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5 **ORDINANCE NO. 3316**
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7 **AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON,**
8 **AMENDING CHAPTER 17.69 OF THE MOUNT VERNON MUNICIPAL CODE**
9 **ESTABLISHING ORDINANCE NO. 3316 AND REPEALING ORDINANCE NO. 3282**
10 **AND ORDINANCE NO. 3296 ADOPTING A MORATORIUM FOR DENSITY BONUS**
11 **SUBDIVISIONS AND INTERIM CONTROLS.**
12

13
14 **WHEREAS**, the requisite public hearing before the Planning Commission on January 3, 2006
15 was preceded with appropriate notice, published on December 13, 2005; and, the requisite City
16 Council hearing of January 18, 2006 was preceded with appropriate notice published on
17 December 13, 2005; and,

18
19 **WHEREAS**, the requisite notice of adoption of the proposed amendments has been duly
20 transmitted in compliance with RCW 36.70A.106 (1); and,

21
22 **WHEREAS**, a SEPA Threshold Determination of Non-significance, non-project action, was
23 published on November 28, 2005; and,

24
25 **WHEREAS**, the City Council placed a moratorium on applications for Planned Unit
26 Developments on August 10, 2005 in response to increasing concern about the proliferation of
27 residential housing and the need for the City to take a comprehensive investigation of its
28 planning policies and develop a revised PUD; and,

29
30 **WHEREAS**, the requirements for public participation in the development of this amendment as
31 required by the State Growth Management Act (GMA) and by the provisions of City of Mount
32 Vernon Resolution No. 491 have all been met; and,

33
34 **WHEREAS**, the proposed amendments will require PUDs to achieve a higher level of design
35 and demonstrate public benefit; and,

36
37 **NOW, THEREFORE,**

38
39 **THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS**
40 **FOLLOWS:**

41
42 SECTION 1: Repealer. The following are hereby repealed in their entirety:

43
44 A. Ordinance No. 3282, enacted August 10, 2005.

1 Entitled:

2
3 AN ORDINANCE declaring emergency and adopting an immediate moratorium on the
4 acceptance of applications for planned unit developments codified within Mount Vernon
5 Municipal Code 17.69 et. seq., acceptance of applications for cluster subdivisions codified within
6 the MVMC 17.15 et.seq., and the acceptance of applications for the transfer or purchase of
7 development rights codified within Mount Vernon Municipal Code 17.119 et. seq. to those areas
8 within the City and its urban growth areas necessary for the protection of the public health,
9 safety and welfare and in order so that the City may take a comprehensive investigation to its
10 planning policies.

11
12 B. Ordinance No. 3296, enacted November 9th, 2005.

13 Entitled:

14
15 AN ORDINANCE amending ordinance 3282 adopting interim official controls to allow for
16 applications for those planned unit developments exempt from the moratorium.

17
18 SECTION 2: That Chapter 17.69 of the Mount Vernon Municipal Code is hereby repealed in its
19 entirety and reenacted, which reenacted section shall be re-titled and now read as follows:

20
21 **Chapter 17.69**
22 **PLANNED UNIT DEVELOPMENTS**
23

24 Sections:

25 17.69.010 Purpose.

26 17.69.020 Scope.

27 17.69.030 Minimum lot area.

28 17.69.035 Accessory Uses

29 17.69.040 Pre-design development meeting, pre-application conference and neighborhood
30 meeting.

31 17.69.050 Design assistance.

32 17.68.060 Design evaluation checklist.

33 17.69.070 Application contents and fees

34 17.69.080 Innovative residential development.

35 17.69.090 Modification of permitted densities – Bonus density.

36 17.69.100 Modification of permitted uses – Commercial uses.

37 17.69.110 Modification of permitted uses– Multi-family uses.

38 17.69.120 Modification of development standards.

39 17.69.130 Open space requirements.

40 17.69.140 Preliminary approval criteria.

41 17.69.150 Preliminary PUD review process.

42 17.69.160 Authority to approve, condition or deny preliminary PUD

43 17.69.170 Performance guarantees – PUD agreement.

44 17.69.180 Modifications to an approved PUD.

- 1 17.69.190 Building and occupancy permits – Issuance after final PUD approval.
- 2 17.69.200 Final PUD plan requirements.
- 3 17.69.210 Time limitation on final PUD submittal.
- 4 17.69.220 Filing of final PUD plan.

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8 **17.69.010 Purpose.**

9 The purpose of this chapter is to implement the goals and policies of the Mount Vernon
10 Comprehensive Plan by promoting creativity in site layout and design, allowing flexibility in the
11 application of the standards for residential and mixed residential/commercial development to
12 protect and enhance environmental features, and provide other public benefits. This chapter
13 provides performance criteria to encourage flexibility in the choice of the types of living units
14 available to the public through a discretionary planned unit development (PUD) process. More
15 specifically, it is the purpose of this chapter to:

16 A. Allow development of land with physical constraints, while at the same time preserving
17 the natural characteristics of a site, including topography, native vegetation, wildlife habitat,
18 environmentally sensitive areas, and other natural amenities of value to the community;

19 B. Create and/or preserve open space for recreation and aesthetic enjoyment of residents and
20 employees;

21 C. Provide for the management and control of storm water;

22 D. Permit developers to use innovative methods and approaches not available under
23 conventional zoning methods to facilitate the construction of a variety of housing types and
24 densities serving the diverse housing needs of Mount Vernon residents to promote the housing
25 goals and policies of the Mount Vernon Comprehensive Plan;

26 E. Provide for the economic provision of public facilities and services by allowing choices in
27 the layout of streets, utility networks, and other public improvements through innovative site
28 design;

29 F. Avoid the overburdening of present or planned capacity of public utilities, services,
30 facilities and streets, which may occur under conventional site development and zoning methods;

31 H. Ensure that proposals are contextually appropriate and integrate appropriately with
32 surrounding established neighborhoods.

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34 **17.69.020 Scope.**

35 A. This chapter shall apply to all permitted uses within the R-1, 7.0, R-1, 5.0, R-1, 4.0, R-1,
36 3.0 and R-2 residential districts and constitutes a “floating” overlay zone over these districts;
37 provided, however, this chapter permits the development of limited multifamily housing and
38 limited commercial development in the above specified residential zones, so long as the
39 requirements of this chapter are satisfied.

40 This chapter may be applied to existing subdivisions on which no development has yet
41 occurred, or where adequate vacant land exists within an existing development to meet the
42 standards and criteria of this chapter.

43 B. The PUD process provides an alternative to traditional development under prescriptive
44 zoning and subdivision standards. The performance standards associated with a PUD allow for

1 departure from strict compliance with zoning and subdivision development standards. However,
2 all proposed PUD development standards that depart from strict compliance with zoning and
3 subdivision standards must demonstrate that they allow for better design and are in the public
4 interest.

5 C. A PUD application must be processed with either an application for short subdivision or
6 full subdivision approval. The scope of this chapter is to allow more innovative ways of
7 designing such development applications, enabling applicants to take advantage of incentives,
8 including flexible zoning standards, modification of requirements of the city’s engineering
9 design standards, and bonus densities in appropriate circumstances, in exchange for public
10 benefits.

11 D. PUD’s are not intended to provide infill housing on smaller parcels in established
12 residential areas of the City.

13
14 **17.69.030 Minimum lot area.**

15 The minimum lot area required for property proposed for a PUD shall be two gross acres.
16

17 **17.69.035 Accessory Uses**

18 Permitted accessory uses within approved PUDs shall include:

19 A. Storage areas for items such as recreational vehicles, other vehicles, and boats. Storage
20 areas shall not abut a public road and shall be screened on all sides with Type II landscaping as
21 defined in MVMC 17.93. Storage areas approved through a PUD can exceed the size and height
22 restrictions normally associated with an accessory use so long as the provisions within this
23 section are met.

