

**City of Sherwood, Oregon**  
**Ordinance No. 2004-007**

**AN ORDINANCE APPROVING A PLAN TEXT AMENDMENT, ESTABLISHING CHANGES TO SECTION 2.202 OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, Section 2.202 is to be amended in response to a request by West Hills Development Company to decrease the allowable lot size of residential lots for single family-detached housing; and

**WHEREAS**, the Sherwood Planning Commission conducted public hearings on the proposed plan text amendment on February 3<sup>rd</sup> and 25<sup>th</sup>, March 2<sup>nd</sup> and April 20, 2004, and recommended approval of the plan text amendment to the City Council; and

**WHEREAS**, the Sherwood City Council conducted public hearings on the proposed plan text amendment on April 27<sup>th</sup>; and requested the applicant and staff to come back to the City Council with ordinance language on June 8, 2004 to address certain issues and findings of Council; and

**WHEREAS**, the Community Development and Zoning Code Section 4.203.01 specifies the criteria to approve a change in the Comprehensive Plan Text, and that the Sherwood City Council finds that the text proposal complies based on the findings of the Planning Commission, and proposed ordinance language by the applicant; and

**WHEREAS**, the Sherwood City Council has received the application materials, the City's Planning Staff report, the Planning Commission findings, and the Council reviewed the materials submitted and the facts of the proposal and conducted public hearings as required on April 27 and June 8, 2004.

**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

Section 1. Commission Review & Public Hearings. That the application for a Plan Text Amendment (City File No. PA 03-03) to establish a lower minimum lot size for residential lots within a Planned Unit Development zoned High Density Residential (HDR) was subject to full and proper review, and public hearings were held before the Planning Commission on February 3<sup>rd</sup> and 25<sup>th</sup>, March 2<sup>nd</sup> and April 20, 2004 and the City Council on April 27, 2004 and June 8, 2004.

Section 2. Findings. That after full and due consideration of the application, the City Staff report, the record, findings, and of the evidence presented at the public hearing, the Council finds that the proposed plan text amendments are appropriate to revise the Community Development Code; and therefore, the Council adopts the findings of fact contained in the staff

report and recommendation from Planning Commission dated April 21, 2004, and amended by the Council findings as stipulated in the Notice of Decision "Exhibit A".

Section 3. Approval. That a request for a Plan Text Amendment is hereby **APPROVED** as stipulated in the Notice of Decision dated June 22, 2004; labeled "Exhibit A" and attached to this ordinance.

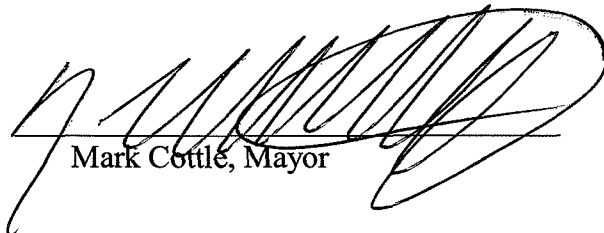
Section 4. Manager Authorized. The Planning Director is hereby directed to take such action as may be necessary to document this amendment.

Section 5. Effective Date. This ordinance shall become effective the 30<sup>th</sup> day after its adoption by the City Council.

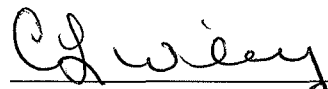
Section 6. Sunset Clause. This ordinance shall expire automatically, unless extended by ordinance of the City Council, six calendar months from its effective date, and is available only to existing PUDs as a major modification."

Duly passed by the City Council this 22<sup>nd</sup> day of June, 2004.

Approved by the Mayor this 22<sup>nd</sup> day of June, 2004.

  
Mark Cottle, Mayor

Attest:

  
C.L. Wiley, City Recorder

	AYE	NAY
Weislogel	<input checked="" type="checkbox"/>	___
Grant	<input checked="" type="checkbox"/>	___
Heironimus	<input checked="" type="checkbox"/>	___
Durrell	<input checked="" type="checkbox"/>	___
Mays	___	<input checked="" type="checkbox"/>
Fox	<input checked="" type="checkbox"/>	___
Cottle	<input checked="" type="checkbox"/>	___

Exhibit A: City Council Notice of Decision "Exhibit A", dated June 22, 2004.



