planning Commission. The Planning Commission shall consider each such sign on its merits based on the aesthetic impact on the area, potential traffic hazards, and the need for the sign.

12. Compatibility with Adjacent Development. If topographical or other barriers near the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Commission shall require buildings in the planned development to be setback an adequate distance, as determined by the Planning Commission, from the perimeter and/or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls, and/or berms.

13. Utility Easements. Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

14. Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a Planned Unit Development may include the following uses:

- a. Golf courses;
- b. Private park, lake or waterway;
- c. Recreation area;
- d. Recreation building, club house or social hall;
- e. Other accessory structures which the Planning Commission finds are designed to serve primarily the tenants of the Planned Unit Development, and are compatible to the design of the Planned Unit Development.

15. Review Procedures.

a. Planned developments will be reviewed in two phases; a preliminary development plan phase and a final development plan phase. However, pre-application review of the project before these phases is required.

b. The preliminary development plan will include the information and procedures specified in subsection 6, of this Section. If the proposed planned development involves subdividing land, the preliminary plat shall be reviewed concurrently with the preliminary development plan.

1. Planning Commission Action.

The Planning Commission shall act upon the application for a Planned Unit Development within 120 days of a determination of complete application by the City Planner, excluding such time as may be required to complete any necessary zoning amendment. A Public hearing shall be held in accordance with provisions in § 153.070 as modified by this section.

2. Planned Unit Development is a limited land use decision and shall be conducted in accordance with ORS 197.195, excepting that the Planning Commission may take verbal testimony. Pursuant to ORS 197.195, only those submitting written testimony during the 14-day comment period shall have the right to appeal said decision.

3. In taking action, the Planning Commission may approve, approve with conditions, or deny the Planned Unit Development based on the Preliminary Development Plan. Any Planned Unit Development authorized shall be subject to all conditions imposed. Any approval of a Planned Unit Development granted hereunder shall be exempted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a preliminary Planned Unit Development granted hereunder, shall lapse and become void unless, within 18 months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has begun and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed.

4. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in §153.076.

c. Within three (3) months to a year following the approval of the preliminary development plan, or approval of the plan with conditions, the applicant shall file with the City a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development.

d. If the City Planner finds evidence of a material deviation from the preliminary development plan, the City Planner shall advise the applicant to submit an application for amendment of the Planned Unit Development to the Planning Commission. An amendment shall be considered in the same manner as an original application. If no significant deviation from the preliminary development plan is found the City Planner will approve the final planned development.

e. Approval of final PUD plan; Approval criteria. The following provisions shall govern the submittal and approval of a Final PUD Plan:

1. Filing Requirements; Time Extensions: Within twelve months following final approval by the Planning Commission of the Preliminary PUD Plan, the applicant shall file a Final PUD Plan on forms supplied by the City. The Final PUD Plan shall contain in final form all information and materials required by the Preliminary PUD Plan approval. However, there shall be no burden to demonstrate compliance with the above approval criteria and no findings of fact and conclusions of law for these criteria are required in order for the Planner to approve a Final PUD Plan. The Final PUD Plan shall incorporate all conditions imposed by the Planning Commission at the time the Preliminary PUD Plan was approved. In its sole discretion and upon the written request by an applicant, the Planning Commission may extend the time for filing a Final PUD Plan for one additional twelve-month period or such lesser period as may be established by the Planning Commission.

2. Phased PUD: Time Limit Between Phases: The Final PUD Plan may be submitted for the entire project or on a phase-by-phase basis consistent with the approved Preliminary PUD Plan. If a Preliminary PUD Plan was not approved as a phased project, nothing in this Subsection shall prevent the Planner from approving a Final PUD Plan in phases provided that the Final PUD Plan complies with all other requirements of this Chapter. If the Planner approves a Final PUD Plan for the first phase of a PUD having approved multiple phases, such approval shall perfect the applicant's rights under this Section to complete subsequent future phases. However, it is further provided that after Final PUD Plan approval for the first phase and for each successive phase thereafter, no more than five years shall elapse between the approval of phases. If more than five years pass between the Final PUD Plan approval of any two PUD phases, the Planning Commission may, without consent of the owners of the PUD, initiate action to terminate undeveloped portions of the PUD under the

public hearing provisions of §153.070. Nothing in this Subsection shall prohibit or limit the ability of the Planning Commission to establish time periods within which substantial construction of a PUD or any phase thereof is required to occur after a Final PUD Plan has been approved.