24 **17.69.040 Pre-design Development Meeting, Pre-application Conference and Neighborhood**
25 **Meeting**

26 A. For the purposes of expediting applications and reducing development costs, the city of
27 Mount Vernon requires a “pre-design development” general information meeting. This meeting
28 will provide input from relevant department staff regarding requirements needed for a proposed
29 project; such as land use, site design, required improvements and conformance with the
30 comprehensive plan, zoning ordinance and subdivision code. This approach offers a forum where
31 information can be shared about the site and staff can guide the applicant through specific
32 requirements prior to developing a detailed site plan. This informal process will help alert
33 developers to potential issues prior to expending resources on plans that may need alterations to
34 meet city regulations. The meeting will also provide details on the information needed for the
35 required pre-application conference and will identify the PUD design standards contained in the
36 design evaluation checklist.

37 B. Prior to filing any application, the applicant shall schedule, and the city shall conduct, a
38 pre-application conference, pursuant to the provisions of MVMC 14.05.070. To schedule a pre-
39 application conference, the applicant shall submit to the development services director all
40 required application materials, including the design evaluation checklist and required forms,
41 maps, site plans, landscaping plans, elevations, etc., so the city can advise the applicant whether
42 there is sufficient information to constitute a complete application and to review the proposal in
43 relationship to the comprehensive plan, approved sub-area plan or neighborhood plan for the
44 area, and specific city development objectives, policies, and plans for the area.

1 C. Prior to submission of a formal PUD application and after the completion of the pre-
2 application meeting with the city, the applicant is required to conduct a neighborhood meeting to
3 review the proposed project with property owners within 500 feet of the subject property.
4 Comments received at the meeting should be submitted to the City for consideration with the
5 PUD application.

6 D. If, as a result of the neighborhood meeting, residents have questions or require additional
7 information concerning the proposed PUD, they may request an informal meeting with the
8 development services director or the applicant by contacting the development services
9 department.

10
11 **17.69.050 Design Assistance**

12 A. Design assistance is provided through the provision of the design evaluation checklist at
13 the pre-design meeting and a detailed review and evaluation of the proposal consistent with the
14 standards contained in the checklist at the pre-application meeting. The review and evaluation of
15 the proposal at the pre-application meeting shall be facilitated by a qualified, professional design
16 review consultant retained by the City. All expenses associated with the review and evaluation
17 of the proposal by the design review consultant shall be borne by the applicant.

18 B. The design review consultant (consultant) shall review the proposal for compliance with
19 the standards contained in the design evaluation checklist prior to the pre-application meeting.
20 The consultant shall provide a preliminary assessment of the proposals compliance with the
21 standards contained in the checklist to the applicant at the meeting. In addition, the consultant
22 may suggest alternative strategies that would allow the proposal to be modified in a manner that
23 increases compliance with applicable standards. At the request of the applicant, the consultant
24 may schedule additional meetings to review revised plans for the proposal.

25 C. Upon submittal of a complete application, the design review consultant shall review the
26 PUD design and shall prepare a written report to the Director summarizing the proposals
27 compliance or non-compliance with all of the applicable standards contained in the design
28 evaluation checklist. In addition, the consultant shall preliminarily evaluate requests for bonus
29 density consistent with the requirements of MVMC 17.69.090. The consultant shall provide a
30 written recommendation to the Director summarizing the proposals compliance with the
31 approval criteria contained in MVMC 17.69.090(D).

32
33 **17.69.060 Design Evaluation Checklist**

34 Pre-design development, pre-application review and the review of final PUD applications
35 shall be guided by the standards contained in the design evaluation checklist attached as
36 Appendix A to this chapter and incorporated herein as though fully set forth.

37 The city shall prepare a handbook to be available to potential applicants and the public that
38 includes graphic illustrations, photographs and/or narrative text to illustrate the above-referenced
39 standards.

40
41 **17.69.070 Application contents and fees**

42 A. After the pre-application conference, the applicant may file an application for a
43 preliminary PUD with the development services department together with the application fee and

1 documents meeting the requirements set out in sub-sections (B) through (F) of this section. An
2 applicant may submit applications for:

- 3 1. Preliminary PUD and preliminary plat together.
- 4 2. Preliminary PUD only;
- 5 3. Preliminary and final PUD plat simultaneously, provided all information required under
6 MVMC 17.69.160(B) is submitted;
- 7 4. Amendment to a PUD.

8 B. The PUD application shall be accompanied by a nonrefundable fee as set forth in Chapter
9 14.15 MVMC to reimburse the city of Mount Vernon for the costs of reviewing the application.
10 Further provided, the applicant shall be responsible for additional processing costs incurred by
11 the city in the event of additional staff time, consultant services, and public hearing costs over
12 and above the initial application fee. All additional costs shall be paid within 30 days of notice
13 by the city. Failure to provide payment to the city shall terminate processing of the application.

14 C. Written documents required with a PUD application are as follows:

- 15 1. Provide application forms:
 - 16 a. Counter complete checklist, as prepared by the development services department;
 - 17 b. Master application form;
 - 18 c. Submittal requirements for preliminary plat or short plat if the applicant wishes to
19 process the preliminary plat with the preliminary PUD
 - 20 d. Submittal requirements for a substantial development permit if required by the shoreline
21 master program ordinance;
 - 22 e. SEPA environmental checklist pursuant to Chapter 43.21C RCW;
 - 23 f. Ownership statement;
- 24 2. Provide legal description of the total site proposed for development, including a statement
25 of present and proposed ownership and present and proposed zoning;
- 26 3. Provide statement of objectives to be achieved by the PUD through the particular approach
27 proposed by the applicant. This statement should include a description of the character of
28 the proposed development and the rationale behind the assumptions and choices made by
29 the applicant including consistency with the goals, objectives and criteria of the
30 comprehensive plan and a detailed statement summarizing in written and graphic form
31 how the development complies with the applicable provisions of this chapter;
- 32 4. Provide a table that summarizes all proposed modifications of development standards
33 consistent with the requirements and limitations of MVMC 17.69.120. The table shall
34 contain the following information.
 - 35 a. The development or zoning standard proposed to be modified;
 - 36 b. The proposed modified standard;
 - 37 c. A narrative describing how the proposed modification allows for better design and
38 would be in the public interest.
- 39 5. Provide development schedule indicating the approximate date when construction of the
40 PUD or phases of the PUD can be expected to begin and be completed;
- 41 6. Provide statement of the applicant's intentions with regard to the future selling or leasing
42 of all or portions of the PUD, such as land areas, dwelling units, etc.;
- 43 7. Provide quantitative data for the following:
 - 44 a. Total number and type of dwelling units;

- 1 b. Parcel size;
- 2 c. Proposed lot coverage of buildings and structures;
- 3 d. Approximate gross and net residential densities;
- 4 e. Total amount of open spaces as defined by Mount Vernon Zoning Code, including a
- 5 separate figure for usable open space;
- 6 f. Total amount of nonresidential construction, including a separate figure for commercial
- 7 or institutional facilities;
- 8 8. Provide evidence of sewer availability;
- 9 9. Provide evidence of adequate water supply as required by RCW 19.27.097;
- 10 10. For any PUD that contains proposed retail or other commercial uses intended to serve the
- 11 residents of the PUD, a market analysis that includes the following information:
- 12 a. Provide the projected population in the PUD for nonresidential uses;
- 13 b. Show evidence of effective buying power of the residents of the PUD for nonresidential
- 14 uses in a PUD;
- 15 c. Show the net potential buying power for the nonresidential uses in the PUD and a
- 16 recommendation regarding the types and sizes of uses;
- 17 12. Provide a copy of the summary of the pre-application conference and all information
- 18 requested during the pre-application conference;
- 19 13. Provide, if applicable, comments received at the neighborhood meeting.
- 20 D. Site plan and supporting maps necessary to show the major details of the proposed PUD
- 21 are required with a PUD application, containing the following minimum information organized
- 22 into one set of drawings:
- 23 1. The existing site conditions, including contours at two-foot intervals, watercourses,
- 24 wetlands, unique natural features, steep slopes and forest cover;
- 25 2. Proposed lot sizes, lot lines and plot designs;
- 26 3. The location, typical floor plans and building elevations, floor area size and building
- 27 envelopes of all existing and proposed buildings, structures and other improvements,
- 28 including maximum heights, types of dwelling units, typical lot landscaping plans, density
- 29 per type and nonresidential structures including commercial facilities; For proposals that
- 30 include single-family residences on lots 4,500 square foot in size and smaller, multi-
- 31 family residential development and/or commercial structures more detailed architectural
- 32 plans will be required. These include: elevations illustrating window and door placement,
- 33 building siting on proposed lots, site plans illustrating building to building relationships
- 34 and proposed building materials.
- 35 4. The location, dimension and area (in acres or square feet) of all tracts or parcels to be
- 36 conveyed, dedicated or reserved as common, usable, conservation, buffer, or constrained
- 37 open spaces, public parks, recreational areas, school sites and similar public and
- 38 semipublic uses;
- 39 5. The existing and proposed circulation system of arterial, collector and local streets,
- 40 including off-street parking areas, service areas, loading areas, transit stops existing and
- 41 proposed and major points of access to public rights-of-way, including major points of
- 42 ingress and egress to the development. Notations of proposed ownership, public or private,
- 43 should be included where appropriate (detailed engineering drawings of cross-sections and
- 44 street standards should be handled in the final development stage);

