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| Title: | County of Lane Planned Unit Development Ordinance |
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Abstract

The County of Lane, Oregon has an ordinance that provides for Planned Unit Developments (PUD). Lane County has a population of about 350,000, and includes the cities of Springfield and Eugene. It is bordered on the west by the Pacific Ocean and on the east by the Cascade Mountain range. The county is almost 90% forested, and its constituents have a high interest in protecting the natural beauty of the surrounding environment by promoting sustainable development. The PUD ordinance seeks to accomplish this goal by providing a tool that promotes organized, efficient development of an entire community, rather than planning on a more piecemeal lot-by-lot basis, which can often lead to conditions such as urban sprawl.

PUDs allow single-family and multiple-family dwellings, commercial, institutional, and other industrial uses to be built within the same area to foster relationships between the buildings, uses of the sub-districts and open spaces. The ordinance requires the use of a design team in proposing any new planned unit development for the construction and development, and the team, at a minimum, must consist of a qualified architect, landscape architect, and an engineer or surveyor. The ordinance allows no less than five congruous acres minimum for a tract of land to be developed with an exception for a development that is in the public's best interest and either has unusual physical features, historical character, is adjacent to property which has been officially approved, developed or redeveloped as a PUD. The ordinance includes height standard which allow restriction on building height in order to protect exposure to sunlight and access to view scenic vistas. Furthermore, the ordinance requires any owners of land or facilities that are held in common to form a corporation and to adopt articles of incorporation and bylaws. There is a detailed application review process consisting of a pre-application review and then a final review process. Failure to comply with the ordinance carries a punishment of administrative enforcement.

Resource

LANE CODE OF ORDINANCES – COUNTY OF LANE, OREGON
Chapter 10 – ZONING
PLANNED UNIT DEVELOPMENT
§ 10.700-05 to § 10.900-20

PLANNED UNIT DEVELOPMENT

§ 10.700-05. Description and Purpose.

The provisions of this section shall be known as the Planned Unit Development requirements and procedures. Its purpose is to set forth the objectives, principles, standards, and procedures to be used in developing a Planned Unit Development (PUD) Subdistrict. The Planned Unit Development section is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized comprehensive planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Lane County and LC Chapter 10, "Zoning" and Chapter 13, "Land Divisions," thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for environments for living, shopping, recreation or working.

Planned Unit Development, for purposes of this chapter, is described as: An optional approach to community development which allows modification of the more or less rigid setback, lot size specifications, and land use provisions of LC Chapter 10, "Zoning," Chapter 11, "Buildings" and Chapter 13, "Land Divisions," and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family houses and multiple-family dwellings of varying sizes, and appropriate institutional, commercial and industrial uses to be built in the same development thus inviting considerable variety in both tract and building design and uses, the possible retention of natural settings or community recreational areas and reduced street and utility installation cost. Although the density of the total area remains consistent with that of normal development, emphasis is placed on the relationship between buildings, uses and open space, and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis.

§10.700-10. Objectives.

The general objectives of the Planned Unit Development Subdistrict are:

(1) To encourage innovations and variety in the development or reuse of communities in the County.

- (2) To maximize choice in the type of environment available in Lane County.
- (3) To encourage a more efficient use of land and of public services and facilities.
- (4) To take advantage of and promote advances in technology, architectural design and functional land use design.
- (5) To provide for the enhancement and preservation of property with unique features (i.e., historical, topographical and natural landscape).
- (6) To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
- (7) To enable special problem areas or sites in the County to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape and historical legal nonconformance.
- (8) To provide an environment of stable character in harmony with surrounding development or use, or proposed development or use.
- (9) To permit flexibility of design that will create desirable public and private common open spaces, a variety in type design and layout of buildings, and utilize to the best possible extent the potentials of individual sites.
- (10) To assist in reducing the public service costs of development.

§10.700-15. PUD Subdistrict -- Combining Suffix.

A planned Unit Development may be developed or located in any AGT, AGT-5, F-F 20, GR 10, GR-I, GR-II, PR, RR, RA, R-1, RG, RP, C-1, C-3, M-1, M-2, M-3, MH or AV District.

USES

§ 10.700-105. Permitted Uses.

The following buildings and uses may be permitted, either singly or in combination, in a Planned Unit Development (PUD) Subdistrict. Except as specifically provided and/or referred to in this section, the building and uses permitted in a Planned Unit Development (PUD) Subdistrict shall be governed by the basic uses (purpose) of the Parent District.