*Home of the Tualatin River National Wildlife Refuge*

**Exhibit A  
ORDINANCE NO. 2004-007**

**CITY COUNCIL  
NOTICE OF DECISION**

Date Rec'd:	October 3, 2003
Date of Decision:	June 22, 2004
Decision Type:	V (Legislative)
Initial Hearing:	April 27, 2004
<b>Hearing (cont.):</b>	<b>June 8 and June 22, 2004</b>
<b>App. revised:</b>	<b>June 1 and June 11, 2004</b>

Applicant:

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West Hills Development Co.  
15500 SW Jay St.  
Beaverton, OR 97006

(contact) Michael C. Robinson, Attorney  
Perkins Coie LLP  
1120 NW Couch Street, 10<sup>th</sup> Floor  
Portland, OR 97209-4128

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**I. DECISION**

On June 22, 2004 the City Council of the City of Sherwood, Oregon **APPROVES with conditions PA 03-03 PUD Lots Sizes Plan Text Amendment**, a proposal to reduce minimum lot sizes in residential Planned Unit Developments in the High Density Residential (HDR) zoning district. This ordinance shall expire automatically, unless extended by ordinance of the City Council, six calendar months from its effective date.

**II. FINDINGS**

This decision was based on the findings of fact contained in the Planning Commission Staff Report addressed to the City Council dated April 21, 2004 and the most recent submittal of revised application materials from the applicant, by Michael Robinson, Attorney dated June 1, 2004. Additional findings in response to the June 1<sup>st</sup> submittal are detailed below.

**Required Findings for Approval: Required findings and criteria are listed in Section 4.203.01 of the Sherwood Zoning and Community Development Code (SZCDC).**

**A. 4.203.01 Text Amendment**

*“An amendment to the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and all other provisions of the Plan and the Code, and with applicable State or City statutes and regulations.”*

This proposed amendment to the Zoning and Community Development Code has not to date been identified by the City Council as a response to a specific need in the community. The Planning Commission in its review, found that a need for housing that is more affordable exists, and that the amendment is consistent with the intent of the Comprehensive Plan to provide a more diverse housing mix in the City. As with all proposed land use actions, the burden ultimately falls to the applicant to prove that the need exists.

The applicant formerly addressed these applicable Policies of the Comprehensive Plan, Part 2, in their submittal dated October 3, 2003 and in supplemental materials, dated January 28, 2004:

**Chapter 3 – Growth Management**

The applicant listed all policy objectives of this Chapter, detailed on pages 4 and 5 of the proposal, and maintains that the proposed amendment allows the city to focus future growth on large parcels within the city, in PUD districts where residential development is contiguous to existing development.

**Finding:** Planning staff found, and the Commission agreed, that the proposed amendment does not further these objectives, but does not thwart them either. It would encourage development within the present City limits in the sense that it would add more of an existing housing type on certain properties, giving developers the opportunity to use a particular building type for more units than presently allowed.

**Chapter 4 – Land Use**

Policy 1 – Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Policy 2 – The City will insure that than adequate distribution of housing styles and tenures are available.

Policy 3 – The City will insure the availability of affordable housing and locational choice for all income groups.

Policy 6 – The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

**Finding:** The City currently has several different housing choices in style, price and tenure: single family detached, duplexes, townhomes, condominiums, manufactured homes and multi-family apartments. The proposed amendment to the minimum lot size in Planned Unit Developments provides additional housing choices for Sherwood residents, as the prices of homes on lots as small as 2000 square feet will typically be more affordable than housing on larger lots. In public hearing, the applicant asserted that the homes offered an affordable housing option for ownership to Sherwood residents. The applicant stated that the market of this housing type on the lot size they propose would be from \$163,000 to \$193,000. The median price of new homes here in Sherwood is approximately \$210,000 (Realtor's Multiple Listing Service, 03/04).

In order to justify a lowering of minimum lot size in the community as a whole, where PUDs have accounted for much of the single family development in the City, the applicant has provided more detailed criteria to assure a particular end-product. They have addressed issues of design in supporting materials, and propose design criteria (borrowing similar criteria from Sherwood's townhome ordinance) in the text language as proposed.

The proposal by West Hills relies largely on the provision of private covenants and a homeowner's association to enforce them, in assuring the long-term condition of the development. In order to justify a lowering of minimum lot size and provide more affordable single-family detached housing, the Commission found and Council agrees, that design and subdivision layout criteria needed to be more specifically defined and the assurance of an end-product more reliable than that of typical PUDs.

The City Council finds that the need for a varied housing market would be better served if a limitation is placed on the number of detached single family residences within such a development. The Council finds that no more than a maximum of 60% of the homes in a PUD that utilizes the 2.202.05C4 should be detached single family homes.

The Commission made the following findings in support of the proposed plan text amendment, and changes to the language itself, which the Council adopts and incorporates into the Ordinance:

- A finding that the plan text amendment is providing an opportunity for more affordable owner-occupied housing in the City of Sherwood.
- A finding that the maximum building height should be limited to that of other single family residential zones to avoid the "towering" effect if the usual HDR standard height maximum is used. Therefore, the ordinance should incorporate wording regarding "shared property line setbacks" into the text amendment. The language would limit the maximum building height to 2 stories or 30 feet
- A finding that the PUD section of the Code should incorporate a provision in this ordinance similar to that of the townhome ordinance, which states all other community design standards in Chapters 5, 8 and 9 apply unless otherwise changed via the PUD approval.