- 1 6. The existing and proposed pedestrian and bike circulation system, including its
2 interrelationships with the vehicular circulation system, consistency with the city's
3 comprehensive plan and indicating proposed solutions to points of conflict;
- 4 7. The existing and general plans for utility systems, including sanitary sewers, storm sewers
5 and water, electric, gas, cable television, fiber optic conduits, telephone lines, solid waste,
6 and lighting;
- 7 8. A general landscape plan indicating the treatment of materials used for private and
8 common, usable, or conservation open space and buffers. This landscape plan should be in
9 a general schematic form at this stage;
- 10 9. Enough information on land areas adjacent to the proposed PUD to indicate the relation-
11 ships between the proposed development and existing and proposed adjacent areas,
12 including land uses, zoning classifications, densities, circulation systems, public facilities
13 and unique natural features of the landscape;
- 14 10. The proposed treatment and design of the perimeter of the PUD, including materials and
15 techniques used such as screens, landscape buffers, fences and walls;
- 16 11. A proposed comprehensive sign plan encouraging the integration of signs into the frame-
17 work of the building or buildings on the property should be included with the final PUD
18 application;
- 19 12. The general design of all accessory uses on the property such as all private and public
20 fencing, recreation facilities, service areas, critical areas fencing and signage, and
21 enhancement areas.

22 E. Any additional information, as required by the development services director, necessary to
23 evaluate the proposed preliminary PUD, i.e., tree preservation plan, lighting plan, traffic study,
24 etc.

25 F. Provisions for maintenance of all open spaces or common property, including conditions
26 whereby the city may enforce any provisions or requirements needed to insure the meeting of
27 PUD objectives. These provisions may include CC&Rs or restrictive covenants.

28 29 **17.69.080 Innovative residential development.**

30 A. Purpose.

31 1. More efficient use can be made of land, energy and resources and more livable
32 development can be achieved when the designer has flexibility in residential types, placement
33 and density. Such flexibility can be achieved while safeguarding the public interest by review of
34 the proposed planned unit development plan which shows the type and placement of residential
35 structures. Therefore, the city allows planned residences at varied densities where specified in
36 the appropriate zones of the city.

37 2. Upon compliance with this chapter, the use of land may comply with the provisions in
38 this section in lieu of the provisions of the zone where located.

39 3. It is intended that innovative residential developments encourage imaginative design
40 to achieve these purposes. Therefore, incentives and flexibility may be allowed such as clustered
41 housing and bonus densities, lot averaging, zero lot lines, condominium development, and mixed
42 residential types. The city may approve the use of these tools as provided in this section as
43 deemed reasonable and warranted by the excellence of the resulting design and its benefits to the
44 community.

1 B. Techniques.

2 1. Clustered Housing. When residences are clustered in design groups in a planned unit
3 development with common open space, the clustered housing may, in lieu of the zone
4 restrictions, be designed with building locations, lot sizes, yards and/or density standards as
5 prescribed on the plat or on plans for the planned unit development approved by the city.

6 2. Bonus Density. When a planned unit development is submitted under this chapter as an
7 innovative development, and is of sufficient excellence in design and planning to meet and/or
8 exceed the review criteria as established in MVMC 17.69.090(D), a higher density may be
9 allowed.

10 3. Residential Types. To achieve the most efficient use and conservation of land, energy,
11 resources, view and terrain, mixed residential types may be designated and allowed in innovative
12 residential planned unit developments as prescribed in this chapter.

13 C. Neighborhood Context and Transitions. PUD proposals shall acknowledge surrounding
14 established residential land use patterns and shall be designed in a manner that provides similar
15 lot sizes and/or adequate buffer areas along the project perimeter. The purpose of this technique
16 is to preserve existing neighborhood character and provide appropriate transitions in density.

17 1. Lots created that abut existing neighborhoods, where lots are equal to or greater than
18 9,600 square feet in size, shall be a minimum of 9,600 square feet in size, with a minimum lot
19 width of 95 feet, where abutting lot widths exceed 95 feet. Lots smaller than 9,600 square feet
20 can be created, as long as a 20-foot minimum forested buffer can be maintained or created
21 between the newly created lots and existing lots. Building setbacks from the buffer shall be 10
22 feet; except for accessory buildings.

23 2. Lots created that abut existing neighborhoods where the lots are less than 9,600 square
24 feet in size shall match or be greater than the average lot size found on the abutting lots or shall
25 establish or maintain a 20-foot minimum forested buffer between the newly created lots and
26 existing lots.

27 3. Lots created that abut undeveloped residentially zoned land shall meet or exceed the
28 minimum lot size as allowed by the zoning district for the abutting properties or shall establish or
29 maintain a 20-foot minimum forested buffer between the newly created lots and undeveloped
30 land.

31 4. Lots created that abut non-residentially zoned land and/or lands located outside of the
32 City's Urban Growth Area shall not be required to provide similar lot sizes and/or adequate
33 buffer areas.

34 D. Buyer Notification. The planned unit development plan shall note that the residences
35 thereon constitute an innovative residential development and must be constructed as shown on
36 the planned unit development plan. Building permits may be issued only for structure types and
37 placements as shown on the planned unit development plan. Sales agreements and titles for land
38 and residences sold in innovative residential developments shall note this restriction.

39
40 **17.69.090 Modification of permitted densities – Bonus density.**

41 A. Purpose for Bonus Densities. Bonus densities are intended to provide the incentive to
42 encourage the development of affordable housing, provide additional public amenities, or
43 preserve valuable natural or cultural resources and features. The satisfaction of any of the bonus
44 density criteria specified in subsection D of this section is considered to be in the public interest

1 and worthy of a bonus density.

2 B. Eligibility for Bonus Densities. Eligibility to obtain a bonus density is based upon site
3 plan review and approval by the city after a public hearing. Such bonus densities may be granted
4 to a deserving application if the PUD plan submitted is judged by the city to have achieved one
5 or more of the bonus density criteria.

6 C. Maximum Bonus Density. The maximum bonus density allowed is limited to an
7 additional 20 percent over the density allowed in the underlying zone. In zones where a bonus
8 density may be allowed, either the bonus density allowance in these PUD provisions or that
9 allowed in the zone may be utilized in the PUD, but not both. Based upon attributes of a proposal
10 and the characteristics of the development site, the city may determine that a bonus density of
11 less than 20 percent is appropriate. In addition to criteria provided in this section, the density
12 shall be compatible with the site's natural constraints and the character and density of the
13 surrounding area. Compatibility for bonus density shall also be determined by proximity of the
14 site to arterials, transit service, employment and shopping areas and planned amenities.

