

# **Planned Unit Development and Low Impact Development Review: Final Report**

**Prepared for**

**Skagit County  
Planning and Development Services  
And Public Works**



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## List of Acronyms

APA	American Planning Association
BMP	best management practice
CUP	Conditional Use Permit
GMA	Growth Management Act
LEED	Leadership in Energy and Environmental Design
LID	low impact development
PRD	Planned Residential Developments
PUD	Planned Unit Development
USEPA	U.S. Environmental Protection Agency



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## 1.0 Purpose

This report summarizes a literature review that was conducted on publications regarding Planned Unit Developments (PUDs). It includes a summary of selected PUD ordinances, as well as graphic examples of elements that could be implemented through a PUD ordinance.

A PUD is an ordinance adopted to allow development in a specific location. The general purpose of a PUD is to allow flexibility in design and creative site planning to produce a more cohesive development than that which would be created through traditional lot-by-lot design. The PUD process may also provide for mixed uses. This report will serve as a guide for the development of a PUD ordinance to regulate the Bayview Ridge Subarea of Skagit County (the County).

The Bayview Ridge Subarea requires a PUD ordinance that details how future development will be completed. This report is the first step in creating the PUD ordinance; it describes the required PUD sections, summarizes various PUD elements from the PUD research, and discusses examples of existing PUDs that could be applicable for Skagit County.

## 2.0 Report Organization

The report contains eight sections and six appendices, as follows:

- Section 1.0 Purpose – details the reason for the report.
- Section 2.0 Report Organization – this section informs the reader of the report contents and layout.
- Section 3.0 Background – creates the framework for the remainder of the report by discussing what a PUD ordinance entails and accomplishes, and how one is implemented in the State of Washington.
- Section 4.0 Project Approach – describes the elements that were considered to select PUD ordinances for inclusion in this report.
- Section 5.0 Planned Unit Development Ordinance Summary – over 25 PUD ordinances from around the United States were considered. This section summarizes the elements of the reviewed ordinances that might be applicable for inclusion in similar provisions for a future Skagit County PUD ordinance.

- Section 6.0 Graphic Examples – includes examples of walkable, livable, sustainable designs and features.
- Section 7.0 Summary Remarks and Next Steps – includes ideas of how to use the information in this report to move implementation of the Bayview Ridge Subarea Plan forward.
- Section 8.0 References – lists the publications consulted for and cited in this report.
- Appendix A – A copy of the Skagit County Code relating to zoning in the Bayview Ridge Subarea.
- Appendix B – A copy of Bayview Ridge Subarea Plan Goals, Objectives, and Policies related to PUD and LIDs.
- Appendix C – A complete listing of the PUD ordinances researched.
- Appendix D – Detailed summary of code sections referenced in the Planned Unit Development Ordinance Summary section.
- Appendix E – Graphic examples of development and conservation strategies. Not all of these may be suitable for the Bayview Ridge Subarea; however, they have been included to serve as ideas from which a discussion can be framed.
- Appendix F – LEED for Neighborhood Development Rating System Checklist.

## 3.0 Background

To understand why an adopted PUD ordinance is required by the County for the Bayview Ridge Subarea, a few basic questions need to be answered. First, what is a PUD ordinance? Also, what will an adopted PUD ordinance accomplish? Finally, how does a PUD ordinance work? The answers to these questions will frame the PUD ordinance review.

The American Planning Association (APA) defines a PUD as “a development project a municipality considers comprehensively at one time, usually in the zoning process employed to approve a development plan” (Mandelker, Planned Unit Developments, 2007). The State of Indiana (2007) gives an additional definition, as follows:

“A type of development approved through a special process designed to allow flexibility in the zoning process to encourage innovative land use and development. A PUD may include varied and compatible land uses, such as housing, recreation, and commercial centers within one defined development or subdivision. In some states, the base requirements and process for a Planned Unit Development are generally established in the zoning ordinance. A PUD involves both a plan with development standards and a zone map amendment (rezoning), it is a combined subdivision, development plan review, and zone map amendment (rezoning). Planned Unit Development zoning encourages:

1. A mix of land uses and dwelling types, generally with at least one non-residential land use.
2. The clustering of residential land uses providing public and common open space.
3. Quality site planning and design.
4. Implementation of the community comprehensive plan or vision.
5. Aesthetically pleasing environments through architecture and landscape improvements.

