

## CITY OF WHEELER, OREGON ZONING ORDINANCE

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### ARTICLE 10: PLANNED DEVELOPMENT

#### Section 10.010. Intent.

To provide for developments which are planned and developed as a unit. Commonly owned land which is an essential and major element of the plan should be related to and preserve the long term value of the homes and other development. A planned development shall comply with Oregon Laws for the formation of planned communities.

#### Section 10.020. Purpose.

The purpose is to provide a more desirable environment through the application of an overall comprehensive site development plan and to ensure the provision of open space to serve the development.

#### Section 10.030. Permitted Building and Uses.

The following buildings and uses may be permitted either singly or in combination where they are permitted outright or conditionally in the parent zone:

1. Single family dwellings.
2. Duplexes.
3. Multiple family dwellings or attached dwelling units not exceeding four dwelling units per building.
4. Accessory buildings and uses where accessory to an approved primary use.
5. Buildings or uses listed as permitted outright or conditionally in the parent zone within which the planned development is located.

#### Section 10.040. Development Standards.

1. Minimum Site Size. Planned Developments shall be established only on sites which are suitable for the proposed development and are determined by the Planning Commission to be in keeping with the intent of this ordinance.
2. Open Spaces. In all residential developments, or in combination residential-commercial developments, 50 percent of the total area shall be devoted to open space. Of the required open space area, 75 percent shall be common or shared open space and 25 percent of said open space may be utilized privately by individual owners or uses of the planned development. Of the required open space area, 30 percent shall be green space.
3. Density. The density of a planned development shall not exceed the density of the parent zone. When calculating density in a planned development, the net area is used. In a planned development, net area is the total area including street dedications less open space requirements. When a Planned Development is in more than one parent zone, overall project density shall be based on the sum of the

## CITY OF WHEELER, OREGON ZONING ORDINANCE

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density permitted in each parent zone.

4. Setbacks. In a Planned Development where structures are not located on individual lots, a 20 foot setback shall be provided from all street rights of way, a 10 foot setback shall be provided between all structures, and a 10 foot setback shall be provided from all structures to the exterior boundary of the development.
5. Subdivision Lot Sizes. Minimum area, width, depth, setbacks and frontage requirements for subdivision lots in a Planned Development may not be less than the minimums set forth elsewhere in City Ordinances.
6. Off-Street Parking. Parking shall conform to provisions of Section 11.090.
7. Signs. All signs of any type within a Planned Development are subject to design review and approval of the Planning Commission and shall be consistent with the approved planned development.
8. Height Guidelines. The same restrictions shall prevail as in the zone in which such development occurs.
9. Streets and Roads. Streets and roads within the planned development shall be dedicated to the public and constructed to City standards.
10. Utilities. All utilities shall be underground.
11. Dedication and Maintenance of Facilities.
  - a. Common Areas: An association of owners or tenants shall be created under the laws of the State of Oregon, which shall adopt such Articles of Incorporation and Bylaws and Recorded Declaration consistent with this ordinance ORS Chapter 94, and adopt and impose such Declaration of Covenants and Restriction on common areas and commonly owned buildings for the purpose of maintaining common area and commonly owned buildings continuously consistent with their intended function. Such an association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said common area for the purposes intended.
  - b. Easements: Easements necessary to the orderly extension of public utilities may be required as a condition of approval.
12. Approvals. The Planning Commission shall consider the recommendations of fire district, County Sanitarian, the power company, and other utilities which will serve the development in regard to approval of the proposal.

## CITY OF WHEELER, OREGON ZONING ORDINANCE

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13. Other Requirements. The Planning Commission may establish additional requirements which it deems necessary to assure that any development conforms to this section, the Zoning Ordinance and the Comprehensive Plan.

### Section 10.050. Planned Development Review Procedures.

1. Planned Developments will be reviewed in two phases, a preliminary development plan phase and a final development plan phase. The preliminary development plan shall include the information specified in Section 10.060. Additional provisions for reviewing the preliminary development plan are set forth in Article 13 and where a subdivision is proposed, the Wheeler Subdivision Ordinance.
2. The Planning Commission shall consider the preliminary development application at a public hearing. Development in stages may be requested. If the planned development involves subdividing land, the subdivision tentative plat shall be reviewed concurrently with the planned development preliminary plan. If the planned development involves a conditional use, the conditional use application shall be reviewed concurrently with the planned development preliminary plan.
3. Within one year of the date of approval of a preliminary development plan the applicant shall file with the City a final development plan consistent with the approved preliminary development plan, and if applicable, the subdivision tentative plat, in a format suitable for site development. This final plan shall be for the entire development or for each stage if submission in stages has been authorized by the Planning Commission.
4. Prior to site development, the applicant shall submit an engineer's cost estimate and a performance bond in an amount approved by the City Council as sufficient to ensure that a development proposal is completed as approved and within the time limits agreed to in an improvement agreement.
5. After site development, or development of each stage if development in stages has been approved and prior to final plat approval, infrastructure shall be certified in writing by the project engineer and as-built drawings showing all infrastructure as constructed and sealed by the project engineer shall be submitted to the written satisfaction of the City.
6. Prior to occupancy, a final plat and a recorded declaration in accordance with this ordinance and ORS Chapter 94 Planned Communities shall be submitted for approval to the City and shall be recorded with the County.
7. Any changes to an approved preliminary development plan shall be submitted to the Planning Commission for public hearing and processed as an amendment to the preliminary development plan to be reviewed using the same procedure used to review the original application.
8. If the final development plan is not submitted within one year as required by this ordinance, a new

## CITY OF WHEELER, OREGON ZONING ORDINANCE

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application shall be required. The Planning Commission may approve one extension of one year where they determine that the application remains consistent with applicable city standards and the goals and policies of the comprehensive plan.