15 D. Basis for Approval of Bonus Density. Upon submittal of the PUD application, the director
16 shall review the proposed project and submit a report to the hearing examiner, containing
17 recommendations and proposed findings of fact and conclusions with respect to the allocation of
18 bonus densities for the project. Applicants seeking bonus density shall identify the specific
19 aspects of the proposal that they believe qualify for the bonus. Significant design approaches
20 may qualify for bonus in multiple areas, however the overall bonus allowed for a proposal shall
21 not exceed the aggregate maximum bonus as defined by Section 17.69.090(C). The allocation of
22 bonus densities should be based upon a comprehensive review of the entire project. In evaluating
23 proposals for bonus density, the director shall compare the alternative development of a subject
24 site in strict compliance with adopted subdivision standards with the submitted proposal. An
25 affirmative recommendation for the granting of bonus density must be based on the identification
26 of additional public benefits provided by the proposal as compared to developing the project in
27 compliance with subdivision standards. It is the intention of this section to allow bonus densities
28 where a PUD applicant proposes design attributes providing public benefits in addition to those
29 required by local, state or federal land use or environmental regulations. Bonus densities will not
30 be allowed for site design proposals which merely reflect mandatory requirements of local, state
31 and federal codes or regulations. Consideration of the following criteria should be given, but
32 need not be limited to these:

33 1. Preservation of Open Space and Natural, Historical and Cultural Features, maximum five
34 percent (5%) bonus can be achieved. Items for consideration in meeting this criterion may
35 include; preservation and minimum disturbance of natural features and wildlife habitat;
36 preservation of unique historical or cultural features; preservation of open space; dedication to
37 the city of land within the city's potential park or open space areas and corridors as designated in
38 the comprehensive plan and as shown on the land use map; and preservation of air, sunlight and
39 scenic resources.

40 2. Public Service and Facility Availability, maximum five percent (5%) bonus can be
41 achieved. Items for consideration in meeting this criterion may include the provision of public
42 schools; public park or other public facilities and/or sites; bicycle and pedestrian pathway
43 systems; public transit and arterial access to the site; and special site design for special needs
44 residents to situate or cluster uses within a reasonable distance of fire and police protection,

1 medical, shopping, church and other such amenities.

2 3. Energy Efficiency, maximum five percent (5%) bonus can be achieved. Items for
3 consideration in meeting this criterion may include preservation of solar access; south orientation
4 with added glazing for inhabited structures; the use of landscaping and topography for
5 windbreaks and shading; common wall construction; transportation management strategies,
6 including transportation demand management (“TDM”) strategies; the implementation of energy
7 saving programs as successfully applied in other jurisdictions; the use of solar energy systems
8 either passive or active for heating and/or cooling; energy conserving design of roadways and
9 other structures; and higher insulation levels. The efficacy of all proposed energy efficiency
10 techniques and strategies must be supported by analysis prepared by professionals with
11 demonstrated expertise in the engineering, sustainability and/or environmental design field or be
12 in conformance with adopted standards found in existing energy saving programs. In addition,
13 all proposed techniques and strategies must identify anticipated energy savings as compared to
14 conventional development.

15 4. Public Recreation Facilities, maximum five percent (5%) bonus can be achieved. Items for
16 consideration in meeting this criterion may include provision for public recreational features
17 such as tennis courts, active play areas, swimming pools, passive open space areas, bicycle and
18 pedestrian pathway systems.

19 5. Environmental Design, maximum five percent (5%) bonus can be achieved. Items for
20 consideration in this section may include on-site designs providing regional benefits, including
21 drainage control using natural drainage and landscaped drainage retention facilities; flood control
22 measures, particularly those measures serving regional needs; significant public access provided
23 to designated potential open space or park areas, shoreline areas, trails, scenic sites and
24 viewpoints; provision for substantial and exceptional landscape treatment; and the use of
25 recycled materials and resource conserving designs.

26 6. Affordable Housing, maximum five percent (5%) bonus can be achieved for providing up
27 to twenty percent (20%) of the total dwelling units as affordable housing as defined under
28 MVMC 17.06.049. Items for consideration include the provision of a mix of housing types,
29 utilization of townhouses, condominiums and apartments directed to providing a reasonable mix
30 or diversity of bona fide affordable housing opportunities for a diverse segment of the
31 community. Bonus densities will also be allowed for projects providing low-income housing in
32 market rate developments. In such developments and other developments seeking bonus
33 densities for the provision of low-income housing opportunities, the amount of bonus will be
34 linked to the level of affordability, i.e., the lower the cost or rental rate per unit, the greater the
35 bonus afforded to the development. Density bonuses for low-income housing projects will be
36 granted only where all of the following conditions are satisfied:

37 a. The developer shall enter into an agreement that commits the sale and or rental of the
38 created units to qualifying residents (i.e., only low-income and very low-income households);

39 b. The developer must ensure the continued affordability of the units by qualified
40 residents for a minimum of 40 years through the use of restrictive covenants or other deed
41 restrictions approved by the city; and

42 c. The units must be of an innovative design and compatible with existing neighborhood
43 character, with adequate assurances that such design and compatibility will be maintained
44 throughout the 40-year period.

1 7. Provision of Innovative Design, maximum five percent (5%) bonus can be achieved. Items
2 for consideration include the provision of innovative design in a PUD similar, but not limited, to
3 that described in MVMC 17.69.090(B).

4 8. Purchase of Development Rights, maximum five percent (5%) bonus can be achieved
5 with the purchase of development rights from an approved "sending site" as defined in MVMC
6 17.119 for each additional dwelling unit that comprises the five percent (5%) increase in density.
7 For example, a 10 acre site zoned R-1, 4.0 would have a base density of 45.4 dwelling units. To
8 obtain a five percent (5%) increase in density, or 2.27 additional dwelling units, two (2)
9 development rights would have to be purchased.

10
11 **17.69.100 Modification of permitted uses– Commercial uses.**

12 A. A planned unit development may allow commercial uses in residential zones which are
13 not otherwise permitted in the underlying use zone only under the following circumstances:

14 1. The use shall be part of a planned development in which not more than 10 percent of
15 the gross floor area of the development is devoted to a commercial use which is not otherwise
16 permitted in the underlying use zone;

17 2. The use shall be supportive of and/or complementary to the other uses within a planned
18 development and scaled to meet primarily the needs of the inhabitants of the project;

19 3. The use shall be compatible with the uses permitted on other properties in the
20 surrounding area; and

21 4. There is public benefit to be realized by allowing the proposed use.

22 B. Basis for Approval of Commercial Uses in Residential PUDs. Commercial uses may be
23 located within the planned unit development when the proposed development includes
24 residential use as an integral component of the planned development and when commercial uses
25 are situated and developed in such a manner as to be compatible with any residential uses that
26 are existing or which could be developed in the adjoining residentially zoned area.

27 C. In proposing a commercial use in a residential zone, the applicant shall establish specific
28 community economic need for the use and facilities. The Director of Development Services shall
29 require a competent market analysis to demonstrate that need.

30 D. Building permits for commercial uses in residential PUD zoning districts may not be
31 issued until at least two-thirds of all the proposed residential units are completed, including
32 issuance of final certificates of occupancy.

33 E. The commercial use shall meet the dimensional requirements found in the C-3 zoning
34 district.

35
36 **17.69.110 Modification of permitted uses– Multi-family uses.**

37 A. A planned unit development may allow multi-family uses in single-family residential
38 zones which are not otherwise permitted in the underlying use zone only under the following
39 circumstances:

40 1. The use shall be part of a planned development in which not more than twenty percent
41 (20%) of the overall density of the entire PUD is developed as multi-family units.

42 2. The multi-family units shall meet the dimensional requirements of the R-3 zoning
43 district.

