

**Chapter 18.04.190  
PLANNED UNIT DEVELOPMENT – PUD**

The intent of the PUD is to create a process to promote diversity and creativity in site design, and protect and enhance natural and community features. The process is provided to encourage unique developments which may combine a mixture of residential, commercial and industrial uses. Low Impact Development (LID) projects and best management practices are an encouraged option and shall be designed in accordance with 18.04.200 Low Impact Development. By using flexibility in the application of the development standards, this process will promote developments that will benefit citizens that live and work in the town.

A. Zoning Districts Where Permitted. PUDs are permitted in all zoning districts.

B. Permitted Uses.

1. Principally Permitted Uses. The principally permitted uses in PUDs shall be the same as those permitted in the underlying zoning classifications.
2. Conditional Uses. The conditional uses in PUDs shall be the same as those permitted in the underlying zoning classification. The conditional use permit review process may be consolidated with that of the PUD pursuant to the procedures specified in subsection (F) of this section.
3. Accessory Uses. Accessory uses and buildings which are customarily incidental and subordinate to a principally permitted use are also permitted.
4. Exceptions. In the residential PUDs of 10 acres or more, commercial uses may be permitted. Commercial uses shall be limited to those uses permitted in the neighborhood convenience district.

C. Development Standards. The following development standards are minimum requirements for a planned unit development:

1. Minimum Lot Size Exclusion. The minimum lot size requirements of the districts outlined in this title shall not apply to PUDs.
2. Minimum Site Acreage. Minimum site acreage for a PUD is established according to the zoning district in which the PUD is located.
3. Minimum Perimeter Building Setback. The minimum perimeter building setback of the underlying zone shall apply. Multifamily area requirements shall apply to any multifamily developments. The board of adjustment may reduce building separation requirements to the minimum required by the building and fire departments, according with the criteria set forth in subsection (F)(1) of this section. If an adjacent property is undevelopable under this title, the planning commission may also reduce the perimeter setback requirement to the minimum standards in the town building and fire codes.
4. Maximum Height of Structures. The maximum height of structures of the underlying zone shall apply. The planning commission may authorize additional height in C and I zones where proposed development in the PUD is compatible with the scale and character of adjacent existing developments.
5. Open Space.
  - a. The standard set forth in this subsection shall apply to PUD residential developments only. Each PUD shall reserve a maximum of 35 percent of the area denoted for residential use as open space.
  - b. For the purpose of this section, open space shall be defined as land which is not used for buildings, dedicated public rights-of-way, traffic circulation and roads, parking areas or any kind of storage. Open space includes, but is not limited to, privately owned woodlands, open fields, streams, wetlands, severe hazard areas, sidewalks, walkways,

landscaped areas, gardens, courtyards or lawns. Common open space may provide for either active or passive recreation.

c. Open space within a PUD shall be available for common use by the residents, tenants or the general public, depending on the type of project.

6. Streets. If streets within the development are required to be dedicated to the town for public use, such streets shall be designed in accordance with the standards outlined in the town subdivision code and other appropriate town standards. If the streets within the development are to remain in private ownership and remain as private streets, then the following standards shall apply:

a. Minimum Private Street Pavement

Widths. Minimum private street pavement widths for parallel parking in residential planned unit developments are as follows:

	<b>No Parking (feet)</b>	<b>Parking One Side (feet)</b>	<b>Parking Both Sides (feet)</b>
One-way streets:	20 <u>16</u>	29 <u>24</u>	38 <u>32</u>
Two-way streets:	22 <u>20</u>	31 <u>28</u>	40 <u>36</u>

The minimum widths set out in this subsection (6) may be modified upon review and approval of the town fire chief and the town public works director providing they are sufficient to maintain emergency access and traffic safety. A maintenance agreement for private streets within a PUD shall be required by the planning commission as a condition of PUD approval.

b. Vehicle Parking Areas. Adequate vehicular parking areas shall be provided. The required number of parking spaces may vary from the requirements of Chapter 18.05 EMC and shall be approved by the planning commission based upon a parking need assessment study submitted by the applicant and approved by the planning director. Vehicular parking areas may be provided by on-street or off-street parking lots. The design of such parking areas shall be in accordance with the standards outlined in Chapter 18.05 EMC.

c. One-Way Streets. One-way loop streets shall be no more than 1,500 feet long.

d. On-Street Parking. On-street parking shall be permitted. Privately owned and maintained “no parking” and “fire lane” signs may be required as determined by the town public works director and town fire department chief.

