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121.010. Purpose. The purpose of this section to provide a means whereby real property may be developed with greater latitude in site standards, common areas, and open space than is allowed through traditional zoning controls; to establish standards and controls necessary to assure well planned, harmonious development within planned unit developments; and to provide for increased amenities in the development of residential uses within existing zones. (Ord No. 41-2004)

121.140. Definitions. The following terms are defined for the purposes of this chapter section and do not apply otherwise to the Salem Zoning Ordinance.

- (a) Home Owners Association. A home owners association is an organization formed for the maintenance and operation of the common areas of the planned development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the planned development. The association's principal source of funds shall be an assessment levied against each dwelling unit or other property, which assessment shall be enforceable as a lien against the property.
- (b) Open Space. A common area designated on the final plans of the planned development, permanently set aside for the common use of the members of the home owners association, which open area may be landscaped and/or left with a natural tree cover, and in which area no thoroughfares or parking area are located.
- (c) Open Space Lot. An open space lot is a parcel which abuts upon an open space for a distance of ten feet or more.
- (d) Public Sidewalks. A public sidewalk is a pedestrian walkway for the general public through the planned development open space and common areas and replaces a sidewalk which would have been located adjacent to a through street.
- (e) Walkway. A walkway shall mean a pedestrian pathway within a planned development for residents and guests. (Ord No. 57-2000)

121.150. Preapplication Conference.

- (a) A preapplication conference with the staff shall be held for the purpose of gathering general information and guidelines before entering into binding commitments or incurring substantial expense in the preparation of plans.
- (b) The applicant shall provide at the preapplication conference maps and a preliminary written statement setting forth the nature of the proposed development.
 - (1) The maps for the planned development shall be in a general schematic form prepared on material which is suitable for printing by the oxid (blue) process and contain the following information:

- (A) The approximate topography (either contour lines or elevations at key locations);
 - (B) Proposed land uses and the approximate location of existing buildings to be retained, proposed structures on the site, and existing buildings, structures and uses on the properties adjacent to the site;
 - (C) The approximate location of all proposed thoroughfares, walkways, and parking facilities;
 - (D) Public uses including schools, parks, playgrounds, open spaces and trails;
 - (E) Public and private utilities or their counterpart as noted in SRC 121.150(c)(4).
- (2) The preliminary written statement shall contain an explanation of:
- (A) The character of the proposed development and the manner in which it has been designed to take advantage of the planned development concept;
 - (B) The proposed manner of financing;
 - (C) The present ownership of all of the land included within the planned development;
 - (D) The method proposed to maintain private common open areas, buildings, private thoroughfares or other facilities;
 - (E) The proposed time schedule of development.
- (c) During a preapplication conference, particular attention should be given to:
- (1) The present uses and character of the area;
 - (2) The road and street system in the area, especially:
 - (A) Neighborhood through routes,
 - (B) Designated collector and arterial streets, both existing or proposed,
 - (C) The right-of-way widths for all roads and streets,
 - (D) Whether streets or ways are to be public or private.
 - (3) Public and private open areas, parks, and trails;
 - (4) Public and private utilities and services or their counterpart:
 - (A) Water.
 - (B) Sewer.
 - (C) Fire protection.
 - (D) Surface drainage.
 - (E) Electricity (underground).
 - (F) Telephone (underground).
 - (G) Gas.
 - (H) Street and common area lights.
 - (I) Television cable (underground).
 - (5) General concept of the developer. (Ord No. 148-84; Ord No. 57-2000)

121.151. Notification to Neighborhood. Within five city business days of the preapplication conference, the neighborhood organization within whose boundary the proposed planned development is located shall be notified of the proposal and its location, size, and general development concept. (Ord No. 148-84)

121.152. Development Agreement.

(a) The applicant may request, and the council may approve a development agreement as provided in ORS chapter 94. In addition to contents required by statute, the development agreement shall contain a master plan containing the general layout of major public facilities, such as major thoroughfares and major utility lines, a description of the type and density of development by area, the general location of retail service areas, if any, and such other general information as the planning administrator may require. Each phase shall thereafter comply with the provisions of this chapter and the approved development agreement. Fees and charges

applicable to use or development under the agreement shall be as provided at the time of such use or development.