1 **17.69.120 Modification of development standards.**

2 A. The following development standards may be modified in approving a PUD application so
3 long as the applicant specifically requests a modification and demonstrates that the modification
4 meets the overall intent of the PUD:

- 5 1. Building setbacks
- 6 2. Required off-street parking spaces;
- 7 3. Landscaping requirements;
- 8 4. Lot size, except as provided in MVMC 17.69.080(C);
- 9 6. Lot width and lot coverage;
- 10 7. Engineering design standards;

11 B. Standards which may not be modified or altered are:

- 12 1. Height of building or structure in all residential zones;
- 13 2. Shoreline regulations when the property is located in an area under the jurisdiction of
14 the Mount Vernon Shoreline Master Program;
- 15 3. Standards pertaining to development in environmentally sensitive areas;
- 16 4. Regulations pertaining to non-conforming uses and public safety.

17 C. Basis for Approval of Alternative Development Standards. Approval of alternative
18 development standards for PUDs differs from the variance procedure described in MVMC 17.
19 105 in that rather than being based upon a hardship or unusual circumstance related to a specific
20 property, the approval of alternative development standards proposed by a planned unit
21 development shall be based upon the criteria listed in this section. In evaluating a planned
22 development which proposes to modify the development standards of the underlying use zone,
23 the city shall consider and base its findings upon the ability of the proposal to satisfy the
24 following criteria:

25 1. The proposed planned development shall be compatible with surrounding properties,
26 especially related to:

- 27 a. Landscaping and buffering of buildings, parking, loading and storage areas;
- 28 b. Public safety;
- 29 c. Site access, on-site circulation and off-street parking;
- 30 d. Light and shadow impacts;
- 31 e. Generation of nuisance irritants such as noise, smoke, dust, odor, glare, vibration or
32 other undesirable impacts;
- 33 f. Architectural design of buildings and harmonious use of materials;
- 34 2. The unique characteristics of the subject property;
- 35 3. The unique characteristics of the proposed use(s);
- 36 4. The arrangement of buildings and open spaces as they relate to various uses within or
37 adjacent to the planned development;
- 38 6. Public improvements proposed in connection with the planned development;
- 39 7. Preservation of unique natural features of the property; and
- 40 8. The public benefit derived by allowing the proposed alteration of development standards.

41
42 **17.69.130 Open space requirements.**

43 A. For the purpose of this chapter, open space shall be described:

1. Common open space: A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a PUD which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.
 2. Usable open space: Areas which have appropriate topography, soils, drainage, and size to be considered for development as active and passive recreation areas for all residents or users of the PUD. Detention areas may be considered under this category providing all the usable standards are met.
 3. Conservation open space: Areas containing special natural or physical amenities or environmentally sensitive features, the conservation of which would benefit surrounding properties or the community as a whole. Such areas may include, but are not limited to, stands of large trees, view corridors or view points, creeks and streams, wetlands and marshes, ponds and lakes, or areas of historical or archaeological importance. Conservation open space and usable open space may be, but are not always, mutually inclusive.
 4. Buffer open space: Areas which are primarily intended to provide separation between properties or between properties and streets. Buffer open space may, but does not always, contain usable open space or conservation open space.
 5. Severely constrained open space: Areas not included in any of the above categories which, due to physical characteristics, are impractical or unsafe for development. Such areas may include but are not limited to steep rock escarpments or areas of unstable soils.
- B. All PUDs shall be required to provide open space in the amount of 20 percent of the gross land area of the site, in the minimum types specified in subsection C of this section.
- C. Any combination of open space types may be used to accomplish the total minimum area required to be reserved as follows:

Table 17.69.130(1): Open Space Percent of Gross Area

	Category	Land Area
1.	Usable	15% minimum
2.	Conservation	No maximum or minimum
3.	Buffer	2% maximum
4.	Constrained	2% maximum
5.	Unusable Detention	5% maximum

17.69.140 Preliminary approval criteria.

The following criteria are the minimum measures by which each proposed PUD will be considered:

A. PUDs shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the city that all of the following have been satisfied:

1. The proposed PUD conforms to:
 - a. Mount Vernon Comprehensive Plan;
 - b. All provisions of the Mount Vernon Zoning Code which are not proposed for modification;

- 1 c. All engineering design standards which are not proposed for modification;
- 2 d. Critical Areas Ordinance; and
- 3 e. Any other applicable city, state or federal regulations, policies or plans, except those
- 4 standards proposed for modification;

5 2. Utilities and other public services necessary to serve the needs of the proposed PUD shall
6 be made available, including open spaces, drainage ways, streets, alleys, other public ways,
7 potable water, transit facilities, sanitary sewers, parks, playgrounds, schools, sidewalks and other
8 improvements that assure safe walking conditions for students who walk to and from school;

9 3. The probable significant adverse environmental impacts of the proposed PUD, together
10 with any practical means of mitigating adverse impacts, have been considered such that the
11 proposal will not have an unacceptable adverse effect upon the quality of the environment, in
12 accordance with (State Environmental Policy Act and 43.21C RCW);

13 4. Approving the proposed PUD will serve the public use and interest and adequate
14 provision has been made for the public health, safety, and general welfare;

15 5. The proposed PUD satisfies all criteria set forth in MVMC 17.69.100 through 17.69.120,
16 as applicable; and

17 6. The proposed PUD will be superior to or more innovative than conventional development
18 and will provide greater public benefit without additional probable significant adverse impacts to
19 public health, safety or the environment, than available through the use of conventional zoning
20 and/or development standards.

21 B. Notwithstanding approval criteria set forth in subsection A, in accordance with RCW
22 58.17.120, as now adopted and hereafter amended, a proposed PUD may be denied because of
23 flood, inundation or swamp conditions. Where any portion of the proposed PUD lies within both
24 a flood control zone, as specified by Critical Areas Ordinance and Chapter 86.16 RCW), and
25 either the one percent flood hazard area or the regulatory floodway, the city shall not approve the
26 PUD unless it imposes a condition requiring the applicant to comply with the Critical Areas
27 Ordinance and any written recommendations of the Washington Department of Ecology. In such
28 cases, no development permit associated with the proposed PUD shall be issued by the city until
29 flood control problems have been resolved.

30 C. Preliminary approval does not constitute approval to obtain any building permits or begin
31 construction of the project

32
33 **17.69.150 Preliminary PUD review process.**

34 A. The preliminary PUD application shall be reviewed as a Process IV application (hearing
35 examiner recommendation and city council decision) pursuant to the provisions of Chapter 14.05
36 MVMC. All procedures for completeness, for administrative, hearing examiner and city council
37 review and for notices of application, hearing and decision shall be governed by those provisions
38 of the municipal code. In addition to those requirements, a sign measuring 44 inches by 44
39 inches, as provided by the development services department and paid for by the applicant, shall
40 be posted on the property providing notice of the pending land use action.

41 B. SEPA review shall be conducted concurrently with the PUD application as provided in
42 MVMC 14.05.220.

43
44 **17.69.160 Authority to approve, condition or deny preliminary PUD.**

1 A. The hearing examiner may recommend approval, denial or approval with modifications or
2 conditions deemed reasonable and necessary to protect the public interest, mitigate impacts of
3 the proposed development, and to ensure compliance with the standards and criteria of this
4 chapter and to ensure compliance with the standards and criteria of this chapter and the policies
5 of the comprehensive plan.

6 B. The hearing examiner recommendation shall include, at a minimum, findings and
7 conclusions regarding the preliminary PUDs compliance with design criteria and the
8 appropriateness of any proposed modifications of development standards consistent with MVMC
9 17.69.120. A preliminary PUD shall be recommended for approval if, together with reasonable
10 modifications or conditions, the project is determined to comply with the requirements of these
11 sections. A preliminary PUD shall be recommended for denial if, even with reasonable
12 modifications or conditions, the project is determined to not comply with the requirements of
13 these sections.