3. Final Plat for Land Division: Application for the approval of a Final PUD Plan may occur before, after or concurrent with the approval of a final plat for a land division by the City Planner. However, it is further provided that no building permits shall be issued by the City and no buildings intended for human occupancy shall be constructed and no lot shall be sold until the Final PUD Plan has been approved.

4. Final PUD Plan Approval Criteria: A Final PUD Plan shall be approved by the Planner or Planning Commission if they conclude that compliance exists with each of the following criteria:

a. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in subsection b. The Final PUD Plan is substantially consistent with Preliminary PUD Plan and the conditions, if any, which were attached by the Planning Commission to the approval of the Preliminary PUD Plan. An applicant may seek written clarification from the Planner or Planning Commission regarding whether any anticipated differences between the Preliminary and Final PUD Plans meet the test of being substantially consistent. In no instance shall a Final PUD Plan be approved if inconsistencies with the approved Preliminary PUD Plan exist in any of the ways listed below, and when such inconsistencies are found to occur, these shall result in the need to approve a revision to the approved Preliminary PUD Plan.

1. The exterior boundaries of the PUD shall not change except for slight deviations which are the result of correcting boundary errors or inconsistencies that are found to exist at the time the PUD property is surveyed.

2. The number of housing units shall not be increased and in no instance shall the number of housing units be decreased by more than two percent.

3. There are new deviations to provisions of this Code, which were not approved by the Planning Commission as part of the Preliminary PUD Plan.

5. Engineering construction plans.

a. Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by a qualified engineer registered in Oregon. The required engineering plans shall be submitted to and approved by the City before the start of construction.

b. Unless specifically authorized by the Planning Commission at the time of Preliminary PUD Plan approval, all public facilities and utilities shall be designed and constructed in accordance with the standards and procedures of the City or other public entity to which ownership of said facilities or utilities will be conveyed. The procedures for engineering design, plan approval, and inspection shall in all respects be the same as for land divisions under this Code.

6. Zoning Clearance and Building permits: Development and operation of a PUD.

a. All site, building, and construction plans submitted for the purpose of obtaining building and other site improvement permits shall be consistent with the approved Final PUD Plan. In addition to other provisions of the Tillamook Municipal Code and law, the City shall have authority under this Section to ensure the successful completion of all public improvements. The development and operation of the PUD shall conform in all respects with the approved Final PUD Plan.

16. Control of the Development After Completion.

The final development plan shall continue to control the Planned Unit Development after it is finished, and the following shall apply:

a. The building official in issuing a Certificate of Completion of the Planned Unit Development shall note the issuance to the City on the recorded final development plan.

b. After the Certificate of Completion has been issued 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.

c. After the Certificate of Completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan, except as follows:

1. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.

d. An amendment to a completed Planned Unit Development may be approved by the Planning Commission if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions 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.

e. Revision of a preliminary or final PUD plan. The revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval, provided that:

1. For changes deemed by the Planner to be minor, the Planner shall exercise appropriate discretion to limit and waive the submittal of any of the required filing materials that are deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions; and

2. At the sole discretion of the Planner, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan; and

3. The burden of proof and supporting findings of fact and conclusions of law for the criteria shall be strictly limited to the specific nature and magnitude of the change.

4. 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; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

17. Commercial/Industrial P.U.D.

In addition to the criteria contained in subsection 6 of this section, a P.U.D. within a Commercial or industrial zone shall be subject to the following standards:

a. The principal uses conducted on the site are either outright or conditional uses for the respective zone. Conditional uses shall meet the review criteria of §153.070.

b. Secondary uses shall be directly related to the principal use, or provide support services including, but not limited to, transportation, housing, commercial service and commercial retail.

c. Secondary uses should be limited to 30% of the buildable area within the P.U.D.