7. Pedestrian Walkways. Pedestrian walkways shall be constructed of material deemed to be an all-weather surface by the public works director;

8. Landscaping and Tree Retention Requirements.

a. Minimum perimeter landscaping of the underlying zone shall apply. Additional landscaping shall be required as provided in Chapter 18.07 EMC.

b. Native vegetation requirements for PUD’s shall comply with the requirements set forth in Chapter 18.07.065 Tree Retention and Conservation.

b. c. All PUD developments shall ensure that parking areas are integrated with the landscaping system and provide screening of vehicles from view from public streets. Parking areas shall be conveniently located to buildings and streets while providing for landscaping adjacent to buildings and pedestrian access.

e. d. Solid waste collection areas and waste reduction or recycling areas shall be conveniently and safely located for on-site use and collection, and attractively site screened.

9. Signs. The sign regulations of Chapter 18.06 EMC shall apply.

10. If portions of the PUD are to be subdivided for sale or lease, the procedures of the town

subdivision code, as amended, shall apply. Specific development standards such as lot size, street design, etc. shall be provided as outlined in EMC 18.04.190(C).

11. Shoreline Master Program. Any development located within 200 feet of the Mashell River shall adhere to the town shoreline master program regulations.

D. Density Bonus Standards. The density of residential development for PUDs shall be based on the gross density of the underlying zoning district. The planning commission may recommend a dwelling unit density not more than 20 percent greater than that permitted by the underlying zone upon findings and conclusions that the amenities or design features which promote the purposes of this subsection (D), as follows, are provided: undevelopable under this title, the planning commission may also reduce the perimeter setback requirement to the minimum standards in the town building and fire codes.

1. Open Space. A four percent density bonus may be authorized if at least 10 percent of the open space is in concentrated areas for passive use. Open space shall include significant natural features of the site, including but not limited to fields, woodlands, watercourses and permanent and seasonal wetlands. Excluded from the open space definition are the areas within the building footprints, land used for parking, vehicular circulation or rights-of-way, and areas used for any kind of storage.

2. Active Recreation Areas. A four percent density bonus may be authorized if at least 10 percent of the site is utilized for active recreational purposes, including but not limited to jogging or walking tracks, pools, children's play areas, etc. Only that percentage of space contained within accessory structures that is directly used for active recreation purposes can be included in the 10 percent active recreation requirement.

3. Stormwater Drainage. A two percent density bonus may be authorized if stormwater drainage control is accomplished using natural on-site drainage features. Natural drainage feature may include streams, creeks, ponds, etc.

4. Native Vegetation. A four percent density bonus may be authorized if at least 15 percent of the native vegetation on the site is left undisturbed in large open areas.

5. Parking Lot Size. A two percent density bonus may be authorized if off-street parking is grouped in areas of 16 stalls or less. Parking areas must be separated from other parking areas or buildings by significant landscaping in excess of type V standards as provided in EMC 18.07.050(E). At least 50 percent of these parking areas must be designed as outlined in this subsection to receive the density bonus.

6. Mixed Housing Types. A two percent density bonus may be authorized if a development features a mix of residential housing types. Single family residences, attached single units, condominiums, apartments and townhomes, are examples of housing types. The mix need not include some of every type.

7. Project Planning and Management. A two percent density bonus may be granted if a design/development team is used. Such a team would include a mixture of architects, engineers, landscape architects, and designers. A design/development team is likely to produce a professional development concept that would be consistent with the purpose of the zoning regulations. These standards are thresholds, and partial credit is not given for partial attainment. The site plan must at least meet the threshold level of each bonus standard in order for density bonuses to be given for that standard.

E. Application Process. The application process includes the following steps: informal review process, compliance with the state Environmental Policy Act, community information meeting, development plan review and public hearing before the planning commission.

1. Informal Review Process. An applicant shall meet informally with the planning director at

the earliest possible date to discuss the proposed PUD. The purpose of this meeting is to develop a project that will meet the needs of the applicant and the objectives of the town as defined in this title.

2. SEPA Compliance. Compliance with the State Environmental Policy Act and regulations and town SEPA requirements shall be completed prior to development plan review.

3. Development Plan Review. After informal review and completion of the SEPA process, a proposal shall next be reviewed by planning director through the development plan review process. Comments received by the project developer under the development review process shall be used to formalize the proposed development prior to the development being presented at a public hearing before the planning commission.