14 C. After receipt of a hearing examiner recommendation on the preliminary PUD pursuant to
15 Chapter 14.05 MVMC, the city council shall conduct a closed record hearing at which it shall
16 consider the findings, conclusions and recommendation of the hearing examiner. The hearing
17 examiner recommendation notwithstanding, the city council shall have the right and ability,
18 based exclusively on the record that was presented before the hearing examiner, to agree or
19 disagree with the findings, conclusions and recommendation of the hearing examiner and shall
20 further have the right and ability, based upon the record that was presented to the hearing
21 examiner, to make such additional or different findings and conclusions that the city council
22 believes are supported by evidence in that record.

23 D. Any decision of the city council on the preliminary PUD shall be final and no further local
24 administrative appeal shall be permitted. This preliminary PUD decision of the city council may
25 be appealed to superior court, pursuant to the requirements of Chapter 36.70C RCW and Chapter
26 14.05MVMC.

27
28 **17.69.170 Performance guarantees – PUD agreement.**

29 To ensure that the development is carried out in accordance with the proposed design and the
30 conditions of project approval, prior to or concurrent with final approval, the city shall require
31 that the applicant enter into written agreement with the city, which agreement shall constitute
32 Covenants, Conditions and Restrictions (CC&R's) binding upon all future purchasers, tenants
33 and occupants of the PUD. Recordation of a signed PUD Agreement shall be prior to or
34 concurrent with final approval of the PUD. The PUD agreement may include as applicable, and
35 without limitation, the following:

36 A. An adequate guarantee providing for the permanent preservation, retention and
37 maintenance of all open space and other public areas;

38 B. Where private reservation of open space area(s) are to be reserved and protected against
39 building development, the applicant shall convey to the city an open space easement over such
40 open space areas restricting the area against any future building or use except as is consistent
41 with providing landscaped open space for the aesthetic and recreational enjoyment of the
42 surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes
43 compatible with the open space objective may be permitted only where specifically authorized as
44 part of the development plan;

1 C. The care and maintenance of open space reservations shall be assured either by
2 establishment of appropriate management organization for the project or by agreement with the
3 city for establishment of a special service district for the project area on the basis of which the
4 city shall provide the necessary maintenance service and levy the cost thereof as a special
5 assessment on the tax bills of properties within the project area. The agreement shall provide the
6 city with the right to carry out, and levy an assessment for the cost of, any maintenance as
7 necessary if it is not otherwise taken care of to the satisfaction of the city. The manner of
8 assuring maintenance and assessing such cost to individual properties shall be determined prior
9 to the approval of the final PUD plans and shall be included in the title to each property;

10 D. Ownership and tax liability of private open space reservation shall be established in a
11 manner acceptable to the city;

12 E. Where bonus densities are obtained for low-income housing development, the applicant
13 shall provide an assurance that the low-income housing will be maintained on the property for
14 not less than 40 years and that project design and measures to ensure compatibility with adjacent
15 land uses shall be maintained throughout the 40-year term.

16
17 **17.69.180 Modifications to an approved PUD.**

18 A. Minor modifications to a previously approved preliminary PUD may be requested by the
19 applicant and approved by the director of development services subject to the provisions for
20 Process II decisions in MVMC 14.05. However, minor modifications shall under no
21 circumstances include:

- 22 1. Substantial modification or relocation of a lot, tract or parcel boundary line or the
23 location or relocation of a street;
- 24 2. A reduction in any perimeter setback;
- 25 3. An increase in the residential density or gross floor area of the project;
- 26 4. A reduction of the area set aside for common open space;
- 27 5. Any relocation of the area set aside for common open space in a manner which makes
28 it less accessible or usable to the public or the occupants of the development;
- 29 6. Any change in the landscape buffers resulting in a reduction in width or density of
30 planting between the development and adjoining properties;
- 31 7. A substantial change in the points of access, including any change to a different street;
- 32 8. A substantial increase in the total ground area covered by buildings or other
33 impervious surfaces;
- 34 9. Removal of trees or modification to other unique natural features that were required to
35 be preserved under the conditions of the preliminary PUD approval; or
- 36 10. Any change that impairs or reduces the potential of the PUD to provide affordable or
37 low-income housing opportunities, if affordable housing is identified as a goal or requirement
38 under the conditions of the preliminary PUD approval.

39 B. Before approving a minor modification, the director of development services shall make
40 written findings and conclusions that the following exist:

- 41 1. The modification will not violate the terms and agreements of the PUD approval and
42 the intent of the original conditions of approval is not altered.
- 43 2. The modification will not cause the PUD to violate any applicable city policy or
44 regulation; and

1 3. The modification will not be inconsistent or cause the preliminary PUD to be
2 inconsistent with the decision of the city preliminarily approving the application.

3 C. Modifications that involve any of the actions listed in subsections (A)(1) through (A)(10)
4 of this section, or which fail to satisfy the required findings contained in subsection (B) of this
5 section, shall be processed as a new PUD application.
6

7 **17.69.190 Building and occupancy permits – Issuance after final PUD approval.**

8 A. No building permit for a structure other than a temporary contractor’s office or temporary
9 storage building shall be issued for a lot or parcel within an approved PUD prior to a
10 determination by the fire chief or designee that adequate fire protection and access for
11 construction needs exists.

12 B. No building permit for a structure other than a temporary contractor’s office, temporary
13 storage building, or model homes shall be issued for a lot or parcel within an approved PUD until
14 either:

- 15 1. All required improvements which will serve the subject lot or parcel have been
16 constructed and the city has accepted a properly executed bill of sale for such improvements; or
17 2. All required improvements have been bonded or otherwise guaranteed; or
18 3. An improvement bond in an amount adequate, in the determination of the public works
19 director, to guarantee construction of those required public improvements necessary to serve the
20 lot or parcel for which a building permit is sought, has been accepted by the city.

21 C. No occupancy permit for a structure other than a temporary contractor’s office or other
22 approved temporary building shall be issued for a structure on a lot or parcel within an approved
23 PUD prior to final inspection and approval of all required improvements which will serve such
24 lot or parcel to the satisfaction of the public works director and the city building official.
25

26 **17.69.200 Final PUD plan requirements.**

27 A. The applicant must submit a reproducible copy of the proposed final PUD plan to the
28 Director of Development Services.

29 B. PUDs Consolidated with Subdivision or Short Subdivision Approval. Where the PUD is
30 consolidated with a short subdivision or full subdivision, the applicant shall submit all
31 information required for submittal under MVMC 16.32 or MVMC 16.08 as applicable.

32 C. In cases where any restrictive deed covenants or CC&Rs will apply to lots or parcels
33 within a PUD, a typewritten copy of such covenants, bearing all necessary signatures, shall be
34 submitted along with the final plat. Where the recordation of specific deed restrictions or CC&R
35 provisions have been required as a condition of PUD approval, the Director of Development
36 Services shall approve and sign the deed restriction or CC&Rs prior to final PUD approval. The
37 CC&Rs shall clearly delineate the provisions which the city has imposed as a condition of PUD
38 approval and those provisions voluntarily imposed by the applicant/declarant for private
39 purposes. The CC&Rs shall provide that the city will not enforce any private CC&R provisions.

40 D. The final PUD plan shall be accompanied by a current (within 30 days) title company
41 certification of:

- 42 1. The legal description of the total parcel subject to the application;
43 2. Those individuals or corporations holding an ownership interest and any security
44 interest (such as deeds of trust or mortgages) or any other encumbrances affecting the title of said

1 parcel. Such individuals or corporations shall sign and approve the final plan prior to final
2 approval;

3 3. Any lands to be dedicated to the city shall be confirmed as being owned in fee title by
4 the owner(s) signing the dedication certificate;

5 4. Any easements or restrictions affecting the property with a description of purpose and
6 referenced by the auditor's file number and/or recording number; and

7 5. If lands are to be dedicated or conveyed to the city as part of the proposal, an A.L.T.A.
8 title policy may be required by the public works director.

9 E. The applicant shall submit for final approval any PUD agreement which may be required
10 in conformance with MVMC 17.69.160.