### **III. Ordinance Amendment**

#### **2.200 SPECIAL USES**

#### **2.201 GENERAL PROVISIONS**

Special uses included in Section 2.200 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

#### **2.202 PLANNED UNIT DEVELOPMENT (PUD)**

##### **2.202.01 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. The PUD process allows creativity and flexibility in site design which cannot be achieved through a strict adherence to 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 amenities.
  - 3. Provide diversified and innovative living, working or shopping environments that take into consideration community needs and activity patterns.
  - 4. Achieve maximum energy efficiency in land uses.
  - 5. Promote innovative design in architecture or other site features that enhance the community or natural environment.

##### **2.202.02 Preliminary Development Plan**

###### **A. Generally**

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Section 3.200. PUDs shall only be considered 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. The applicant shall describe the unusual conditions qualifying the site for PUD consideration, and the Commission shall cite findings of fact validating these conditions.

## **B. Content**

The Preliminary Development Plan application shall include the following mapping, illustrations and written narrative:

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, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per Section 3.202.03, 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, other public and utility structures, and any other dedicated land features or structures, the parceling 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 and drawings describing illustrating: the intent of the PUD and how general PUD standards as per Section 2.202 are met, details of the particular uses, densities, building types and architectural controls proposed, proposed architectural elevations, 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 Section 7.200. The preliminary subdivision shall be processed concurrently with the PUD.

## **C. Commission Review**

The Commission shall review the application pursuant to Section 3.200 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 sited in an area that is unusually constrained due to existing natural or man-made features, while protecting the environmental resources of the site and adjacent properties.
2. That exceptions from the standards of the underlying zoning district are warranted by the design and amenities incorporated in the development plan.
3. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments.
4. That the system of ownership and the means of developing, preserving and maintaining open spaces are acceptable.
5. That the PUD will have a beneficial effect on the area which could not be achieved under the underlying zoning district.
6. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
7. That adequate public facilities and services are available or are made available by the construction of the project.
8. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in Section 2.202 have been met.
9. 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 2.202.05(C)(3).

**D. Council Action**

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Section 3.200. 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 Section 2.202.02, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 2.202.03.

**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.

**2.202.03 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 Sections 2.202 and 4.100, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 2.202.02. In addition, the applicant shall prepare and submit a detailed site plan, if applicable, for review and approval, pursuant to the provisions of Section 5.100. 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 Section 7.300. The final plat shall be processed concurrently with the Final Development Plan.

**2.202.04 General Provisions**

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 petition, and shall be made in accordance with the procedures specified in Section 2.202.

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.

**2.202.05 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 exclusively serve the PUD district.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

**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 Section 4.300.

**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 Section 2, below.

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

Except for PUD developments in the HDR zone subject to section 2.202.05.C.4 below, 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.

**4. Minimum Lot Size in HDR zone**

The minimum size for a lot containing a detached single-family dwelling in a Planned Unit Development in the HDR zoning district may be less than 5,000 square feet provided the following approval criteria are met:

a. General Standards

- (1) Dwelling Area. Each single-family dwelling shall have a minimum dwelling area of 1,450 square feet. Garage area is not included within the minimum dwelling area.
- (2) Lot Sizes and Dimensions. The minimum lot size shall be 2000 square feet. The minimum lot width shall be 20 feet and the minimum lot depth shall be 65 feet.

(3) Parking.

(a) The PUD preliminary development plan shall include a parking plan. The purpose of a parking plan is to provide on-street and off-street parking sufficient for residents and visitors. The parking plan shall show the location of proposed off-street parking and on-street parking.

(b) As a guideline, the parking plan should include an average of 1.75 parking spaces per dwelling unit, including both on-street and off-street parking, but not including garages.

(4) Single Family Dwelling Setbacks. Dwellings shall have the following setbacks:

(a) Front-loaded garages – minimum of 20 feet.

(b) Rear-loaded garages – minimum of 2 feet and maximum of 6 feet.

(c) Front yard setback to a front porch – minimum of 6 feet.

(d) Front yard setback to dwelling – minimum of 9 feet.

(e) Rear yard setback to dwelling – minimum of 12 feet.

(f) Rear yard setback to porch – minimum of 10 feet.

(g) Side yard setbacks adjacent to alley and streets – minimum of 8 feet.

(h) Interior side yard setbacks – minimum of 3.5 feet. Consistent with Section 2.305.04, architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project into the required side yard no closer than two and one-half (2.5) feet from the property line.

(i) Minimum lot width at building line – 20 feet.

(j) Abutting residential districts – where proposed lots abut an existing lower density residential zoning

district, the adjoining yard setbacks shall be no less than those of the abutting residential zoning district.