(b) The development agreement shall not be approved by the council unless the council finds that the agreement is consistent with local regulations then in effect. The approval of a development agreement shall also include a finding of public benefit which would not otherwise accrue to the city absent the agreement.

(c) The filing fee for development agreement processing shall be as set by the council. Following notice, the planning commission shall hold a public hearing on the proposed development agreement and make a recommendation to the council on whether the development agreement should be approved. (Ord No. 71-99)

121.153. Planned Unit Development with Accompanying Land Division.

(a) If the applicant for a PUD proposes to create lots or parcels within the subject property the applicant shall submit an application for partition or subdivision as applicable. The application for land division shall be processed concurrently with the PUD application.

(b) The proposed PUD partition or subdivision shall comply with the standards and criteria set forth in SRC Chapter 63, with the exception of SRC 63.145 and 63.155, which shall not apply to the proposed PUD partition or subdivision. (Ord No. 28-08)

121.241. Tentative Plan and Application for a Planned Unit Development. Whenever it is proposed to develop a PUD pursuant to this Chapter, the applicant shall file, within 180 days of the preapplication conference, one reproducible copy of a tentative plan with the Planning Administrator. The tentative plan shall be accompanied by an application on a form supplied by the Planning Administrator. The tentative plan and application shall contain the following:

(a) A scale map showing the following for the planned development site:

- (1) The topography in sufficient detail to determine the grades and character of the site as they relate to the improvements and to the adjacent area;
- (2) The location of all thoroughfares and walks, their widths and the nature of their improvement and whether they are to be public or private;
- (3) The location, layout, and the surfacing of all off-street parking areas;
- (4) The property boundary lines;
- (5) The individual lot lines of each parcel that is to be created for separate ownership;
- (6) The location of easements for the water lines, fire hydrants, sewer and storm sewer lines, and the location of the electric, gas, and telephone lines, television cable, and the lighting plans;
- (7) The landscaping and tree planting plan with a notation indicating the existing trees and shrubs which are to be retained;
- (8) The common open areas and spaces and the particular uses which are intended for them;
- (9) The areas proposed to be conveyed, dedicated, reserved, or used for parks, scenic ways, playgrounds, schools, public buildings, and similar public and semipublic uses and whether such areas are to be public or private;
- (10) If the planned development is to be constructed in phases, an indication of the area of each phase on the map; and
- (11) A plan showing the following for each existing or proposed building or structure for all sites; except single family lots:
 - (A) Its location on the lot and within the planned development;
 - (B) The intended use;
 - (C) The number of dwelling units in each residential building.

(b) Elevation drawings of all typical proposed structures except single family residences. The drawings shall be accurate and to scale but need not be the final working drawings.

(c) The location of all buildings on abutting properties. If accurate information was submitted

for the outline plan, this will be sufficient.

- (d) The manner of financing for the planned development.
- (e) The present ownership of all of the land in the planned development.
- (f) A statement from the Department of Public Works that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area.
- (g) A development time schedule indicating:
 - (1) The approximate date when construction will begin;
 - (2) If the project will be built in phases, the approximate date when construction of each phase will begin;
 - (3) The approximate dates when the project and each phase will be completed; and
 - (4) The area and location of open space that will be provided at each phase.
- (h) If parcels or lots are to be sold within the development, any information required for a subdivision tentative plan under SRC 63.038. (Ord No. 148-84; Ord No. 51-96; Ord No. 28-08)

121.242. Zone Change Concurrent with Planned Unit Development Approval. In the event the density is greater than is permitted in the zone in which the planned development is located, a zone change shall be required. If a zone change is required by this section or any other provision of the zoning code, the zone change application shall be filed within ten days of the filing of the tentative plans and processed as for a zone change requiring a comprehensive plan change. Public hearing for any zone change shall be held concurrently with the hearing for the planned development.