- (1) Planned Residential Developments.
 - (a) Single-family dwellings.
 - (b) Multiple-family dwellings.

- (c) Two-family dwelling (duplex).
- (d) Mobile home.
- (e) All other uses permitted in the Parent Zone.
- (f) Any conditional uses permitted in the Parent Zone.
- (g) Open space.
- (h) Public and private nonprofit parks and playgrounds, community centers and recreational facilities.
- (i) Hiking and riding trails.
- (j) Neighborhood shopping centers and convenience shops where they are deemed appropriate to a larger neighborhood of which the Planned Residential Development is an integral part and is designed to primarily serve the residents of the PUD with goods and services.
- (k) Accessory structures and uses to the extent necessary and normal to the uses permitted in this section.

(2) Planned Residential - Professional, Civic, Commercial and/or Industrial Developments.

- (a) Uses permitted in the Parent District.
- (b) Accessory buildings and uses.

GENERAL PROVISIONS

§ 10.700-205 Design Team.

The talents of qualified professionals, working as a team, are required for the planning, development and construction of a Planned Unit Development to ensure that the objectives of this section may be most fully realized and appreciated by the community and the project's developer and future residents. Further, this approach can enable the most expeditious processing of PUDS by facilitating coordination and communication between the developer, the various professionals and public agencies. The composition of the Design Team shall include, but not be limited to, a qualified architect, landscape architect and an engineer or land surveyor, licensed by the State of Oregon.

One of the required professionals shall be designated by the applicant to be responsible for conferring with the Planning Division with respect to the concept and details of the development plan, and shall act as the liaison between the Planning Division and the Design Team. The selection of this coordinator shall not limit the applicant or any member

of the Team from consulting with the Planning Division or presenting material to the Hearings Official.

The composition of the Design Team may be modified by the Planning Division or the applicant in accordance with the following provisions.

(1) The Planning Division may require that, in addition to the Design Team, the expertise of other professionals be utilized in the formation, planning and development of a Planned Unit Development if the Planning Division makes a determination that the site merits special consideration due to its unusual or adverse physical features or conditions.

(2) The applicant may limit, except as provided in LC 10.700-205(1) above, the composition of the Design Team to an architect, or a landscape architect and an engineer or a land surveyor, if:

(a) The proposed PUD is intended for single-family dwellings, or

(b) The proposed PUD is intended as a commercial or industrial development.

§ 10.700-210. Approval Criteria.

In addition to the following development and maintenance standards and principles, the Hearings Official shall expressly find that the following criteria are met before it approves a Planned Unit Development:

(1) That the location, size, design and uses are consistent with the County Comprehensive Plan.

(2) That the location, design and size are such that the development can be well integrated with its surroundings and, in the case of a departure in character from surrounding land uses, that the location and design will adequately reduce the impact of the development.

(3) That the location, design, size and land uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid as much as possible traversing local streets.

(4) That the location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services, or by facilities and services which are planned for construction within a time period that is deemed reasonable.

(5) That the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working.

DEVELOPMENT AND MAINTENANCE STANDARDS AND PRINCIPLES

§ 10.700-305. Minimum Sized Area for Developments.

A Planned Unit Development shall be sufficient size to allow the objectives and standards of this section to be met and shall, as a minimum, comply with the following:

(1) The minimum size for a tract of land to be developed as a Planned Unit Development shall be not less than five contiguous acres and of such configuration as to be conducive to a Planned Unit Development.

(2) Notwithstanding the provisions of LC 10.700-305(1) above, a Planned Unit Development application may be filed on a tract of land less than five contiguous acres, but no approval shall be given to such application unless the Hearings Official determines, upon a showing by the applicant, that the minimum size required in LC 10.700-305(1) above should be waived because a Planned Unit Development is in the public interest and that one or more of the following conditions exist:

(a) Because of unusual physical features of the property, or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve physical or topographical feature of importance to the County.

(b) The property, or its neighborhood, has historical character of economic importance to the community that will be protected by use of a Planned Unit Development.

(c) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development and that a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.

(d) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.

§ 10.700-310. Land Coverage.