18. Cluster Developments (CLD).

a. The purpose of a Cluster Development (CLD) is as follows:

1. To provide a greater flexibility in development of land on sites that may be too small (infill sites) or not desirable for a Planned Unit Development;
2. To provide housing types that respond to changing household sizes and ages (e.g., retirees, single person households, small families);
3. To promote opportunities for ownership of dwelling units;
4. To encourage a creative approach in land development and for a consistent and interesting
5. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards; and,
6. To provide guidelines to ensure compatibility with surrounding land uses.

b. Throughout 153.072 Section 18 the term “Development” shall mean a Cluster Development (CLD).

c. The uses shown in Table A below are permitted in a residential Cluster Development.

d. Every CLD is subject to land use review and approval as a Conditional Use (153.070).

Table A . Uses Permitted. The following uses are permitted in Cluster Developments:

LAND USE	COMMENTS & REFERENCE
Accessory Dwelling	
Accessory Structure	Includes sheds, storage bldgs., res. garages
Apartments	Called Multi-family dwellings/complexes
Child Care, Day Nursery	
Church, Religious Institution	
Complex, Multi-family (over 4 dwellings)	30% parking reduction for senior facility
Condominium	State regulated
Dwelling, Duplex	
Dwelling Multi-family (incl. 3 % 4 plex)	
Dwelling, Single family	
Park (public or private)	Playground, rec. centers, pools, etc.
Parking garage (public or private)	Private only: common area maintained by HOA
Public Transportation Station	
Residential Use other than ground floor	
Residential Care Facility	Only permitted where MFR's are allowed
Residential Care Home	Only permitted where SFR's are allowed
RV Storage	Residential use only: HOA maintenance required
Schools (public or private)	
Single family Manufactured Home	
Townhouse	
Utility Facility	

e. The following exceptions to City standards may be allowed through the CLD approval process without a variance:

1. Minimum lot sizes.
2. Yard setbacks, except perimeter yard requirements.
3. Permitted land uses.
4. Grid street spacing standards.
5. Street frontage requirements on public roads.
6. Connection to public utilities, subject to review and acceptance by City Engineering.
7. Landscaping requirements, as stated herein.
8. Solar setback standards (only on lots that are not along the northern border of the development).

9. Street and right of way widths on non-grid streets.
10. Sidewalk placement and size standards.
11. Changes to an approved Plan, when the requested change is so minor that the City Planner or designate determines that it would be appropriate for an administrative decision. Examples of minor changes include, but are not limited to: (1) a reduction in the overall number of lots, (2) minor architectural changes to approved buildings, (3) changes to phases that do not impact public facilities or change the number of approved phases, (4) changes that result in a reduction of impacts (i.e. reduced traffic flows), or (5) changes that are required to protect or increase public safety.

f. **Development Standards.** CLDs shall meet the following Standards unless otherwise specified. In the case that these standards conflict with other standards within the CCT Zoning Code, these standards shall take precedence:

1. Cluster Developments may only take place on sites of 1 acre minimum to 7 acres maximum.

2. Densities. TABLE B

ZONE	DENSITIES (per net acre)
R-1	Not applicable (CLD's not allowed)
R-2	Not applicable (CLD's not allowed)
R-3	Not applicable (CLD's not allowed)
R-4	5 to 12 units/acre
R-5	8 or more units/acres
Higher Density Overlay Zone	Up to 30 units/net acre

3. Design Requirements: TABLE C

FEATURE	STANDARD
Building Height	Underlying zone
Lot Area	No minimum
Lot Width	No minimum
Lot Depth	No minimum
Floor Area	No maximum
Open Space	Based on size of parent unit
Setbacks	
Perimeter	20' when abutting an arterial or collector street (along perimeter), underlying zone in all other cases. Setbacks to common areas determined at the discretion of the Planning Commission.
Front	10' to house, 5' when house fronts common open space, 5' to townhouse, 20' to garage.
Side (corner lot)	No minimum; clearance vision applies
Side (non-corner lot)	No minimum
Rear	No minimum; garage setback for alleys, if needed for parking or maneuvering, to be determined by Planning Commission.
Solar	Northern perimeter only
Non-permeable surface area	Varies according to open space requirements.
Building coverage	No maximum
Parking – Residential	2 spaces/dwelling unit
Other	