If the zone is changed for a planned development, use of the property shall be limited to the construction of the approved planned development only, and shall be so annotated on the official zoning map. If any change of use is desired, a new zone change petition must be filed and approved by the planning commission. (Ord No. 148-84)

121.244. Tentative Plan.

The planning administrator shall issue a decision approving, approving with conditions, or denying the tentative plan. The plan shall be approved providing the minimum standards of this Chapter are met and further providing that any necessary concurrent land use actions are granted by the administrator. The administrator may prescribe such additional conditions as are required for the protection of the health, safety, and welfare of the residents and property in the vicinity of the development, consistent with the purpose and intent of this Chapter. (Ord No. 148-84; Ord No. 62-96; Ord No. 1-10)

FINAL PLAN

121.290. Purpose. The purpose of the final plan is to formalize into the final, legal document from the plans which were approved in the tentative plan step. The final plan, when properly filed in the county deed records shall serve as the permanent public record of the planned development. (Ord No. 148-84)

121.300. Contents. The final plan shall contain the information required in SRC 121.241 for the tentative plan. The final plan will be prepared or printed on permanent high grade paper in a form suitable for inclusion in the deed records of the county. If parcels of land are to be sold, a "hard copy" subdivision plat in the form prescribed by ORS Chapter 92, shall also be filed with the final plan. Condominium plats shall conform to Oregon law and shall not be reviewed by the planning commission. (Ord No. 148-84)

121.310. Filing. The final plan shall be filed within 24 months of the date of the granting of the tentative plan approval. (Ord No. 148-84)

121.320. Satisfactory Evidence. The planning administrator shall require, prior to the issuance of the construction permits, the submission of satisfactory evidence that the streets, parking area, and sidewalk improvements will be placed. The planning administrator may also require the submission of satisfactory

evidence to improvements in the common areas. For the purpose of this section, the criteria for satisfactory evidence set forth in the subdivision ordinance shall apply. (Ord No. 148-84; Ord No. 65-86; Ord No. 57-2000)

121.330. Final Plan Approval.

(a) The planning administrator shall review and approve the final plan if it is in substantial conformance with the tentative plan. Nothing in these provisions shall limit reduction of the number of dwelling units or increasing open space, provided that if this is done for one phase the number of dwelling units shall not be transferred to another phase, nor the open space be reduced below that permitted in the tentative plan. This substantial conformance provision is intended solely to facilitate minor modifications from one planning step to another. It is not the intent, nor shall these modifications be used, to increase the total area covered or decrease the total open space as approved by the planning commission. The planning administrator may fail to find substantial conformance, if in the administrator's opinion, the adjustments allowed under subsection (b) of this section are being used to significantly modify the approved plan.

(b) Substantial conformance shall exist when the comparison of the tentative plan with the final plan shows that:

- (1) The number of dwelling units are within ten percent of those shown on the approved tentative plan, but in no case shall any change exceed the limits established in this Code;
- (2) The yard depths and distances between main buildings are within ten percent of those shown on the approved tentative plan, but in no case shall these distances be reduced below the minimum established within this Code;
- (3) The open space is within 90 percent or more of that provided on the tentative plan; and
- (4) The building size does not exceed the building sizes shown on the detail plan by more than ten percent; and
- (5) The building location does not depart by more than ten percent from the location shown on the final plan.

(c) Tentative plan approval, either for a phase or for the entire plan, shall be valid for a 24-month period. The planning administrator may, in the administrator's discretion, extend approval for additional six-month periods.

(d) In lieu of the procedures set out in subsections (a)-(c), the planning administrator may refer the final plan to the commission for determination of substantial conformance. The commission may hold a public hearing before making its determination. The issue before the commission is limited to consideration of the criteria set out in subsection (b) above. The public hearing shall proceed as for the tentative plan approval. (Ord No. 148-84; Ord No. 86-2002)

121.340. Filing or Recording. Upon final approval and after all conditions have been met, the developer shall record the final plan in the county deed records. If parcels are to be sold, the developer will also process and record a subdivision plat as provided in ORS Chapter 92.

