Walt’s proposed Development Plan in black.

My Comments in Blue

My proposed additions in Green.

Fortunately the Wheeler Comprehensive Plan Goal 10 already supports Accessory Dwelling Units and does not exclude Condos or Cottage Clusters although they are not specifically mentioned.

SECTION 4.05 PLANNED UNIT DEVELOPMENT

**Section** **4.05.01** **Purpose**

The purpose of Planned Unit Development (PDU) regulations is to encourage and allow more creative and imaginative design of land developments than is possible under the design standards of underlying zones. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a development. This flexibility often is in the form of relief from compliance with conventional zoning ordinance site and design requirements. This flexibility must result in a development that is better planned, ~~contains more amenities,~~ and ultimately more desirable to live in than one produced in accordance with ~~typical subdivision controls~~. normal zoning rules. All PDUs must have at least 4 housing units. In a Planned Unit Development the setbacks, minimum lot sizes and off street parking requirements for the underlying zone are superseded by the rules in this Planned Unit Development section. The 24’ height requirement still applies to all buildings in Wheeler.

The first part in black is a better stated version of present code. In the present code the underlying zone requirements must be met; in Walt’s version they are superseded. The reason we don’t have PDUs is that they offer nothing; the developer has to meet all the underlying zone requirements plus a very involved Design Review process. The 4 unit minimum comes from several other Development Codes. We don’t have many large tracts of economically reasonably buildable land - where the slope of the land doesn’t greatly increase the foundation costs - so I think smaller will be the norm if a PDU is built.

~~While greater density or more lenient siting requirements may be granted, the Planned Unit Development should contain features not normally required of traditional developments. This requires greater scrutiny on the part of the City to assess a proposal. To realize these objectives and enable thorough analysis of a Planned Unit Development, more information is demanded about the proposal than would be required if development were being pursued under conventional subdivision requirements.~~

**Section** **4.05.02** O**bjectives**

Through proper planning and design, each Planned Unit Development should include features which further, and are in compliance with, the following objectives:

(A) To design developments that are architecturally and environmentally innovative, and that achieves better utilization of land than is possible through strict application of standard zoning and subdivision controls.

(B) To encourage land development that, to the extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural conditions.

(C~~) To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.~~

(D~~) To provide for abundant, accessible, and suitably located open and recreation space.~~

(E) ~~To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.~~

(F~~) To enable land developments to be completely compatible and congruous with adjacent and nearby land developments.~~

The first two are similar to present code; the rest are Walt’s and are to me pie in the sky objectives. The last should be illegal since any adjacent homeowner can say I don’t want that next to me.

4.05.03 Homeowners Association

In most or all applications of a Planned Unit Development, some of the land will be commonly owned through a Homeowner’s Association The Homeowners’ Association. Is a non-profit incorporated homeowners association~~, or an alternative acceptable to the City~~, It shall be required for improving, operating, and maintaining common facilities, including open space, drives, service and parking areas, and recreation areas. The following shall be observed in the formation of a homeowners’ association:

1. A homeowners’ association shall be set up before approval of the final plat, or any portion thereof.

2. Membership shall be mandatory for each homeowner and any successive buyer.

3. The open space restrictions shall be in perpetuity.

4. The homeowners’ association shall be responsible for liability insurance, applicable taxes, and the maintenance of recreational and other facilities.

5. Homeowners shall pay their pro-rated share of the cost or the assessment levied

by the association shall become a lien on the property.

6. The association shall be able to adjust the assessment to meet changes needed.

7. No change in open space use or dissolution of homeowners’ association shall occur without a public hearing before the Planning Commission and approval by the City Council.

8. The property, all lots and owners thereof, the association, and all members thereof, shall be subject to the Oregon Planned Community Act, ORS 94.550.

This is 4.05.05 (M) for Walt. It is more detailed than our present code and I think it is generally well stated.

The following are subcategories of Planned Unit Developments:

(A) Subdivisions with private ownership of all or most areas

(B) Condominiums with association ownership of all or most areas

(C) Cottage Clusters

(D) Multifamily dwellings

I am separating them out instead of the “one size fits all” of Walt’s and the present code.

**This is my version of 4.05.01 through .06 with a minimumofnotes:**

**Section** **4.05.01** **Purpose**

The purpose of Planned Unit Development (PDU) regulations is to encourage and allow more creative and imaginative design of land developments than is possible under the design standards of underlying zones. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a development. This flexibility often is in the form of relief from compliance with conventional zoning ordinance site and design requirements. This flexibility must result in a development that is better planned, ~~contains more amenities,~~ and ultimately more desirable to live in than one produced in accordance with ~~typical subdivision controls~~. normal zoning rules

**Section** **4.05.02** O**bjectives**

Through proper planning and design, each Planned Unit Development should include features which further, and are in compliance with, the following objectives:

(A) To design developments that are architecturally and environmentally innovative, and that achieves better utilization of land than is possible through strict application of standard zoning and subdivision controls.