4. Open Space, Park, and Common Area.

a. "Open space" means land area, which can be physically accessed and used by occupants and users of the CLD for scenic, landscaping, or open recreational purposes within the development.

b. **Open Space Land Area Requirements:** For all CLDs, the required land area used as open space, park or common areas shall be 15% of the net land area (minus roads). Providing a recreation center, developed park, pool, tennis courts, recreation rooms, clubhouse, or other similar facilities (as determined by the Planning Commission) will reduce the required land area by up to 5% at the discretion of the Planning Commission.

c. Open Space – General Requirements.

1. Public and private roads and the landscaped portions of such roads and rights-of-ways shall not be considered as open space.
2. Development plans shall assure that natural features of the land are preserved and landscaping is provided, or a finding shall be made by the Planning Commission that preservation of significant natural feature(s) is not feasible. Waterways located on the property may be considered as open space for the development.
3. The Planning Commission may require at its discretion the dedication of park land or open space to the City.
4. All common areas, open space areas, and landscaped rights of way shall undergo Site Design Review concurrently with the development review, and are subject to Site Design Review standards for landscaping, with the exceptions noted herein.
5. Non-accessible open space may be considered as "open space." However, if these areas are not physically accessible by the users of the Development for recreational purposes, up to half of such non-accessible land area, measured on the horizontal, may be counted towards the required area for open space. Full area credit may only be allowed wherever such features are completely accessible to occupants of the development.
6. Up to 10% of the required open space/common area/landscaped areas may be left in a natural and non-irrigated state at the discretion of the Planning Commission; however this shall not apply to any required landscaped screening or landscaped strips abutting public or private roads. If the development has a significant natural feature in excess of the 10% allowance, the Planning Commission may allow additional natural feature open space credit.
7. Open space, common areas, and common structures shall be financially assured of continued maintenance. A legal mechanism shall be provided which guarantees the continued maintenance of such areas and structures.
8. Parking areas and their required landscape screening shall not be considered as open space.

5. Construction Standards. In each Development, all provisions of the International and Uniform Building Code, and International Fire Code incorporating Oregon Fire Code amendments shall apply and control design and construction of improvements, except as specifically varied as provided within these standards. City Standards and Specifications shall apply unless a deviation is granted by the Planning Commission as part of the CLD approval process.

a. **Non Residential Off-Street Parking and Loading.** In residential CLDs, off-street parking and loading space for all non-residential uses shall be limited to 80% of the minimum standards of section 153.054 of the Tillamook Zoning Code. All non-residential parking and loading areas shall be screened from view from roads and residences, and shall be located behind structures where feasible. All parking lots shall be accessed from interior roads or alleys within the CLD unless the Planning Commission determines that this is not feasible.

b. Signage.

1. Monument or entrance signage shall be reviewed with initial Site Design Review and integrated into the overall building and site design or separately at the discretion of the developer. If other similar signage is proposed separately from the overall development, then it shall require sign permit review at the time of submittal.
2. All entrance or monument signage within or adjacent to a CLD related to the Development shall integrate the Development theme into the design of the signage.
3. All entrance or monument signage shall conform to the requirements within each respective zone, and with CCT 153.053, "Signs."
4. In a Residential CLD, other than the entrance signs, no signs shall be visible from adjacent residential properties.
5. Monument signs may be incorporated into the fence or wall design subject to Site Design Review approval.

c. Streets and Utilities.

