

**CITY OF YACHATS
ORDINANCE NO. 320**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 9.60 –
PLANNED UNIT DEVELOPMENT**

WHEREAS, the Planning Commission held a Public Hearing on April 16, 2013 and voted to recommend amending the Yachats Municipal Code Chapter ; and

WHEREAS, the City Council held a Public Hearing on July 11, 2013 and voted to adopt the recommended amendments to the Yachats Municipal Code, Chapter 9.60 – Planned Unit Development;

NOW THEREFORE, the City of Yachats ordains the Yachats Municipal Code, Chapter 9.60 shall be amended as follows:

Existing language to remain is shown in plain text.
Existing language to be deleted is shown in ~~strikethrough text~~.
New language is shown in ***bold italicized text***.

Section 9.60.010 Purpose.

The purpose of the P.U.D. is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

Section 9.60.020 General requirements.

A. In the case of a planned unit development the regulations contained in this chapter may, if necessary, be modified as they apply to streets, blocks and lots when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, open space and lot area per dwelling are provided.

B. A planned unit development may be established in any zone.

~~FC.~~ A planned unit development shall have a minimum of ~~three~~ ***two*** contiguous acres ~~for R-1 and R-2 residential with the exception of R-3, R-4 and C-1 which can have one acre for commercial.~~

~~ED.~~ A planned unit development may include any uses permitted outright or conditionally in the zone in which it occurs. ***Where the underlying zone is residential, any residential uses permitted in R-1 through R-4 zones may be permitted when compatible with each other and harmonious with adjacent uses.***

~~DE.~~ Requirements pertaining to area, density, yards or similar dimensional standards shall be guided by the standards of the zone in which the planned unit development is proposed. ***Overall residential density shall be as provided for in the applicable use zone or zones. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses allowed in the underlying zone, but including street and private common areas.***

F. Yards, setbacks, lot area, lot coverage and similar dimensional requirements may be modified upon application to and approval by the Planning Commission, consistent with the design objectives of the proposed development.

~~EG.~~ No building shall exceed a height of thirty (30) feet except:

1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; and/or

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2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.
- G. ~~The average residential lot size in the subdivision (building site areas plus common areas divided by the number of dwelling units) must be equal to or greater than the minimum lot area of the zone in which it is located.~~
 - H. At least forty (40) percent of the land area will be dedicated or reserved as usable common outdoor living and open space land in residential, recreational or combination residential-commercial development, exclusive of required streets.
 - I. ~~In any development which is primarily designed for or occupied by dwellings, a~~All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.
 - J. The Planning Commission ~~or city council~~ may require easements necessary for orderly extension of public utilities to future adjacent developments.
 - K. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the state of Oregon. The association shall be formed and continued for the purpose of maintaining such common areas and structures.
 - L. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic.

Section 9.60.030 Procedure for proposing P.U.D.

- A. Preliminary Plan Application. An applicant shall submit ~~at least five copies of~~ a preliminary plan of a planned unit development to the ~~Planning Commission~~ City ~~for study at least fifteen (15) days prior to the Planning Commission meeting at which it will be discussed.~~ The preliminary plan shall include the following data:
 1. The name, address and phone number of the land owner and developer, ~~partitioner and engineer or surveyor~~;
 2. The tax lot number and the section, township and range in which the property is located;
 3. The date, north point and scale of the drawing;
 4. A vicinity sketch showing the location of the P.U.D. in relation to known landmarks in the city;
 5. The approximate location and dimensions of all proposed boundary lines;
 6. Approximate area of the property being subdivided and each parcel;
 7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
 8. Existing zoning of the property;
 9. Existing and proposed uses of the property;
 10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;
 11. Any limitations to development; i.e., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of twelve (12) percent or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
 12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
 13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
 14. Proposed use of all open spaces including a plan for landscaping;
 15. Proposed grading and drainage pattern;
 16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities;
 17. Relationship of the proposed development to the surrounding area and to the comprehensive plan.

B. Review of Preliminary Plan by Other Departments. ~~Within five days after the P.U.D. application is submitted and prior to consideration of the preliminary plan by the Planning Commission, the City recorder~~ Planner shall distribute copies of the preliminary plan for review and comment to the Yachats ~~d~~Department of ~~p~~Public ~~w~~Works; Yachats ~~r~~Rural ~~f~~Fire ~~p~~Protection ~~d~~District; Oregon State Highway Department of Transportation, if the proposed development is within one thousand (1,000) feet of a state highway; and to any other appropriate federal, state or local agencies. Officials of these agencies shall have a minimum 14 days for review prior to the Planning Commission meeting shall be given at least ten days to review the plan, suggest revisions, and return the plans to the Planning Commission.