(1) Planned Residential Developments. In Residential Development, at least 40 percent of the gross area shall be devoted to open space. Of this required area, not more than 25 percent of said required open space may be utilized privately by individual owners or users of the Planned Unit Development, however, at least 75 percent of this area shall be common or share open space.

(2) Planned Residential-Professional, Public Reserve, Commercial and/or Industrial Developments. In Residential-Professional, Public Reserve, Commercial and/or Industrial Developments, the maximum allowable land coverage shall be the same as required by the

Parent Zoning Districts or 60 percent of the gross area, whichever allows the lesser amount of land coverage.

§ 10.700-315. Residential Density.

(1) In order to encourage the use of the Planned Unit Concept and to fulfill the intent of this section, the County may permit dwelling unit densities not exceeding those as follow within the respective underlying Zoning Districts:

| <u>District</u> | <u>Dwelling Units per Acre</u> |
|--|---|
| F-F 20 (Farm-Forestry 20) | 0.05 (1 dwelling unit per 20 acres) |
| GR 10 (General Rural 10) | 0.1 (1 dwelling unit per 10 acres) |
| GR-I (General Rural I) | 0.2 |
| GR-II (General Rural II) | 0.1 |
| AGT (Agriculture, Grazing, Timber Raising) | 0.2 |
| RR5, RR2, RR1 (Rural Residential) | 0.2, 0.5, 1 |
| RA (Suburban Residential) | 6 |
| R-1 (Single-Family Residential) | 6 |
| RG (Garden Apartment Residential) | 18 |
| C-1 (Limited Commercial) | Not applicable |
| C-2 (Neighborhood Commercial) | Not applicable |
| C-3 (Commercial) | Not applicable |
| M-1 (Limited Industrial) | Not applicable |
| M-2 (Light Industrial) | Not applicable |
| M-3 (Heavy Industrial) | Not applicable |
| MH (Mobile Home Suffix) | As allowed by Parent District |
| AV (Airport Vicinity) | 1, except as expressly provided otherwise by a Conditional Use Permit |

(2) The Hearings Official shall, as a condition of approval of a Planned Unit Development, limit the density or extent of development, but to no less than what would otherwise be allowed by the Parent Zone, LC Chapter 11, "Buildings" and Chapter 13, "Land Divisions," when it is determined that development to the maximum density listed above would.

(a) Create inconvenient or unsafe access to the Planned Unit Development, or

(b) Create traffic congestion in the streets which adjoin the Planned Unit Development, or

(c) Place an excessive burden on parks recreational areas, schools and other public facilities which serve, or are proposed to serve, the PUD, or

(d) Be in conflict with the general intent and provisions of the Comprehensive Plan for Lane County, or

(e) Create a threat to property or incur abnormal public expense in areas subject to natural hazards.

(3) The overall density of a Planned Residential Development shall be calculated by dividing the total net development area by the number of dwelling units. The net development area shall be determined by subtracting from the gross development area lands intended or used for:

(a) Commercial or industrial purposes.

(b) Churches or schools.

(c) Public or semipublic uses not intended to primarily serve the residents of the PUD.

§ 10.700-320. Lot Area and Dimensional Standards.

The minimum lot area, width, depth and setback requirements of LC Chapter 10, "Zoning;" Chapter 11, "Building" and Chapter 13, "Land Divisions," applicable to the Zoning District in which the Planned Unit Development Subdistrict lies shall not dictate the strict guidelines for development within the Planned Unit Development, but shall serve as a guideline to ensure that the development will be in harmony with the character of the surrounding area. Individual buildings, accessory buildings, off-street common parking, loading facilities, open space, landscaping and screening may be located without reference to lot lines, except the boundary lines of the Planned Unit Development.

§ 10.700-325. Heights Standards.

The sun exposure plane shall prevail in determining the height of structures, except that the Planning Commission may further limit height as follows:

(1) Along the perimeter of the Planned Unit Development when multistoried buildings would have a substantial adverse effect on adjoining properties, such as, but not limited to, loss of privacy, sunlight or open vista.

(2) To protect scenic vistas from greater encroachments than would occur if development were limited to the allowable standards under other sections of this chapter.

§ 10.700-330. Perimeter Standards.

When the Hearings Official determines that topographical or other existing barriers, or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, the Hearings Official shall require that:

(1) Structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses, and/or

(2) A permanent screening be established either by appropriate structure or vegetation or both along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.