1. All construction of streets and utilities within developments shall be required to comply with City Standards and Specifications at the discretion of the Planning Commission if recommended by the City Engineer, except that the Planning Commission can grant exceptions to specific Standards and Specifications as follows:
 - A. Street width
 - B. Right of way width
 - C. Sidewalk width / placement
2. The City may require those streets needed for traffic circulation to be public streets under the provisions of the Tillamook Transportation Plan and the City street standards of CTC Section 153.051.
3. The applicant shall provide to the City easements for all public utilities (sewer and water) on the subject property subject to acceptance by the Engineering Division. If required, all public easements may need to be dedicated without reservation, also at the discretion of the Tillamook Engineering Division.

d. Landscaping.

1. A portion of the required landscaping shall be provided on the property to visually screen any multifamily complex residential uses from adjoining single family and duplex property.
2. Street Trees. Street trees shall be placed adjacent to all public and private roads within all types of Developments, as specified in 153.055 of the CCT. However, street trees along alleys and private internal driveways are not required.

e. Fences and Walls. Perimeter walls or fencing, if required or proposed, shall integrate the architectural character plan and site plan elements into the design. Walls or fences may be required if the Planning Commission determines it is necessary to meet one or more approval criterion.

1. Approval of any perimeter fencing or wall is discretionary to the Planning Commission, and may be required to be modified based on approval criterion and the specific design submitted for review.
2. If a perimeter fence is required, the Planning Commission can consider a vegetative screen in lieu of a fence.
3. All such fencing, if approved, shall comply with CCT 153.055.

f. General Development Design Requirements.

1. The total minimum number of dwelling units of all combined zones within a Residential CLD may be located anywhere within the Development subject to Planning Commission approval, and subject to all applicable setbacks and regulations established herein.
2. All Development parking lots shall be screened from view from public or private streets (excluding driveways of 20' width or less), and from all residences by a screen of no less than 3' in height. Screening shall not exceed a height of 4'.

3. Parking lot screening shall be achieved by either landscaping or fencing, or a combination of each.

4. All parking spaces shall be paved, and shall meet the parking space standards within sections 153.054 of the CCTC and all applicable code standards.

5. If detached parking structures are proposed, they shall integrate the architectural character plan and site plan into the design. The Planning Commission may require a compatible design with adjacent development if necessary to meet one or more approval criterion.

6. Accessory dwelling units, when allowed in the underlying zone, are permitted.

7. Community or Recreation Buildings. A Development may contain community building(s) or recreation center(s) that are clearly incidental in use or size and related to the dwelling units. Such buildings shall be located on the same parent parcel of the development, and shall be commonly owned by the residents.

8. Existing Non-Conforming Structures. An existing attached or detached single family dwelling that is incorporated in to a Development may be permitted to remain, and at the discretion of the Planning Commission may be considered as an existing nonconforming residence subject to all non-conforming structure requirements within the CCT.

9. Architectural Theme. An architectural theme is required for all structures within any Development. The theme shall be continued on all elevations for each building, and onto the entire site (including but not limited to lighting, fencing, accessory structures and signage) as is applicable based on the specific theme chosen by the developer. For assurance of ongoing compliance, an Architectural Review Committee (ARC) shall be created for each Development through the CC&R's for each Development. The ARC shall be formed for the purpose of reviewing future changes and additions to structures including fencing and trim within the development, which shall be self-regulating following the City approval of each structure within the development, as stated within the CC&R's.

10. Usable Open Space. All required open space within any planned development shall be 'usable' as passive or active recreational land without sharing the space as a combined use with non-recreational uses, including (but not limited to) drainage retention areas that are fenced or otherwise not visual or usable open space amenities.

g. Trash Enclosures. All developments within CLD's that contain Multi-family dwellings or Multi-family complexes shall provide centrally located trash collection enclosures for the Multi-family dwellings or Multi-family complexes. Trash enclosures shall be architecturally compatible in terms of color and materials with adjacent residential units. Trash collection bins or carts within the enclosures shall be as approved by the collection company.