C. Approval of Preliminary Plan.

1. ~~When all comments and recommendations from appropriate agencies or departments have been received or within forty five (45) days after receiving the application as provided for in this title, whichever date shall occur first, the city staff shall place the preliminary plan on the agenda of the next scheduled meeting of the Planning Commission and notify the applicant of the meeting date and time. Following consideration of the preliminary plan, the replies from the other agencies and departments and such other testimony offered, the Planning Commission shall schedule a hearing within forty five (45) days. At the conclusion of the hearing, the Planning Commission shall approve, conditionally approve, disapprove for cause or, when further information is required, postpone a decision on the preliminary plan. Unless appealed, the decision of the Planning Commission shall become effective on the thirty first day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval. Preliminary plans shall be processed and decisions made in accordance with the schedule identified in the most current Oregon Revised Statutes. The Planning Commission may grant time extensions upon written request by the applicant prior to expiration of the approval or conditional approval.~~

2. If the preliminary plan for the planned unit development is approved, the Planning Commission (or city council in the case of appeal) may attach conditions it finds necessary to carry out the purpose of this title. These conditions may include, but are not limited to, the following:

- Increasing the required setbacks;
- Limiting the height of buildings;
- Controlling the location and number of vehicular access points;
- Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation, in accordance with recommendations given by the Yachats department of public works and/or the public works and streets commission;
- Increasing the number of parking spaces and improving design standards for parking areas;
- Limiting the number, size, location and lighting of signs;
- Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
- Requiring additional view-obscuring screening or fencing;
- Requiring performance bonds to assure that the planned unit development is completed as approved within the time limit as established by the Planning Commission;
- Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.

~~3. The Planning Commission may recommend to the city council that the city council approve, deny or recommend revision of the preliminary plan of the planned unit development.~~

D. Submitting the Map.

1. ~~Within one~~ two years after the approval of the preliminary plan, a map of the P.U.D. ~~may~~ shall be submitted to the Planning Commission for approval. The map shall be a survey of the P.U.D. or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval.

2. In addition to the information as required on the preliminary plan the following information shall be provided:
 - a. Accurate legal description of all parcels and roads;
 - b. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the P.U.D.;
 - c. A copy of all protective deed restrictions;
 - d. Street and drainage construction plans;
 - e. The certification, performance agreement or statement regarding the availability of water and sewerage services as provided in Section 9.60.040;
 - f. The location of the approved site for the septic system if applicable.

- E. Map Approval. Within ~~ten~~ **thirty** days of the receipt of a P.U.D. map as provided in this title, the city staff shall refer the map to the Planning Commission for a decision. The applicant shall be notified in writing of the time and place of the Planning Commission meeting. Unless appealed, the decision shall become effective on ~~the thirty-first~~ **fifteen** days after rendered. When the approval becomes effective, the ~~City recorder~~ **Planner** shall endorse his or her approval on the map. The map shall then be recorded in the offices of ~~the county clerk, with a copy of the certified map retained by the city~~ **Lincoln County**. Approval of the submitted map shall be considered as final when **a copy of the recorded map is provided to the City.** ~~properly endorsed and recorded.~~

Section 9.60.040 Development of a P.U.D.

~~A. Building Permits.~~

- ~~1. Building permits for all or any portion of a planned unit development shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required bonds or deeds for public dedication or contractual agreements for development of public facilities.~~
- ~~2. If no building permits have been issued within two years of the date of final approval of the planned unit development, the P.U.D. shall be terminated automatically unless a request to extend the time limit is approved by the city council.~~

~~B. Abandonment. Upon abandonment of a particular development authorized under this section, or if the development has not been substantially completed within five years from the date of its final approval, the city council may determine that the granting of approval shall be nullified.~~

~~C. Parks and Open Spaces. The Planning Commission may require the developer to provide up to five percent of the P.U.D. area for park and recreation purposes. The area(s) shall be of a design and location acceptable to the Planning Commission, based on suitability for park and recreation purposes.~~

~~D. Partial Development. If a proposed P.U.D. area includes only part of a tract owned by the subdivider, the Planning Commission may require a sketch of the tentative layout of **lots, streets, and open space** in the remainder of that tract.~~

~~E. Duplication of Names. The name of a tentative plan must not duplicate the name used in any other legally recorded P.U.D. in Lincoln County, except for the words "town," "city," "place," "court," "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the P.U.D. bearing that name, or unless the party files and records the consent of the party that platted the P.U.D. bearing that name. All plats must continue the block numbers of the plat of the same name last filed. **The official name of the P.U.D. shall be approved by the Lincoln County Surveyor's Office.**~~

~~F. Water. All lots in the P.U.D. shall be served by a public water system. No plat or map of a P.U.D. shall be approved unless the city has received and accepted:~~

- ~~1. A certification by the city water superintendent **Public Works Director** that water will be available from the nearest point of supply; or~~

2. A performance agreement, ~~bond, contract or other assurance~~ in accordance with Section 9.56.020.G that a water supply system will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel in the P.U.D.

GE. Sewer. No plat or map of a P.U.D. shall be approved unless the city has received and accepted:

1. A certification by the ~~city sewer superintendent~~ Public Works Director that sewage service will be available at the nearest point of collection; or
2. A performance agreement, ~~bond, contract or other assurance~~ in accordance with Section 9.56.020.G that sewage disposal lines will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel depicted in the proposed P.U.D.;
3. Where sewerage service is not available, the Department of Environmental Quality or county health department shall approve the proposed use of the land for the P.U.D. A statement that public sewerage service is not available and that the proposed method of sewage disposal has been approved will be provided to the purchaser of each lot or parcel in the proposed P.U.D. A copy of any such statement signed by the developer and endorsed by the Planning Commission chair shall be filed by the developer with the real estate commissioner.

HF. Performance Agreement. If all improvements required by the Planning Commission and this title are not completed according to specifications as required herein prior to the time the plat or map is duly submitted for consideration and approval, the Planning Commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the developer and his or her surety company with the ~~e~~City ~~e~~Council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission. The performance agreement or bond shall be in accordance with Section 9.56.020.G.

IG. Appeals. See Section 9.88.120.

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

APPROVED by the Mayor this ____ day of _____.

Attest:

Ronald L Brean, Mayor

Nancy Batchelder, City Recorder