4. Community Information Meeting.

a. A community information meeting shall be required for any proposed PUD located within a residential zone or within 200 feet of a residential zone. At this meeting the applicant shall present the development proposed to interested residents. Issues raised at the meeting may be used to refine the PUD plan. Notice shall be given in at least one publication in the local newspaper at least 10 days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than 200 feet of the exterior boundaries of the property subject to the application.

Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

b. Nonresidential PUDs not located within 200 feet of a residential zone shall not require a community information meeting.

5. Public Notice and Planning Commission Public Hearing. The planning commission shall hold at least one public hearing on the proposed PUD and shall give notice thereof in at least one publication in the local newspaper at least 10 days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius not less than 200 feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

6. Consolidation of Land Use Permit Processes.

The PUD approval process may be used to consolidate other land use permit processes which are required by other sections of this title. The public hearing required for the PUD may serve as the public hearing for the conditional use permit, subdivision, shoreline substantial development and rezoning if such land use permits are a part of the overall PUD application. When another land use permit is involved which requires town council approval, the PUD shall not be deemed to be approved until the town council has approved the related land use permit. If a public hearing is required for any of the categories of actions listed in this subsection (E), the planning commission shall employ the public hearing notice requirements for all actions considered which ensure the maximum notice to the public.

7. Planning Commission Decision. The planning commission shall issue a written decision within 30 days from the date of the hearing. Parties of record will be notified in writing of the decision. The decision is final within 14 days of receipt by the developer of the decision.

8. Effective Date. In approving a PUD, the planning commission shall specify that the approved PUD shall not take effect unless or until the developer files a completed development permit application within the time periods required by this title as set forth in subsection (G) of this section. No official map or zoning text designations shall be amended to reflect the approved PUD designation until such time as the PUD becomes effective.

F. Review Criteria for Planned Unit Developments.

Upon receipt of a complete application for a residential PUD, the planning director shall review the application and make its recommendation to the planning commission. The planning

commission shall determine whether to grant, deny or condition an applicant based upon the following review criteria:

1. Residential Planned Unit Development Criteria.

- a. The proposed PUD project shall have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.
- b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.
- c. The proposed PUD project shall provide areas of openness by using techniques such as clustering, separation of building groups and use of well designed open space and landscaping.
- d. The proposed PUD project shall promote variety and innovation in site and building design. Buildings in groups shall be related by common materials, architectural detailing, building scale and orientation.
- e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

2. Nonresidential Planned Unit Development Criteria.

- a. The proposed project shall have a beneficial effect which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.
- b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.
- c. The proposed project shall provide areas of openness by the clustering of buildings, and by the use of well designed landscaping and open spaces. Landscaping shall promote a coordinated appearance and break up continuous expanses of building and pavement.
- d. The proposed project shall promote variety and innovation in site and building design. It shall encourage the incorporation of special design features such as visitor entrances, plazas, outdoor employee lunch and recreation areas, architectural focal points and accent lighting.
- e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

G. Time Limits.

1. Application for Development Permit.

The applicant shall apply for a development permit no later than one year following final approval of the PUD. The application for development permit shall contain all conditions of the PUD approval.

2. Extensions. An extension on time for development permit application may be requested in writing by the applicant. Such an extension may be granted by the planning director for a period not to exceed one year. If a development permit is not issued within two years, the PUD approval shall become null and void and the PUD shall not take effect.

H. Modifications of Plan. Request or modifications of final approved plans shall be made in writing and shall be submitted to the planning director in the manner and form prescribed by the planning director. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.

1. Minor Modifications. Modifications are deemed minor if all the following criteria are satisfied:

- a. No new land use is proposed;

- b. No increase in density, number of dwelling units or lots proposed;
- c. No change in the general location or number of access points is proposed;
- d. No reduction in the amount of open space is proposed;
- e. No reduction in the amount of parking is proposed;
- f. No increase in the total square footage of structures to be developed is proposed; and
- g. No increase in general height of structures is proposed. Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings or landscaped areas, minor changes in phasing or timing, and minor changes in elevations of buildings.

2. Major Modifications. Major adjustments are those which, as determined by the planning director, substantially change the basic design density, open space or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the planning commission. The planning commission may review such adjustments at a regular public hearing. (If a public hearing is held, the process outlined in EMC 18.08.020 shall apply.) The planning commission shall issue a written decision to approve, deny or modify the request. Such a decision shall be final. The decision may be appealed to the town council by the filing of written notice of appeal with the town clerk within 14 days of the date of the developer's receipt of the planning commission's decision.  
(Ord. 94-06 § 2, 1994).