19. Cottage Developments.

1. The purpose of a Cottage Development (COD) is as follows:

- A. To provide a greater flexibility in development of land on sites that may be too small or not desirable for a Planned Unit Development;
- B. To provide housing types that respond to changing household sizes and ages (e.g., retirees, single person households, small families);
- C. To promote opportunities for ownership of dwelling units;

- D. To encourage a creative approach in land development and for a consistent and interesting architectural theme within each development;
- E. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards; and,
- F. To provide guidelines to ensure compatibility with surrounding land uses.

2. Throughout section 19, the term “Development” shall mean a Cottage Development (COD).

3. The uses shown in Table D below are permitted in a residential Cottage Development.

4. Every COD is subject to land use review and approval as a Conditional Use (153.070).

Table D. Uses Permitted. The following uses are permitted in Cottage Developments:

LAND USE	COMMENTS & REFERENCES
Accessory Structure	Includes shed, storage bldgs., residential garages
Dwelling, Single family	
Park (public or private)	Playgrounds, recreation centers, pools, etc.
Parking Garage (public or private)	Private only: common areas maintained by HOA

5. The following exceptions to City standards may be allowed through the COD approval process without a variance:

- A. Minimum lot sizes.
- B. Yard setbacks, except perimeter yard requirements.
- C. Permitted land uses.
- D. Grid street spacing standards.
- E. Street frontage requirements on public roads.
- F. Connection to public utilities, subject to review and acceptance by City Engineering.
- G. Landscaping requirements, as stated herein.
- H. Solar setback standards (only on lots that are not along the northern border of the development).
- I. Street and right of way widths on non-grid streets.
- J. Sidewalk placement and size standards.
- K. Changes to an approved Plan, when the requested change is so minor that the City Planner or designate determines that it would be appropriate for an administrative decision. Examples of minor changes include, but are not limited to: (1) a reduction in the overall number of lots, (2) minor architectural changes to approved buildings, (3) changes to phases that do not impact public facilities or change the number of approved phases, (4) changes that result in a reduction of impacts (i.e. reduced traffic flows), or (5) changes that are required to protect or increase public safety.

6. Development Standards. CODs shall meet the following Standards unless otherwise specified. In the case that these standards conflict with other standards of the Tillamook Zoning Code, these standards shall take precedence:

- A. Cottage Developments (CODs) have no minimum site size but must include a minimum of 4 cottage units per development.

B. Densities: TABLE E:

ZONE	DENSITIES (per net acre)
R-1	Not applicable (COD's not allowed)
R-2	4 to 9 units/acre
R-3	4 to 10 units/acre
R-4	5 to 12 unites/acre
R-5	8 or more unites/acres

C. Design Requirements: TABLE F:

FEATURE	STANDARD
Building Height	25 feet
Lot Area	No minimum
Lot Width	No minimum
Lot Depth	No minimum
Floor Area	1000 s.f. or less (300 s.f. exempt for garage)
Open Space	500 s.f. per each dwelling unit
Setbacks	
Perimeter	20' when abutting an arterial or collector street (along perimeter), underlying zone in all other cases. Setbacks to common areas determined at the discretion of the Planning Commission.
Front	No minimum
Side (corner lot)	No minimum, but 10' required between buildings.
Side (non-corner lot)	No minimum, but 10' required between buildings.
Rear	No minimum, but 10' required between buildings.
Solar	Northern perimeter only
Non-permeable surface area	60% of parent property (maximum)
Building coverage	50% of parent property (maximum)
Parking – residential	1.75 spaces per cottage dwelling unit

D. Open Space, Park, and Common Area.

1. "Open space" means land area which can be physically accessed and used by occupants and users of the COD for scenic, landscaping, or open recreational purposes within the development.