- (5) **Maximum Building Height.** The maximum building height shall be thirty (30) feet or two (2) stories.
- (6) **Maximum Percentage of Single-Family Homes.** The total planned unit development shall have no more than 60% of the total dwellings as single-family detached dwellings.
- (7) **Other Applicable Standards.** All applicable community design standards in Chapters 2, 5 and 8 shall apply unless otherwise approved as a part of the Preliminary or Final Development Plan.

b. **Single Family Dwelling Design Standards**

- (1) **Vehicle Access.** Each lot in the PUD shall have vehicle access from either the front or rear lot line but not both. If alleyways are used for access, they shall be created at the time of subdivision approval.
- (2) **Garages and Driveways.** Lots shall comply with the following standards in order to minimize interruption of adjacent sidewalks by driveway entrances, to slow traffic, to improve the appearance of the street, and to minimize paved surfaces for better traffic management:
  - (a) When garages face the street, the garage door shall be recessed behind the front building elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.
  - (b) The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per dwelling is 60% of the total building width. For example, a 20-foot-wide dwelling may have one 12-foot-wide recessed garage door and a 14-foot-wide driveway.
- (3) **Building Design.** The purpose of these standards is to make each dwelling unit distinctive and to prevent garages and blank walls from becoming a dominant visual feature. These standards will apply to all single-family detached dwellings on lots smaller than 5000 square feet unless

otherwise approved in the Preliminary or Final Development Plan.

- (a) Dwellings in the PUD shall use a variety of roof types, including but not limited to, hipped, gambrel, and gabled roofs. Flat roofs shall be prohibited.
- (b) A minimum of 50% of the dwellings within a block frontage shall have a front porch. Front porches may not encroach into the clear vision area as defined in Section 2.301 of this Code.
- (c) Window trim shall not be flush with exterior wall treatment for any windows facing public rights-of-way. Windows shall be provided with architectural surround at the jam, head, and sill.
- (d) All building elevations visible from the street or alley shall provide doors, front porches, balconies, windows, or other architectural features to provide a variety of facades. This standard shall apply to each full and partial building story.
- (e) The PUD preliminary development plan shall provide a mix of rear-loaded and front-loaded garages.
- (f) No two adjacent dwellings shall have the same architectural elevation or the same predominant color.
- (g) All single-family dwellings shall use at least two of the following exterior materials on the front and street side façades: brick, natural stone, manufactured stone, lap siding, or stucco. The exterior siding shall not be either T-111 or plywood.
- (h) Landscaping in the front yards and street side yards to the building line shall be installed prior to occupancy. Maintenance of the landscaping in these areas shall be maintained and enforced through recorded conditions, covenants and restrictions by the homeowners association. This requirement shall be imposed as a condition of approval in the PUD preliminary and final development plan. The application shall provide for

establishment of a homeowners association. The applicant shall provide draft conditions, covenants, and restrictions for review and approval by the city. At a minimum, the conditions, covenants and restrictions shall require maintenance of common areas, front yard and street side yard landscaping by a professional management company; shall prohibit outside storage in any yard; shall prohibit the parking of boats, trailers, motor homes, motorcycles, trucks, truck-campers, and similar equipment; and garages shall be available for parking.

- (4) **Streets and Alleys.** Streets and alleyways shall be constructed consistent with applicable city standards. Alleyways shall be privately maintained. The minimum improved street width shall be consistent with local street requirements in the Transportation System Plan. Unless otherwise approved as part of the Preliminary or Final Development Plan, streets shall be 36 feet wide with parking on both sides. Any street within a block that, because of volumes of traffic or street location, is determined by the city to function as a minor collector or a higher functional classification roadway shall be constructed to such applicable standard.
- (5) **Open Space.** The PUD preliminary development plan shall provide for private and public open spaces which shall include improvements appropriate to the open space's size and purpose, such as but not limited to, play equipment, pedestrian amenities, and trails or sidewalks. Open space shall be no less than 5% of the gross PUD area. Parking areas and wetlands may not be counted as part of this requirement.
- (6) **Transit Area.** The PUD preliminary development plan shall provide for an attractive transit shelter at an approved transit stop location approved or requested by the Metropolitan Transit District ("Tri-Met"). The PUD preliminary development plan shall include an architectural elevation for the transit shelter.
- (7) **Applicant Representations.** Any oral or written representations made by the applicant during the PUD preliminary development plan approval process shall may

be incorporated as conditions of approval and, if so, shall be implemented in the PUD final development plan.

**2.202.06 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 Chapter 8.

**B. Conditional Uses**

A conditional use permitted in the underlying zoning district 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.

**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 Section 2.202 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 Chapters 5, 8 and 9.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 8.304.05.

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 Section 2.202, as determined by the Commission.

b. Industrial PUD

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