### Section 10.060. Preliminary Development Plan Submission Requirements.

The applicant shall submit a Planned Development application signed by the property owner(s) and twelve (12) copies of the following information drawn to a measurable scale and sealed by a qualified professional engineer:

1. Property boundary survey showing all existing structures to be removed and to remain.
2. Topographical survey with two (2) foot contours.
3. Map showing existing site features and topography.
4. Map showing the relationship of the proposed development to the surrounding area.
5. Plans showing proposed land uses and densities.
6. Plans showing the location, dimensions, and heights of structures
7. Preliminary architectural plans and elevations of typical structures including signage.
8. Plans for open space, common open space, and green space.
9. Preliminary planting and landscaping plan for the site.
10. Plans showing the street development and traffic circulation plan including off-street parking areas.
11. Plans showing the proposed method of utilities service and stormwater drainage.
12. A schedule, if it is proposed that the final development plan will be executed in stages. Documentation shall provide sufficient detail to show how each stage meets applicable criteria without reliance on subsequent stages.
13. A site- specific geologic investigation and engineering recommendations by a qualified geotechnical engineer.
14. Grading plan for the site showing future contours if existing grade is to be changed more than two (2) feet.
15. Drafts of the recorded declaration described in ORS Chapter 94 Planned Communities and any deed restrictions or protective covenants that provide for the maintenance of common areas and ensure that the objectives of the Planned Development shall be followed.
16. Written recommendations regarding preliminary development plans from the fire district, county sanitarian, power company and other utilities proposed to serve the project identifying whether proposed facilities are adequate to serve the needs of the development.
17. Written comments from the authority from which access to the development is proposed.
18. Where requested by the City, County or State to determine the appropriate design for access to the development and mitigation of traffic impacts for the development, a traffic impact study may be required.
19. Where requested by the City, a wetland delineation report and survey concurred with by the Oregon Department of State Lands.
20. Where a subdivision is proposed, a subdivision tentative plan application consistent with the Wheeler Subdivision Ordinance.

## CITY OF WHEELER, OREGON ZONING ORDINANCE

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21. Where a commercial or industrial use is proposed, a design review application with supporting documentation.
22. Where a conditional use is proposed, a conditional use application(s) with supporting documentation.
23. Where a variance is requested, variance application(s) with supporting documentation.
24. Application fees and additional costs incurred in review of the application and thereafter during the public hearing and decision process as required by city ordinance.

### Section 10.070. Planning Commission Review Criteria.

The Planning Commission shall consider the preliminary development plan at a public hearing. The Planning Commission shall determine whether the proposal conforms to Section 10.030 and 10.040 and other City Ordinances. In addition, in considering the plan, the Planning Commission shall seek to determine that:

1. Resulting development will be consistent with the comprehensive plan and the standards of the parent zone(s).
2. The proposed development will be in substantial harmony with the surrounding area, including vegetation and topography and any important natural areas such as marshes, streams or wildlife habitat.
3. The plan can be completed within a reasonable period of time. If development in stages is proposed, each stage is planned to meet the standards of applicable criteria.
4. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
5. Proposed utility and stormwater drainage facilities are adequate for the population densities and type of development proposed.

### Section 10.080. Final Development Plan - Submission Requirements.

1. Prior to site development, final plans shall be consistent with the approved preliminary development plan.
2. Plans shall be drawn to a measurable scale and shall be signed by an appropriate architect or engineer.
3. The final plan shall include all information included in the preliminary development plan, if applicable the subdivision tentative plan, and as necessary to meet all conditions of approval plus detailed construction plans for all site development including the following:
  - (a) Proposed streets,

## CITY OF WHEELER, OREGON ZONING ORDINANCE

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- (b) Pedestrian walkways,
  - (c) Sidewalks,
  - (d) Utilities,
  - (e) Off-street parking spaces,
  - (f) Open space,
  - (g) Common open space,
  - (h) Green space,
  - (i) Clearing, cutting and filling, and
  - (j) Structures.
4. An engineer's cost estimate and a performance bond in an amount approved by the City Council as sufficient to ensure that a development proposal is completed as approved and within the time limits agreed to in an improvement agreement.
  5. Written certification of infrastructure by the project engineer and as-built drawings showing all infrastructures as constructed and sealed by the project engineer to the written satisfaction of the City.
  6. A final plat and a recorded declaration in accordance with this ordinance and ORS Chapter 94 Planned Communities and recorded with the County.
  7. Application fees. Additional costs incurred in review of the application and thereafter during the public hearing and decision process shall be paid prior to final approvals for the project.

### Section 10.090. Adherence to Approved Plan.

1. Site development within a planned development shall be consistent with the approved planned development plan.
2. Any changes to an approved preliminary development plan shall be submitted to the Planning Commission for public hearing and processed as an amendment to the preliminary development plan to be reviewed using the same procedure used to review the original application.