121.350. Amending the Recorded Final Plan.

(a) The recorded final plan may be amended by filing the amended plan in the following manner:

- (1) Within five city business days following the receipt of a proposed amended plan, the planning administrator shall cause notice of the filing of the proposed amended plan to be served by regular mail on all affected governmental agencies, all interested persons, and on the neighborhood organization in whose territory or responsibility for temporary representation the proposed amended plan lies.
- (2) Any person, organization, or agency may submit written comments concerning a proposed amended plan to the planning administrator. The response must be postmarked

within 15 days of the mailing of the notice by the planning administrator.

- (3) The planning administrator shall establish a review process which accords an opportunity for the applicant to respond to comments received in writing, and which accords the affected neighborhood organization and interested persons an opportunity to participate in the final review of the proposal. Such procedure shall have the approval of the council.
- (b) The planning administrator shall act on the proposed amended plan and application within 45 days of its filing and after a 20-day period has passed. The planning administrator may either approve, deny, approve with conditions necessary to insure conformance with this chapter and the purpose set forth in the original decision, or, where further information is required, postpone action on a proposed amended plan for a period not to exceed 30 days.
- (c) In lieu of acting on a proposed amended plan, where approval would involve significant modification of standards or policy set forth in this chapter, and the original decision, or established precedent, the planning administrator may refer the proposed amended plan to the commission for public hearing and action.
- (d) Before approval of a proposed amended plan the planning administrator shall make affirmative findings that:
 - (1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and
 - (2) The amended plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter, and is in conformance with the purpose expressed in the original decision and the Salem Area Comprehensive Plan.
- (e) The planning administrator shall adopt written findings and conclusions in connection with the approval or denial of an amended plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to notice.
- (f) Such amendments shall be recorded in the same manner as the final plan and the amendment noted on the original recorded copy of the final plan. (Ord No. 148-84; Ord 48-89; Ord No. 51-96)

RETAIL SERVICE AREAS

121.360. Purpose. Retail service areas may be located within a planned development to provide neighborhood commercial facilities for the residents of a planned development. Retail service facilities may be developed when they are a part of a planned development application, without the need to process a zone change.

121.370. Convenience Service Area. A planned development, containing less than 150 dwelling units, may have a convenience service area, subject to planning commission approval, which may include a newsstand, barbershop, beauty parlors, delicatessen, dining rooms, coffee shops and tea rooms, activity rooms, meeting rooms. No drive-in service shall be permitted.

121.380. Limited Retail Service Area.

- (a) Planned developments containing 150 or more dwelling units may have limited landscaped perimeter yard area as a part of the development without obtaining a zone change to commercial zone.
- (b) The following uses are permitted in a planned development when developed under the conditions set forth in SRC 121.390 to 121.460.
 - (1) Banking facilities;
 - (2) Craft and hobby shops;

- (3) Drugstores;
 - (4) Grocery stores;
 - (5) Laundry and dry cleaning pick-up service, also coin-operated dry cleaning establishments;
 - (6) Post office station;
 - (7) Newsstands;
 - (8) Restaurants, coffee shops, dining rooms and tea rooms, but no drive-in service;
 - (9) Variety stores;
 - (10) Other similar uses which may be determined to be appropriate by the planning commission.
- (c) The amount of limited retail service area allowed shall be directly proportionate to the number of dwelling units within the site. The following formula establishes the maximum allowable gross square feet to building area and minimum parking required for a limited retail service area for planned developments which have 150 or more dwelling units:
- (1) The maximum allowable gross square feet of building area shall be 40 feet per dwelling unit.
 - (2) The minimum parking shall be two square feet of parking for every one square foot of gross building area.
- (d) Construction of a limited retail service area shall not be started until at least 150 of the dwelling units have been completed. The gross floor area to be constructed at any time shall not exceed the gross floor area formula set forth above, based on the number of dwelling units constructed at that time, except when 50 percent of the residential units have been constructed, the planning commission may authorize the construction of the balance of the entire retail service area, provided that evidence is presented which satisfies the planning commission that all of the remaining residential units will be constructed as proposed. The planning commission's policy on satisfactory evidence for subdivision improvements will apply or such other evidence which the planning commission may accept as being satisfactory for this purpose.
- (e) No single business shall occupy more than 50 percent of the maximum floor area permitted at the time of the completion of the planned development.