11 F. The final PUD plan shall be processed as a Process V application as set forth in MVMC
12 14.05, and shall be approved by the city council upon satisfaction of all conditions of approval
13 and all requirements as provided in this section.

14
15 **17.69.210 Time limitation on final PUD submittal.**

16 Approval of a preliminary PUD shall expire unless the applicant submits a proposed final
17 PUD with all supporting documents in proper form for final approval within five years after
18 preliminary approval.

19
20 **17.69.220 Filing of final PUD plan.**

21 Upon review and approval of the final PUD, the Director of Development Services shall
22 return the original to the applicant for recording. The final PUD plan shall be filed in accordance
23 with the applicable procedures provided in MVMC 16.12.

Appendix “A” of Chapter 17.69

PUD DESIGN EVALUATION CRITERIA CHECKLIST		
1: SITE ANALYSIS		
1.1	The project is in conformance with the Comprehensive Plan and applicable Sub-area Plan(s).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
1.2	A pre-application consultation that included the preparation of a site analysis (Prepared consistent with Attachment A) was an integral step in the site plan development process.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
1.3	The development does not encroach on any identified critical areas or their associated buffers.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
1.4	Soil conditions are suitable for the proposed development.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
1.5	The proposed design would avoid or minimize the potential for adverse environmental effects, such as flooding and sedimentation off-site. Flood hazard area designations and regulations are compiled with, where applicable.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
1.6	Measures have been taken to minimize storm water runoff and to detain the increment over the natural rate as close as possible to the point of origin consistent with the City’s adopted stormwater ordinance. If located within a floodplain, a flood protection strategy shall be proposed.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
2: SUBDIVISION AND PUD LAYOUT		
2.1 RESPECT FOR NATURAL FEATURES/CONSTRAINTS		
a.	The project design should avoid areas unsuitable for development. Existing elements of the landscape, such as views, trees and natural land contours can enhance the project and should be integrated into the design where possible.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	<p>To the greatest extent practicable, the natural features of the site, such as topographic variation, significant tree cover, and bodies of water are to be preserved and integrated into the site plan in order to minimize site development costs and provide amenity.</p> <p><i>A PUD can promote sensitive treatment of natural elements, including vegetation, waterways, and views through greater flexibility in the utilization of land). A PUD project provides flexibility in design, placement, and</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

	<p><i>configuration of buildings, use of open space, circulation facilities, and parking areas in order to best utilize the potential of sites characterized by special features of geography, topography, size or shape, while at the same time maintaining substantially the same population density and area coverage permitted in traditional developments.</i></p>	
c.	<p>Landmarks should be incorporated into the site plan.</p> <p><i>A PUD can allow development while preserving significant natural features or historical character. Landmarks may include unique natural, cultural, or historic features.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	<p>The placement of the building sites should take advantage of sun angles, prevailing winds, tree stands, hills, and other natural conditions to save energy in heating and cooling.</p> <p><i>Passive strategies that take advantage of natural systems may include building orientation, planting of wind or summer sun blocking trees and other similar approaches.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
e.	<p>Proposed building sites are to be oriented to on- and off-site views. Although not required legally, view blockage from off-site uses should be considered and to when possible, minimized.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
f.	<p>Building sites should be arranged for some apparent purpose (to accommodate site topography, for example).</p> <p><i>Building site arrangement may be based on a variety of purposes, including: preservation of Critical Areas or environmentally sensitive land, accommodating topography such as steep slopes, maintaining view corridors, providing adequate vehicular and pedestrian access, or facilitating community interaction and privacy.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
g.	<p>Building sites should be designed in discrete groups in order to encourage the creation of neighborhoods and promote a sense of community, while protecting privacy. This may be accomplished through pedestrian connection, the provision of common open space and/or amenities, and/or the use of open space to serve as a buffer between focused areas of residential development.</p> <p><i>PUD projects should promote innovative site and building design and should include architectural and site features that promote community interaction (such as porches, de-</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

	<i>emphasized garages, sidewalks and pedestrian walkways, and common open spaces).</i>	
h.	<p>Building sites may be compactly grouped to provide more usable open space. Compactly grouped single-family detached and/or duplex development without the provision of accompanying open space and/or site amenities shall be prohibited. Lot size may be reduced, to allow for innovative development. However, the reduction in lot size must be accompanied by higher architectural and site design quality and the provision of increased amenities. Proposed PUD applications containing single family detached lots that are less than 4,500 square feet in size shall provide the following additional materials as part of the pre-application process:</p> <p>I. Detailed architectural plans for the house type to be established on the smaller lots. These plans should include proposed architectural details, building materials, entrance and window orientation and off-street parking areas.</p> <p>II. Detailed plans for landscaping, open space and recreational amenities serving the proposed lots.</p> <p><i>Compact development within the PUD should provide open space for individual owners and/or the general public. The preserved open space should serve several purposes such as providing recreational areas for the community or preserving a unique natural resource.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
i.	The project site should be able to accommodate the type of dwelling unit or commercial facilities proposed <u>and</u> provide open space and/or amenities.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
j.	Safe play, sitting, and walking areas should be provided and conveniently located within the PUD.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
k.	Transition should be provided between different residential building types within a PUD. Typical transitions include landscaping, open space, common areas and grade separation.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
2.2 SITE AND BUILDING LAYOUT AND DESIGN		
a.	<p>The site plan should embody a coherent layout that can be easily understood by those who visit and live in the development.</p> <p><i>A PUD needs several elements to provide visitors and residents with a coherent layout, including, but not limited to, landscaping, architecture, pedestrian and vehicular</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

	<i>circulation, and adequate signage. Landscaping must promote a coordinated appearance and break up continuous expanses of building and pavement. All buildings and structures of a site shall share a common architectural theme to ensure internal compatibility. The circulation system shall provide functional and visual links with the buildings of the site and must have linkages to outside development.</i>	
b.	Where possible, units should front on residential access streets and not on arterial roadways. Units that must front on arterial roadways due to site constraints should be accessed from alleys.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	Units should overlook open space and not parking or road areas or other units <u>or</u> should be located in close (>300 feet) proximity and directly connected (via a pedestrian circulation system) to proposed site amenities.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	The proposed site layout should facilitate trash removal and other similar utility services.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
e.	Utilities should be placed to make their construction and maintenance economical and efficient.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
f.	Electric and telephone lines located within a project should be placed underground except under exceptional circumstances.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
g.	Electric and gas meters, transformers and other utilities should be screened or located otherwise out of sight from roadways and public areas.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
h.	Common garbage storage areas should be located and covered to avoid spreading odors. Garbage storage areas shall be screened (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
i.	Outside storage should be provided for bikes, play equipment, lawn furniture, gardening supplies and barbeque equipment (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
j.	Each unit entry must have some form of weather protection, such as an overhang or a porch, and a place to set packages down before entering the unit (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
2.3 PRIVACY/SECURITY		
a.	Residents must have adequate privacy. The design of the site and individual units should promote security consistent with Crime Prevention Through Environmental Design (CPTED) strategies.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	Units should be screened or located to avoid glare from automobile headlights and direct street lighting (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

c.	Housing units should be buffered from high traffic volumes to minimize the impact of noise and vibrations. In mixed-use development, commercial traffic circulation should incorporate traffic calming techniques to minimize noise and vibration.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	There should be a minimal number of vehicular and pedestrian entrances to clusters of buildings. These entrances must be well-lit and defined. (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
e.	Parking areas and the walkways from parking to homes must be well-lit without producing glare (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
f.	Units should be clustered in a way that would allow neighbors to observe other homes and aid in crime prevention consistent with Crime Prevention Through Environmental Design (CPTED) strategies.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
g.	Public spaces located near units should be visible from the units for security purposes and for watching children at play.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
h.	Each unit must have its own semi-public entrance area, such as a deck, patio, balcony, or yard for the exclusive use of its residents. It shall be fenced, if necessary, for privacy (Multi-family only).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3: OPEN SPACE		
3.1	<p>There should be a network of functional open space integrated into the site plan. 20 percent of the total PUD area shall be maintained for open space and at least 25 percent of the designated open space shall be reserved as common open space.</p> <p><i>Open space within a PUD shall be an integrated part of the project rather than an isolated element of it. Significant environmental elements shall be incorporated into the design of the open space. Open space shall be adequate to provide areas for both active and passive recreational uses, areas of open space as a visual amenity and the use of open space for stormwater management.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.2	<p>The development's open space should relate to (and where possible connect to) adjacent open space areas.</p> <p><i>Open space connections may be facilitated through trail corridors and/or contiguous undeveloped areas.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