2. Open Space Land Area Requirements:

For all CODs, the required land area used as open space or common area shall:

a. Be a minimum of 500 square feet per cottage.

b. About 100% of the cottages in the development.

c. Have cottages abutting on at least 2 sides.

d. Cottages shall:

1. Be oriented around and have the main entry taken from the common open space.

2. Be within 100 feet walking distance from the common open space.

3. Open Space – General Requirements.

a. Public and private roads shall not be considered as open space.

b. Development plans shall assure that natural features of the land are preserved and landscaping is provided, or a finding shall be made by the Planning Commission that preservation of significant natural feature(s) is not feasible.

c. The Planning Commission may require at its discretion the dedication of park land or open space to the City.

d. Up to 10% of the required open space / common area / landscaped areas may be left in a natural and non-irrigated state at the discretion of the Planning Commission; however this shall not apply to any required landscaped screening or landscaped strips abutting public or private roads. If the development has a significant natural feature in excess of the 10% allowance, the Planning Commission may allow additional natural feature open space credit.

e. Open space, common areas, and common structures shall be financially assured of continued maintenance. A legal mechanism shall be provided which guarantees the continued maintenance of such areas and structures.

4. Landscaping & Street Trees. Street trees shall be placed adjacent to all public and private roads within all types of Developments, as specified within Article IV of the Tillamook Zoning Code. However, street trees along alleys and private internal driveways are not required.

5. General Development Design Requirements.

a. All Development parking lots shall be screened from view from public or private streets (excluding driveways of 20' width or less), and from all residences by a screen of no less than 3' in height. Screening shall not exceed a height of 4'.

b. Parking lot screening shall be achieved by either landscaping or fencing, or a combination of each.

c. All parking spaces shall be paved, and shall meet the parking space standards within section 153/054 of the CCT, and all applicable code standards.

d. If detached parking structures are proposed, the following shall apply:

1. Pitched roofs are required on all parking structures, and shall be no less than a 4:12 pitch.
2. Paint color and building materials shall be consistent with the design of the dwelling closest to the structure.

e. Usable Open Space. All required open space within any planned development shall be 'usable' as passive or active recreational land without sharing the space as a combined use with non-recreational uses, including (but not limited to) drainage retention.

f. Yards. Private open space shall be a minimum of 300 s.f. of private, contiguous, usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident.

g. Porches. Cottages shall have a roofed porch at least 80 square feet in size with a minimum dimension of eight feet on any side. Porches are not included within floor area calculations.

h. Required Parking Distance from Cottages. All required parking for Cottage Developments shall be located within 100 feet of the cottage that it serves.

i. Accessory structures in cottage developments are limited to storage buildings that may be up to 80% of the smallest cottage, and to parking structures or garages that may contain up to 6 parking spaces on the interior. All accessory structures in cottage developments shall have an architectural theme that matches the theme of the cottages.

6. Trash Enclosures. Centralized Trash Enclosures may be required at the discretion of the Planning Commission. If required, Trash Enclosures shall be architecturally compatible in terms of color and materials with the cottage units. Trash collection bins or carts shall be as approved by the collection company.

20 . Termination of a PUD. A PUD may be terminated by action of the Planning Commission subject to the following procedures:

A. If substantial construction or development of the PUD has not occurred or if no lots or units therein have been sold, the PUD may be terminated by filing with the City a written petition signed by the owner or owners who control a majority interest in the land covered by the approved PUD. Upon receipt of a petition submitted by the PUD owners, the Planning Commission shall consider the matter in open meeting and may declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and, after the Final Order is signed, the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall in no way affect other land use actions taken by the City, which concern the PUD property.

B. If substantial construction or development of the PUD has occurred or if lots or units within the PUD have been sold, the PUD may be terminated by filing with the city a written petition signed by the owner or owners who control a majority interest in the land covered by the approved PUD. Upon receipt of the petition, the Planning Commission shall give public notice of the proposed PUD termination and conduct a public hearing on the matter. The Planning Commission may declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety, or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and, after the Final Order is signed, the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall in no way affect other land use actions taken by the City, which concern the PUD property.

21 . Monuments.

- A. In addition to requirements of state law and other provisions of this Ordinance, permanent monuments of a type approved by the city shall be set in the following locations:
 - 1. At each boundary corner of the subdivision, at the beginning and end of the property line curves and at any other points required by the city.
 - 2. At intersections of street center line tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the center line curve or offsets therefrom.
- B. Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant.
- C. Complete field notes, in a form satisfactory to the city, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of this ordinance shall be submitted to the city, to be retained by the city as a permanent record.