DEVELOPMENT AND OPERATION OF CONVENIENCE AND LIMITED RETAIL SERVICE AREAS

121.390. Activities Enclosed. All on-site activities of commercial firms, unless approval is otherwise granted by the planning commission, shall be conducted wholly within an enclosed building.

121.400. Utilities. All on-site utilities are to be placed underground.

121.410. Landscaping. A landscaped perimeter yard outside of the street right-of-way, at least 20 feet in depth, except driveways, shall surround every retail service area. All required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132. (Ord No. 89-92)

121.430. Signs. All signs shall be located flat against a building wall, not above the eaves of roof. The sign may be illuminated, but the lighting on it shall not flash, or have moving or animated parts. Each business may have only one exterior sign. The sign shall pertain only to that use conducted within the building and may have the following area:

- (a) Convenience service area four square feet per business;
- (b) Limited retail service area 50 square feet per business.

All other applicable provisions of the Sign Code shall govern as set forth in SRC Chapter 62.

121.440. Maintenance. Maintenance and housekeeping of all exterior areas shall be provided by the owners. All garbage and refuse shall be kept entirely within the building and there shall be no storage

outside of the building. No refuse shall be incinerated on the premises.

121.450. Application. The application for either a convenience area or a limited retail service area shall be included in the planned development tentative plan and shall be noted in the planned development public hearing notice and thus not require separate public hearing. (Ord No. 148-84)

121.460. Commission Review. When reviewing a limited retail service area and convenience area, the planning commission shall consider the proposed location and nature of the commercial area in relation to existing commercial facilities in the general vicinity, its location in the planned development, vehicle access points to assure adequate and safe ingress and egress, off-street parking and loading areas, the location of buildings, parking open spaces and landscaping as they relate to the planned development and adjacent areas in relation to the needs for privacy and freedom from excessive noise, and the need to minimize the influence of automobiles.

STANDARDS FOR A PLANNED DEVELOPMENT

121.510. Maximum Number of Dwelling Units. The maximum number of dwelling units allowed in a planned development shall be the maximum number of dwelling units that would be allowed under the development standards for residential uses in the base zone. (Ord No. 41-2004)

121.520. Unlimited Units in a Building. The number of dwelling units in a building is not limited in the RA, RS, RD, RM, and RH districts or within the Portland/Fairgrounds Road Overlay Zone under the provision of the planned development. (Ord No. 114-07)

121.530. Home Owners Association. The perpetual maintenance of private open space shall be provided by a home owners association. Property owners within the planned development shall automatically be members of the association. The articles of such association shall be approved by the planning administrator prior to final approval of the development. No change shall be made in the articles unless approved by the planning administrator. The planning administrator may adopt suggested home owners association articles which, with appropriate modifications, the developer may use for his development. (Ord No. 57-2000)

121.540. Maintenance of Open Space. Such articles shall further provide in the event of failure of such maintenance, the city may cause the maintenance of such open space and other common areas to be made and such costs shall become a lien upon the real property. The articles shall also prescribe the permitted uses of the open space.

121.550. Open Space Under One Owner. In the event that the entire planned development is to remain under one ownership, the developer shall then file a deed restriction between the owners and the city in the deed records of the county providing for a home owners association in the event the property is divided or any part thereof is sold. The developer shall also file with the council, on a form provided by them, an acknowledgment that he understands that the council may cause the proper maintenance of the open space and common areas as is provided in SRC 121.540 for a home owners association. (Ord No. 51-96)

121.551. Criteria for Planned Unit Development Approval. A tentative plan for a PUD may be approved by the Planning Administrator, if the provisions of this Chapter are met. In approving a PUD, the Planning Administrator shall make specific findings that the PUD is in the public interest because one or more of the following conditions exist:

- (a) The PUD tentative plan includes common open space, which will be improved and intended as a recreational amenity. The open space shall be appropriate to the scale and character of the PUD, considering its size, density, and the number and types of dwellings being proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses,

- ball courts, children's play areas, picnic and barbeque facilities, and community gardens;
- (b) The PUD tentative plan includes common open space intended to preserve significant natural or cultural features, which would otherwise be lost; or
- (c) The PUD tentative plan includes unique or innovative design concepts that furthers specific goals and policies in the Salem Area Comprehensive Plan. (Ord No. 28-08)

EXPRESSWAYS, STREETS, ROADS, SIDEWALKS, AND PARKING

121.560. Parkways, Arterial, Collector and Local Streets or Highways. Designated parkway, arterial, collector and local streets, or highways shall conform to the location, alignment and width as indicated in the Salem Transportation System Plan adopted by the City of Salem. (Ord No. 91-99; Ord No. 57-2000)

121.570. Planned Development Streets. The improvements and rights of way of the streets shall be as specified in SRC Chapter 63. (Ord No. 14-92; Ord No. 91-99)

121.580. Applicable Sections of the Subdivision Ordinance. The following sections of the subdivision ordinance, chapter 63, shall apply to planned developments: SRC 63.145(f) and (h), 63.225, 63.235, and 63.255.

121.600. Parking.

- (a) For RA and RS single family districts:
 - (1) A garage or carport shall be provided for each dwelling unit except the planning commission may permit uncovered parking areas in appropriate situations instead of the garage or carport. The parking areas must then be well landscaped, designed to minimize the effect of a large number of cars in one area, effectively screened with ornamental evergreens or architectural features, such as fences and walls, and the total design of the area is done in a manner satisfactory to the planning commission.
 - (2) Two guest parking spaces per dwelling unit shall be provided and shall be located as set forth in paragraph (d) below.
- (b) For RD, RM, RH districts, two and one-half parking spaces shall be provided per dwelling unit for the first ten dwelling units and two parking spaces for each additional dwelling unit in the same area. These amounts include both tenant and guest parking and the parking spaces shall be located as set forth in paragraph (d) below.
- (c) Within the Portland/Fairgrounds Road Overlay Zone, a minimum of one parking space per dwelling unit shall be provided and shall be located as set forth in paragraph (d) below. There shall be no limit on the maximum number of parking spaces provided.
- (d) Location:
 - (1) One-half of the spaces required in (a), (b), and (c) above shall be located within 300 feet of the dwelling unit they are to serve. The balance of the spaces may be located up to 500 feet distance from the dwelling unit.
 - (2) The parking spaces may be located either on or off of the thoroughfare. Parallel parking spaces located on the thoroughfare shall be at least seven feet in width by 22 feet in length.
 - (3) Notwithstanding any other provisions of this section, garages or carports having a vehicle entrance facing a street shall be set back at least 20 feet from either:
 - (A) The right-of-way line or easement line;
 - (B) The outside curbline; or
 - (C) The edge of the sidewalk furthest from the street; whichever produces the greatest setback. (Ord No. 85-94; Ord No. 114-07)

121.610. Storm Drainage. Adequate facilities shall be provided for all storm drainage. The plans shall be filed with the director of public works for approval. The storm drainage facilities shall be constructed

in accordance with the approved plans and the standards and specifications on file in the office of the director of public works. (Ord No. 57-2000)

121.620. Utilities. All utility services shall be underground. Sewage disposal and water supply facilities shall be approved by the director of public works. (Ord No. 57-2000)

YARDS

121.630. Front Yards and Yards Adjacent To Streets.

- (a) Through Streets. Yards adjacent to through streets shall be not less than 20 feet in depth.
- (b) Private Streets. A minimum yard depth is not prescribed provided, however, that in the event vehicle access is to be provided along that portion of the private street, then the building line shall be not less than ten feet so that adequate vision clearance will be maintained for that portion of the private street.
- (c) The yard adjacent to a public street, other than those in front of a garage or carport, shall not be used for off-street parking except with the planning commission's approval. Off-street parking may be located within the required yard area adjacent to a public street, if the parking area is at least three feet below street grade and is separated from the street by an ornamental fence, wall, or hedge at least four feet in height above street grade, which fence, wall, or hedge shall be continuously maintained. (Ord No. 91-99)