§ 10.700-335. Open Space Standards.

The location, shape, size and character of the open space shall be provided in a manner to meet the specific needs of the Planned Unit Development and consistent with the standards set forth below, and shall be used only for those uses so specified.

(1) Open space may be used for scenic, landscaping or outdoor recreational purposes. The uses designated for the open space shall be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

(2) Open space shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features, existing trees and groundcover worthy of preservation may be left unimproved.

(3) Any buildings, structures and improvements within the open space shall be appropriate to the uses which are authorized for the open space and shall conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.

(4) The development schedule which is part of the Development Plan must coordinate the improvement of the open space, the construction of buildings, structures and improvements in the open space, and the construction of residential dwellings and other buildings in the Planned Unit Development.

§ 10.700-340. Maintenance of Common Open Space and Facilities.

Whenever any lands or facilities, including streets or ways, are shown on the Final Development Plan as being held in common, the Hearings Official shall require that an association of owners or tenants be created into a nonprofit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Hearings Official. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purpose intended. The period of existence of such associations shall be not less than 20 years, and it shall continue thereafter until a majority vote of the members shall terminate it.

§ 10.700-345. Dedication.

The Hearings Official may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed or dedicated for the following uses.

- (1) Easements necessary to the orderly extension of public utilities.
- (2) Streets and pedestrian ways necessary to the proper development and/or adjacent properties.
- (3) Recreational areas or open spaces suitable for the owners, residents, employees or patrons of the Planned Unit Development and the general public.

§ 10.700-350. Construction Standards.

Except as expressly provided herein, the provisions of LC Chapter 11, "Buildings," LC Chapter 13, "Land Divisions," and all other County Ordinances and Codes shall apply to and control all design and construction of improvements within a Planned Unit Development.

GENERAL APPLICATION CRITERIA

§ 10.700-405. Application.

Any applicant desiring to develop a Planned Unit Development shall submit an Application in accordance with procedures provided for in this section. Each Application shall include all required plans, programs and other material. Whenever a Planned Unit Development is subject to LC Chapter 13, "Land Divisions," the procedures of Chapter 13 shall also be complied with, except as modified in accordance with the provisions of this section. Any such subdivision requirements shall be considered and acted upon concurrently with the Planned Unit Development.

§ 10.700-410. Ownership.

The tract or tracts of lands included in a proposed Planned Unit Development Application must be in one ownership or control, or the subject of a joint Application by the owners of all the property included. The holder of a written option to purchase shall be deemed the owner of such land for the purposes of this section.

§ 10.700-415. Pre-Application Conference.

Prior to submitting a Pre-Preliminary Application, the applicant, or his or her authorized agent, is encouraged to confer informally with the Land Development Review Committee (as defined in LC Chapter 13-030, "Land Divisions") to discuss the general concept of a PUD as it might relate to the anticipated project.

§ 10.700-420. Pre-Preliminary Application and Review.

Prior to submitting a Preliminary Application for PUD, the applicant shall request a pre-preliminary meeting at the Planning Division. At this meeting, the applicant, or his or her authorized agent, shall meet with the Land Development Review Committee for the purpose of obtaining guidance and information that might be needed for the filing of a Preliminary Planned Unit Development Application. At this conference the Land Development Review Committee shall make a determination as to whether the site, in its opinion, qualified in size, character and general location for the contemplated Planned Unit Development. In order to help ensure that this meeting is as productive as possible for both the applicant and the Review Committee, the following minimum information shall be submitted by the applicant at least 10 days prior to the date of such meeting.

(1) Six copies of a written statement setting forth:

(a) Name(s) and address(es) of the applicant(s).

(b) Name(s) and address(es) and professional qualifications of the proposed professional Design Team members, including the designation of professional coordinator, if known.

(c) General type and approximate number of residential and nonresidential uses and structures.

(d) The number of stages, if any, in which the project will be built and the approximate time anticipated for the completion of the entire project.

(e) A tabulation of the approximate land area to be devoted to various uses and a calculation of the average residential density per net acre.

(f) Drainage, water and sewerage systems of facilities available or proposed.