(B) To encourage land development that, to the extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural conditions.

4.05.03 Homeowners Association

In most or all applications of a Planned Unit Development, some of the land will be commonly owned through a Homeowner’s Association The Homeowners’ Association. Is a non-profit incorporated homeowners association~~, or an alternative acceptable to the City~~, It shall be required for improving, operating, and maintaining common facilities, including open space, drives, service and parking areas, and recreation areas. The following shall be observed in the formation of a homeowners’ association:

1. A homeowners’ association shall be set up before approval of the final plat, or any portion thereof.

2. Membership shall be mandatory for each homeowner and any successive buyer.

3. The open space restrictions shall be in perpetuity.

4. The homeowners’ association shall be responsible for liability insurance, applicable taxes, and the maintenance of recreational and other facilities.

5. Homeowners shall pay their pro-rated share of the cost or the assessment levied

by the association shall become a lien on the property.

6. The association shall be able to adjust the assessment to meet changes needed.

7. No change in open space use or dissolution of homeowners’ association shall occur without a public hearing before the Planning Commission and approval by the City Council.

8. The property, all lots and owners thereof, the association, and all members thereof, shall be subject to the Oregon Planned Community Act, ORS 94.550.

**Section** **4.05.04** **Common Regulations for all Planned Unit Developments**

(A) All Planned Developments shall have a minimum of 4 units.

(B) In a Planned Unit Development the setbacks, minimum lot sizes and off street parking requirements for the underlying zone are superseded by the rules in this Planned Unit Development section.

(C) There are no minimum lot width or depth excpt for Subdivisions which follow R1 rules

(D) The 24’ mean elevation height restriction applies to all buildings in Wheeler.

(E) Any sign in a Planned Development is subject to Planning Commission approval and must meet all requirement of 4.07.09

(F) All streets within a Planned Development shall be public streets and built to city of Wheeler standards except Alleys are permitted for rear vehicular access in all but Subdivisions. If rear vehicular access to a back facing garage/carport via an alley is desired, the rear garage/carport setback is 5’.

(G) All utilities within a Planned Development shall be underground

(H) All easements required to bring utilities into a Planned Development shall be required as a condition of approval.

(I) There is no minimum lot width or depth for lots in Planned Unit Developments.

(J) There is no maximum lot coverage for lots in Planned Unit Developments

(K) Where feasible, Planned Unit Developments should be designed to retain existing significant trees (at least twelve inches in diameter measured at 4-feet in height) that do not pose a safety hazard.

(L) Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.

(F) through (L) is from our previous Cottage Clusters work.

**Section** **4.05.05** **Conditions** **of** **Approval**

The Planning Commission may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to ensure that public services and facilities are available to serve the proposed development; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to ensure compliance with the design standards contained within this Section; and, to ensure the Planned Unit Development will be developed as approved by the City.

**4.05.06 Subcategories of Planned Development Units**

The following are subcategories of Planned Unit Developments:

(A) Subdivisions with private ownership of all or most areas

(B) Condominiums with association ownership of all or most areas

(C) Cottage Clusters

(D) Multifamily dwellings

**Section 4.05.07 Subdivisions**

**Section 4.05.07.01 Subdivision Ownership**

The majority of the land in a Subdivision shall be individually owned by dwelling owners, but up to 37.5% of the Subdivision land may be collectively owned through an association – usually for recreational or open space purposes - in compliance with State of Oregon Homeowner’s Association rules.

**Section 4.05.07.02 Subdivision Permited Uses**

All outright permitted uses in R1 plus all uses permitted in every zone are permitted here.

**Section 4.05.07.03 Subdivision Development Requirements**

(A) Dwelling Setbacks shall be the same as R1

(B) Minimum lot size shall be 5000 square feet if there is no commonly owned land.

For Subdivisions with commonly owned land: for purposes of achieving the 5000 square foot minimum lot size, commonly owned land can be allocated equally to all lots in a Subdivision. For example, a Subdivision consists of 5 dewlling on a 25000 square foot parcel. If 5000 square feet in the Subdivision is commonly owned, each lot is permitted to be 4000 square feet.

(C) Off Street Parking are the same as R1

**Section 4.05.08 Condominimums**

**Section 4.05.08.01 Condominium Ownership**

The interior of the structures in a condominium shall be individually owned, but all other land and the buildings themselves shall be collectively owned through an association in compliance with State of Oregon Homeowner’s Association rules.