3.3	<p>The developed open space must be functional in terms of area, dimensions, and location. At least 5 percent of the total gross parcel area should be devoted to amenity areas for active use by residents in all PUDs containing residential uses.</p> <p><i>Active use area(s) shall be centrally located with convenient access for residents. They shall be large enough to accommodate both active and passive activities. The overarching objective is to create <u>usable</u> open space that is not fragmented.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.4	<p>Open space areas may be characterized by the presence of protected Critical Areas and/or significant trees or other high-value environmental feature. Consistent with the requirements of Section 17.69.150(c) MVMC a portion of the total open space can be environmentally-constrained land. Where possible, these environmentally-constrained open space areas should be either accessible to pedestrians to the extent practical and/or visually accessible from connected open space areas and/or are interconnected in a manner that enhances environmental values.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.5	<p>Open spaces should be interconnected where possible.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.6	<p>Provisions for the maintenance of common open space areas should be identified.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.7	<p>When connectivity with designated active open space and recreational areas is not possible, small sitting areas with recreational equipment and benches should be located in each neighborhood.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.8	<p>Larger areas that allow for recreational activities, such as swimming pools or soccer fields with area lighting, should be carefully located and buffered to reduce any adverse impact on the surrounding area.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3.9	<p>Parking areas for recreational facilities shall be screened and buffered from surrounding residences, but shall be visible by community members using the recreational facilities to minimize opportunities for crime.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4: LANDSCAPING		
4.1 GENERAL		
a.	<p>To the greatest extent practicable, existing significant trees and plants should be preserved and incorporated into open space areas. Significant trees shall be defined as those</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

	existing trees with a diameter of 24 inches or greater diameter at breast height (DBH).	
b.	Proposed plants and trees should be appropriate for their intended function.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	If grass is inappropriate for an area, a textured hard surface material, such as paving stones, or light gravel interspersed with shrubs, may be used instead.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	High quality topsoil should be saved and the site must be cleared of debris.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
e.	Slopes and cut-and-fill areas must be protected against erosion.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4.2: STREET TREES		
a.	Street trees should be provided.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4.3: BUFFERING		
a.	Buffering should be provided around the perimeter of the site <u>where necessary</u> to minimize adverse impacts, such as more intensive land uses, noise, lights, or traffic on higher-order streets.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	Parking, garbage collection, utility, and loading and unloading areas associated with site amenities, multi-family residences and/or commercial development should be provided with buffering.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	Both trees and shrubs should be provided in buffer areas.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4.4: PARKING LOTS		
a.	Landscaping shall be provided in parking areas.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	Plantings must be located so as not to obstruct drivers' vision.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4.5: WALLS AND FENCES		
a.	Walls and fences can be provided where necessary for privacy, security, screening, climate control, or to highlight a view.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	The design and choice of material should: 1) serve the function for which the wall or fence is intended, 2) complement the character of the site and the type of building, and 3) facilitate easy and cost-efficient maintenance.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	Privacy screening (fencing, trellis or arbors and/or landscaping) and window offsets should be required when minimum setbacks are proposed.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4.6: PAVING AND STREET FURNITURE		

a.	<p>The various elements of street furniture should be provided as necessary and located where needed.</p> <p><i>Pedestrian amenities shall be located on sidewalks, plazas, and other public spaces within a PUD. Street furniture includes, but is not limited to, benches, bollards, kiosks, drinking fountains, planters, bus shelters, trash receptacles, bike racks, and lighting fixtures. They shall be located where needed, such as benches at street corners and plazas, bollards where necessary to keep out vehicles but to allow pedestrian and bicycle access, bus shelters at major intersections, bike racks by recreational areas, and notice boards at public plazas and parks.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	<p>The design of street furniture must be coordinated with the character and style of the proposed architecture. The elements should be compatible with each other in form, material and finish.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	<p>The items selected must be durable and easy to maintain.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
5: LAYOUT OF THE CIRCULATION SYSTEM		
5.1: STREETS		
a.	<p>The road system is to be designed to meet the projected traffic demand and the road network must consist of a hierarchy of roads designed according to function.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	<p>Roads within the development should not extend more than 600 feet without an intersection except if constrained by critical area limitations and/or significant topographic variation. In the absence of a functional intersection, an open space area of similar dimension to a right-of-way should be provided.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	<p>The network should follow the natural topography and preserve natural features of the site as much as possible. Alignments should be planned such that grading requirements are minimized.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	<p>Entry roads into the development should be clearly visible from major arterial roads. Proper sight distances shall be provided at intersections.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
e.	<p>Through traffic shall be directed around the development or channelized onto a central arterial and avoided on minor residential streets.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
f.	<p>Automobile movement within the site shall be provided without having to use the peripheral road network.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
g.	<p>The road system must provide adequate access to building sites for residents, visitors, deliveries, and garbage</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

	collection.	
h.	The edges of the roadways should be landscaped. Sidewalks must be provided alongside the road, be set back sufficiently from the road and a landscaped planting strip between the road and the sidewalk shall be provided. A comprehensive project trail system may allow for the reduction of required sidewalks.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
5.2: PEDESTRIAN AND BIKE PATHS		
a.	Pedestrian and bicycle paths should be clearly separated from traffic.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	Pedestrian and bicycle paths should be located to take advantage of topography, views, and the natural features of the site. Paths should connect with adjacent off-site paths when possible. Path networks as described in the Recreation Element of the Comprehensive Plan should be facilitated when possible.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	The pedestrian path system should link building sites with parking areas (multi-family only), entrances to the development, open space, and recreational and other community facilities.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	Paths should be ramped and graded to facilitate the use of strollers, bicycles, and wheelchairs.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
5.3: PARKING AREAS (MULTI-FAMILY AND COMMERCIAL ONLY)		
a.	The number of parking spaces must be sufficient to serve proposed buildings.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	There must be sufficient distance between the entrance to the parking lot and the parking stalls.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	The parking spaces shall be the appropriate size and within convenient walking distance of the buildings they are to serve.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	Parking spaces and aisles must be angled and sized for convenient maneuvering.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
e.	Parking bays should be provided with turnarounds so that cars can leave if the bay is filled.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
f.	The parking lots should be broken up into smaller areas through the use of trees and landscaped islands.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
g.	Curbs must be used rather than wheelstops.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
h.	Sidewalks must be wide enough so that the car overhang does not block them. The overhang area should be hard-landscaped rather than planted.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
i.	The parking lots must be buffered and screened from view. They shall be adequately lighted.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
6: SIGNS AND LIGHTING		

6.1: SIGNS		
a.	Signs must be easy to understand both by visitors and by those who live in the development.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	The design of signs should relate to and complement other elements of the overall site design.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	Signs must be placed where they are needed.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
6.2: LIGHTING		
a.	The lighting should be appropriate for the purpose required, such as for safety or security. (For safety purposes, sufficient lighting should be provided at intersections and spaced along walkways. For security purposes, lighting should be provided at entryways and between buildings and parking areas.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
b.	The spacing of the light standards should be appropriate for their height. Pedestrian-scale standards are should be used where possible.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
c.	The standards must be suitable in size and style for the surroundings. (The maximum height should not exceed the maximum building height permitted, or 25 feet, whichever is less.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d.	Spotlights, if used, should be placed on standards pointing toward the buildings without blinding residents, rather than on the buildings and directed outwards which would create dark shadows adjacent to the buildings.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A