(2) Six copies and one reproducible transparency of a Schematic Development Plan of the proposed development, showing:

- (a) General location of the proposed development.
- (b) Major existing physical and natural features such as water courses, rock outcropping, marshes, wooded areas, etc.
- (c) Location of the major existing utilities and drainage-ways.
- (d) Location and names of public streets, parks and railroad and utility rights-of-way within or adjacent to the proposed development.
- (e) General location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking and loading areas.
- (f) General location and approximate dimensions of proposed structures.
- (g) Major proposed landscaping features.
- (h) Approximate contours.
- (i) Sketch(es) showing the scale, character and relationship of buildings, streets and open space (optional).
- (j) Approximate location and type of proposed drainage, water and sewerage facilities.

PRELIMINARY PLANNED UNIT DEVELOPMENT REQUIREMENTS AND ACTION

§ 10.700-505. Application.

Applications for Preliminary approval shall be made by the owner(s) of all property included in the Planned Unit Development, or his or her authorized agent, and shall meet the requirements of LC 14.050. The Application shall also indicate all owners of record, contract purchasers holders of options and proposed developers. Preliminary Planned Unit Development Applications shall be accompanied by the filing fee as required by this chapter to defray the cost of processing the Application, and shall include the following:

- (1) An Application to establish a Planned Unit Development (PUD) Subdistrict classification for the Zoning District in which the proposed development will lie. The said Application may include a request that the Parent Zone be changed or that a Parent Zone be established (in the case of existing unzoned land.)
- (2) One copy of a written statement made up of the following information.
 - (a) An explanation of the character of the Planned Unit Development, the form of organization proposed to own and maintain the common areas and facilities and the type of ownership of individual units or spaces.

(b) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of common and private areas or facilities.

(c) A development schedule indicating:

(i) The approximate date when construction of the project can be expected to begin.

(ii) The proposed stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.

(iii) The approximate dates when the development will be completed.

(iv) The area, uses and location of common open space that will be provided at each stage.

(d) A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.

(e) A boundary map and legal description.

(3) One copy and one reproducible transparency of a Preliminary Development Plan(s) of the entire development and shall include, at a minimum, the following:

(a) Existing contours and proposed contours after development at intervals of:

(i) One foot for ground slopes of less than five percent or spot elevations and drainage features.

(ii) Two feet for ground slopes between five and 10 percent.

(iii) Five feet for ground slopes in excess of 10 percent.

(b) Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking and loading areas.

(c) Approximate location and dimensions of building and structures and their use, open space and dedicated or reserved properties.

(d) Preliminary landscaping plan depicting existing and proposed tree plantings, ground cover, screen planting and fences, etc., and showing location of existing trees in excess of 12 inches in diameter measured four feet from ground level which are proposed to be removed by the development.

(e) Architectural sketches or drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, ways, parking spaces or garages and open spaces.

(f) Proposed drainage, water and sanitary systems and facilities, as required.

(g) Location, character and type of signs and lighting facilities.

(h) A preliminary subdivision plat, if the land or building is to be subdivided as defined by LC Chapter 13, "Land Divisions."

§ 10.700-510. Preliminary Review Procedure.

(1) Applications for approval of Preliminary Planned Unit Developments shall be reviewed by the Director pursuant to LC 14.100.

(2) Preliminary Planned Unit Development approval may allow for completion of the Planned Unit Development in as many as three phases subject to the following time limitations:

(a) Phase I requirements for final approval shall be completed within two years of preliminary approval.

(b) Phase II requirements for final approval shall be completed within three years of preliminary approval.

(c) Phase III requirements for final approval shall be completed within four years of preliminary approval.

(3) An extension of the two-year preliminary approval time period to complete a Planned Unit Development may be routinely approved by the Director as follows:

(a) The applicant shall have submitted to the Department an application for an extension, on the form provided by the Department, prior to the preliminary approval expiration date.

(b) The application shall be accompanied by the processing fee.

(c) The application materials must factually demonstrate that the applicant has made a good faith and reasonable effort and progress to meet the conditions set forth in preliminary approval, and that the delay in meeting the conditions could not have been reasonably avoided, and that the uncompleted conditions can be met within a period of time not to exceed two years beyond the original time set forth in the preliminary Planned Unit Development approval.

(d) After review of an application for an extension, the Director shall mail to the applicant a written notice of the decision to approve or deny the extension. The Director's decision may be appealed by the applicant in the manner provided by LC 14.500 for appeals of decisions by the Director pursuant to LC 14.100.

FINAL PLANNED UNIT DEVELOPMENT REQUIREMENTS AND ACTION

§ 10.700-605. Final Application.