**Section 4.05.08.02 Condominium Permited Uses**

Only attached buildings of 4 or more units are permitted plus all uses permitted in every zone. If muliple sets of attached buildings are planned, each attached unit must meet all requirements of 4.05.08. Quadplexes, townhomes and other configurations are permitted here as long as they meet the ownership requirements of 4.05.08.01

**Section 4.05.08.03 Condominium Development Requirements**

(A) Dwelling Setbacks shall be as follows 20 feet in front 10 feet in back. For back to back units like quadplexes they will only have two 20’ front sebacks. Zero lot line between the units within an attached building are permitted. The attached building will have 5’ side setbacks.If a corner lot is involved the setbacks may be modified by the Planning Commission to look more like R1 corner lot setbacks.

(B) Minimum lot size shall be 2000 square feet per unit with a 4 unit per attached building minimum.

(C) Off Street Parking restrictions are the same as R1

(D) There is no minimum lot width or depth for Condiminuim lots.

(E) There is no maximum lot coverage for the individual cottage lots.

**Section 4.05.09 Cottage Clusters**

All this is a shortened version of what we came up with earlier with a few suggested changes from Laura B.

Section 4.05.09.01 Purpose

A cottage cluster development is characterized a group of at least 4 cottages or groups of 4 cottages that are relatively small homes, typically oriented around a shared common space, such as a courtyard, garden or quiet street. This Section establishes standards for cottage cluster development as an alternative development type that provides usable common open space in residential development

(A) Common Buildings. One advantage of living in a cottage development is that it could have shared buildings.

(B) Parking. Although parking can be provided next to a cottage, remote parking is also allowed. Remote parking areas should be screened from adjacent parcels and adjoining public streets. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.

**4.05.09.02 Cottage Clusters Ownership**

The Cottages themseves shall be individually owned. Some land around each cottage can be individually owned or not with the remaining land commonly owned in a Homeoweners Association. The amount of land individually owned is not regulated here.

**4.05.09.03 Permitted Uses**

(A) Cottage cluster development cottages.

(B) Community building with common areas.

(C) Individually owned Accessory structures.

(D)Shared accessory structures, including parking and storage buildings, but excluded from the common area.

**4.05.09.04 Cottage Clusters Development Requirements**

* + 1. Cottage lots. There is no minimum lot size for the individual cottage lots.
    2. Density. The planned development density shall not exceed 15 dwelling units per gross acre.
    3. Minimum setbacks for each individual cottage cluster lot are as follows:

|  |  |
| --- | --- |
| Front | 10-feet |
| Side | 5-feet |
| Rear | 10-feet |
| Street-side | 10-feet |
| Garage Entrance - front street entrance | 20-feet |
| Garage Entrance - rear alley entrance | 5-feet |

I chose 5’ since you can’t pull into a garage without a turning radius.

(D**)** Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.

(E) The common space shall include a walk connecting to each cottage front entrance facing the common area

(F)The parent parcel shall have frontage on a public street.

(G) If individual lots are created within the development, each lot shall abut a common area, but is not required to have public street frontage.

(H) Access to individual dwelling units will be provided and will meet city and fire district standards.

(I) A minimum of 1.5 off-street parking spaces per unit shall be provided.

If Remote Parking is provided, it shall be located behind or to the side of the residential area and open space

(J) No fence taller than 3 feet in height shall be located between the front wall of a cottage or community building and the common open space.

(K) A 6-foot-high sight obscuring fence shall be placed along the property line adjacent to any residential single-family use. Additional vegetation may augment the fencing.

**4.08.09.05** **Cittage Clusters Building Requirements**

1. Cottages.
   1. Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. An attached one-car garage is not included in this maximum, but shall not exceed 300 square feet per unit.
   2. ~~Porches~~
   3. Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. Cottage development structures shall provide for substantial exterior architectural elements that are consistent with traditional northwest cottage design and small home craftsmanship design elements. Roofs of cottage developments shall have eaves to efficiently shed rain and provide protection for exterior walls.
   4. Height. Cottages shall comply with the height limitation of 24 feet and are limited to a maximum of single story plus a loft.
   5. Street facing facades. The street facing facades of cottages in a cottage development shall avoid blank walls that appear to “turn their backs” to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or similar features.
   6. Renovations shall be in keeping with the size and architectural character of the new development.
2. Community Buildings.
   1. A community building shall be of similar scale, design, and height as the cottages.
   2. Commercial uses are prohibited in the community building.
3. Accessory Structures.
   1. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 300 square feet per unit.
   2. The design of accessory structures must be similar or compatible with that of the cottages in the development.

**Section 4.05.10 Multifamily dwellings**

**Section 4.05.10.01 Multifamily dwellings Ownership**