121.640. Rear Yards. When the planned development abuts the rear of lots in RA and RS districts, there shall be an intervening yard having the following depth from buildings or structures located within the planned development:

- (a) Fourteen feet for any portion of a main building not more than 15 feet in height; and
- (b) Twenty feet for any portion of a main building greater than 15 feet in height. (Ord No. 28-92)

121.650. Other Yards. All other yards adjacent to the planned development property lines, other than those yards adjacent to a public street and those adjacent to rear yards as set forth in SRC 121.640 shall be as follows:

- (a) Five feet for a building or structure not more than 35 feet in height; and
- (b) For buildings or structures exceeding 35 feet in height the minimum required interior side yard shall be five feet plus one foot for each one foot of additional height or fraction thereof, but need not exceed 20 feet in depth. (Ord No. 28-92)

121.660. Building Height. The following maximum building heights shall apply:

- (a) RA, RS, RD, and RM districts--35 feet.
- (b) RH districts--not limited.
- (c) Portland/Fairgrounds Road Overlay Zone--70 feet. (Ord No. 114-07)

121.680. Construction Phase Adjustments. During construction of the planned development, the planning director may grant limited adjustments as follows:

- (a) Lot area. Maximum possible adjustment of 1 percent of the minimum lot area but not more than 500 square feet.
- (b) Percentage of lot coverage. A maximum adjustment of 2 percent more than permitted but not more than 250 square feet.
- (c) Front yard and any yard adjacent to a street.
 - (1) A maximum adjustment of 10 percent of the required front yard depth.
- (d) Side yards. A maximum adjustment of one foot but in no instance shall this permit a side yard depth of less than five feet for a one story building or less than six feet for a two or two and one-half story building.
- (e) Rear yard depth. A maximum adjustment of:

- (1) Either four feet for the main building; or
- (2) Ten feet if a yard area equal in area to that being covered is provided at some other place on the lot other than a required yard area.
- (f) Subjects not included for adjustments. The number of dwelling units permitted, parking requirements, building height, vision clearance area, and the use of property are not subjects for adjustments by the planning administrator.
- (g) Minimum adjustments only. The adjustment must be held to the minimum necessary. The planning administrator must find that those conditions set forth in SRC 116.020 exist.

121.690. Variances. Variances from the terms of the planned development provisions, may be considered concurrently with the application for the planned development by the planning commission in the same manner as is provided for the hearings officer in SRC Chapter 115. The commission shall make the findings set forth in SRC 115.020 prior to the granting of a variance request. If an application for a variance is filed at the same time as the filing of the tentative plan on which the planned development public hearing is to be held, then the variance may be processed and considered concurrently in all respects. The notice of hearing for the planned development shall be considered as fulfilling other notice requirements of this zoning code, and no additional fee shall be required. (Ord No. 148-84)

GENERAL PROVISIONS

121.840. Notation on Zoning Map. Whenever any planned development has received final approval, the planning director shall, by appropriate symbol, note same on the official zoning map; provided, however, if the planned development is not exercised within the period herein specified, the said symbol shall be deleted from the zoning map.

121.850. Construction Plans. Following final approval of the planned development, the developer shall make application to the director of public works for approval of construction plans for all site development. The site development plans will include all private thoroughfares and driveways, sidewalks, walls, fences, screen planting, and other permanent installation. Each permanent installation shall be included in a permit issued by the building official. (Ord No. 57-2000)

121.870. Zone Changes. Zone changes for property within a planned development may be considered and heard concurrently with the application for a planned development. All of the requirements for the preparation of the application shall be observed as provided in SRC Chapter 110.

In the event that a zone change is included in the application for a planned development, the decision on the planned development shall not be effective until the planning commission has approved the zone change. (Ord No. 148-84)