An application for final Planned Unit Development approval shall be filed with the Department within two years of the date of preliminary Planned Unit Development approval, shall be accompanied by the required filing fee, shall be completed on the form provided by the Department, and shall be accompanied by the following:

(1) Six copies and a reproducible transparency of the final plan(s). The said plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of development and shall include, at a minimum, the following:

(a) Detailed location of water, sewage and drainage facilities.

(b) Detailed plan showing location of all buildings and structures.

(c) Detailed exterior building plan and elevations.

(d) Detailed plans showing the character and locations of signs and lighting facilities.

(e) Detailed plans for street, roadway, pedestrian ways and parking improvements.

(f) Detailed grading or earth moving plans.

(g) Detailed landscaping plans.

(2) A final subdivision plat as may be required by LC Chapter 13, "Land Divisions."

(3) All documents relating to dedication, improvements, maintenance agreements, covenants, deed restrictions and bylaws of neighborhood associations, cooperatives and improvement of the District. The documents so submitted shall be approved by an attorney and shall be further approved as to form by the County Counsel.

§ 10.700-610. Final Approval.

Approval of final Planned Unit Development plans shall be a routine administrative action by the Director. The Director shall grant final approval if, by the Director's determination:

(1) The final Planned Unit Development plans and any supporting documents or plats are in substantial conformity with the approved preliminary Planned Unit Development plan;

(2) All conditions of preliminary approval imposed by the Approval Authority have been met.

Approval or denial by the Director shall be made by the Director within 30 days of acceptance of the final application, shall be in writing and mailed to the applicant, and may be appealed by the applicant pursuant to LC 14.500 for appeals to the Hearings Official.

§ 10.700-635. Planned Unit Development Subdistrict.

Final approval of a Final Planned Unit Development Application shall be in the manner of a Planned Unit Development Subdistrict amendment to the Official Zoning Map. Before final approval is given, the Planning Director shall certify that either:

(1) All improvements as required by this chapter have been completed and a certificate of such fact has been filed with and approved by the Planning Director, or

(2) A Performance Agreement has been filed with the Director on a form approved by the Board of County Commissioners and in sufficient amount to ensure the completion of all required improvements.

§ 10.700-650. Retroactive Final Approval Authority in Certain Cases.

Notwithstanding any other provision of LC 14.700, an application for final PUD approval may be accepted and reviewed pursuant to LC 10.700-510 and LC 10.700-605 even though preliminary PUD approval was granted prior to July 1, 1983, provided preliminary approval for the PUD has not expired.

FINAL PLANNED UNIT DEVELOPMENT CONDITIONS

§ 10.700-705. Limitation of Approval.

No excavating, grading, construction improvements or building permits shall be authorized or issued within the Adopted Planned Unit Development (PUD) Subdistrict Zone, pending compliance with the following:

(1) Full compliance with all provisions of the Ordinance including the execution and filing of all documents required therein.

(2) Compliance with the requirements of LC Chapter 10, "Zoning;" Chapter 11, "Buildings" and Chapter 13, "Land Divisions," and all other applicable laws and regulations.

(3) Full compliance with the Approved Final Planned Unit Development Application. The said Application shall control the issuance of all Building Permits and shall restrict the nature, location and design of all uses.

§ 10.700-710. Changes to Final Planned Unit Development Application.

Minor changes in an Approved Final Planned Unit Development Application requested by the applicant may be approved by the Planning Director if such changes are consistent with the purposes and general character of the said Application. All other modifications, including extension or revisions of the State Development Schedule, shall be processed in the same manner as the Original Application for final approval and shall be subject to the same procedural requirements. All requests for changes or modifications and their approval shall be in writing.

§ 10.700-715. Revocation.

In the event of a failure to comply with the Approved Final Planned Unit Development Application, or any prescribed condition of approval, including failure to comply with the State Development Schedule, the Planning Director, Hearings Official or Board may initiate a review of the Planned Unit Development (PUD) Subdistrict by the Planning Division at a public hearing to determine whether or not its continuation, in whole or in part, is in the public interest and, if found not to be, the Hearings Official shall recommend to the Board of Commissioners that the Planned Unit Development (PUD) Subdistrict be removed and necessary amendments to the Ordinance or Order be made in accordance with this chapter. The Hearings Official hearing and Board action shall be conducted in the manner provided in LC Chapter 14, "Appeals."

CONTRACT ZONING DISTRICT

§ 10.710-05. Purpose.

The purpose of the Contract Zoning District is to permit the County to zone property subject to a contract of annexation by incorporating within a County zoning ordinance the terms and conditions of the zoning regulations of the city to which the land is to be annexed.

§ 10.710-10. Permitted Terms and Conditions.

A Contract Zoning District (CZD) may consist of one or more of the permitted zones of the incorporated city to which the land will be annexed. The terms and conditions of the zoning ordinance of the city to which the land is to be annexed shall be adopted by reference in the County ordinance establishing a CZD.

§ 10.710-15. Prohibited Application.

No land shall be zoned CZD unless the County and the city to which the land is to be annexed have entered into an agreement defining their relative duties and responsibilities for the processing of the zone change and the administration of the development on the specific land which is the subject of the contract of annexation. Under no circumstances shall Lane County be responsible for the administration of city codes on the specific property after the zone change has been approved.

AUTHORITY TO CHARGE FEES

§ 10.800-05. Authority to Charge Fees.

(1) The Department shall have the authority to charge fees for the purposes of defraying expenses involved in processing applications required by this chapter.

(2) All fees are nonrefundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made for the amount of the fee remaining after the subtraction of processing expenses incurred by the Department.

ENFORCEMENT REQUIREMENTS

§ 10.900-05. Title, Purpose, and Applicability.

The provisions of this section shall be known as the Enforcement Requirements. The purpose of these requirements is to ensure compliance with the zoning requirements. These provisions shall apply to the enforcement of the zoning requirements, but shall not be deemed exclusive.

§ 10.900-10. Official Action.

All officials, Departments, and employees of Lane County vested with authority to issue permits, certificates, or licenses, shall adhere to and require conformance with the zoning requirements.

§ 10.900-15. Inspection and Right of Entry.

Whenever they shall have cause to suspect any failure to comply with any provision of the zoning requirements, or when necessary to investigation of an application for or revocation of any zoning approval under any of the procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

§ 10.900-16. Unauthorized Work.

If the Director discovers any person doing or causing to be done any work without the permit required by this chapter, the Director shall notify the person to cease the act or acts, and such person shall cease such acts until a permit is secured, and shall pay for such permit twice the amount of the fee otherwise required.

§ 10.900-17. Stop Work Orders.

Whenever any work is being done contrary to provisions of this chapter or an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter, or the Manager of the Lane County Land Management Division has probable cause to believe that any other provision of the Lane Code is not being complied with in connection with the project of which the work being performed is a part, the Manager may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon the posting or service of notice, all persons engaged in doing or causing the work to be done shall immediately stop such work until authorized by the Manager to proceed.

§ 10.900-20. Abatement.

Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the zoning requirement shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such.

§ 10.900-25. Enforcement Official.

It shall be the duty of the Manager of the Lane County Land Management Division, or said Manager's duly authorized representative to enforce the provisions of this chapter pertaining to land use and to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupance, equipment, use, height, area, and maintenance of buildings or structures in the County. The enactment of this chapter shall not invalidate any prior existing, or future prosecutions for violation of, or failure to comply with, the zoning requirements committed under previous applicable County ordinances then in effect.

§ 10.900-30. Legal Proceedings by District Attorney.

In addition to the enforcement provisions of this chapter, upon request of the Manager of the Land Management Division or the Building Official, the District Attorney or County Counsel may institute any additional proceedings, including but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

§ 10.900-35. Enforcement by Department of Public Safety.

The Director of the Department of Public Safety, or said Director's authorized representatives, shall have the power, upon request of the Manager of the Land

Management Division or the Building Official, District Attorney, or County Counsel, to assist in the enforcement of the provisions of this chapter.

§ 10.900-40. Remedies Cumulative.

It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive.

FAILURE TO COMPLY

§ 10.990. Failure to Comply.

Failure to comply with any of the requirements of this chapter may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement. Continued failure to comply with this chapter after 10 days from the mailing of a notice of failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service and continued failure to comply after an order has been entered by the County Hearings Officer for the same act or condition, constitutes a separate failure to comply for each day it continues. The Manager of the Lane County Land Management Division, or said Manager's duly authorized representatives, shall have the authority to sign a notice of failure to comply.