6. Preservation of natural areas.”

Therefore, a PUD ordinance is the code that is adopted to implement the conditions for the PUD development project. The County will use the PUD ordinance to check that proposed developments in the Bayview Ridge Subarea correspond to the desires and requirements of the citizens of Skagit County.

The United States Environmental Protection Agency (2009) states the following benefits of a well-implemented PUD:

- “Increased certainty and predictability in the development review process while still allowing appropriate design flexibility.
- Setting the basic goals and fundamental standards for an area’s development prior to a specific development proposal:
  - Creates an efficient design and review process and requires less staff time to administer the development over time.
  - Adheres to community growth visions and goals as established in comprehensive plans and gives the development sector clear direction on the quality, character, and fundamental elements the community wishes to see in any proposal.
  - Prevents important design and environmental standards from being waived or weakened in the PUD process.”

If the PUD ordinance is well-written and implemented correctly, it will create a framework that will allow creative, flexible development within well-defined boundaries that are easy for developers to understand and for County staff to use for review.

The State of Washington Department of Commerce (2009) states that a PUD “should be authorized in three ways:

1. Through broad policy goals in the comprehensive plan;
2. Through enabling language in the zoning ordinance (often with suitable areas designated on maps); and
3. Through a site plan review and binding site plan for the overall development.

PUDs also need mechanisms to assure continuity and the ability to meet community changes over time. Planned unit developments have been approved by the courts even though no state-authorizing legislation exists.”

Therefore, in municipalities in the State of Washington, a PUD is allowable as a way to regulate development provided that it has been included in the comprehensive plan and the zoning ordinance, and that a site plan review is conducted on the specific development projects that are proposed as PUDs.

The Bayview Ridge Subarea is referenced in the Skagit County Comprehensive Plan as an Urban Growth Area, and is also referenced in the municipal code. Skagit County Code Section 340 of Chapter 14.16 describes the permitted uses, densities, and setbacks required for development in land use zones

designated as Bayview Ridge Residential (see Appendix A). Although the uses and densities are prescribed in the zoning code, the look and feel of the development was determined for the area through the Bayview Ridge Subarea Plan that was adopted in September 2008. However, the implementation of the subarea plan requires a PUD ordinance.

Under the provisions listed for residential and open space in the Bayview Ridge Residential Area, the Skagit County Code states, “Planned unit development (PUD) regulations are required for construction of 5 or more units within 1 legal lot of record or for residential land divisions when 5 or more building lots are proposed. See SCC 14.18.400”. In addition, the intent of the Bayview Ridge Subarea Plan is to accommodate new growth in a manner that is consistent with the Skagit Regional Airport Operations as described in the Skagit Regional Airport Master Plan. Therefore, the PUD ordinance must accommodate the several goals of growth management and land use compatibility for the Bayview Ridge Subarea while maintaining flexibility and effectiveness that will work for the County as a whole. At present, specific PUD requirements have not yet been developed and adopted; Skagit County Code Section 14.18.400 has been reserved as a placeholder for future Planned Unit Development regulations.

The Bayview Ridge Subarea Plan contains goals, objectives and policies for ten major elements: Land Use, Community Character, and Design; Business and Industrial Development; Commercial and Community Center; Housing; Transportation; Capital Facilities; Utilities; Parks, Recreation and Open Space; Natural Environment; and Essential Public Facilities. The goals, objectives, and policies that directly address the use of PUDs, smart growth, and low impact development (LID) techniques in the subarea plan have been included in Appendix B.

It is within this framework that PUDs from around the country have been considered to provide examples of what elements might be included in the Skagit County PUD ordinance to achieve the goals of the Bayview Ridge Subarea Plan. The PUD also needs mechanisms to assure continuity and the ability to meet community changes over time (GMA Short Course Manual). The planning and development horizon for Bayview Ridge is at least 20 years.

The PUD ordinance will refer to LID goals consistent with the County’s current and long-range planning efforts. The USEPA (2010) defines LID as “an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. LID has been characterized as a sustainable stormwater practice by the Water Environment Research Foundation and others.”

For developments in the Bayview Ridge Subarea to gain approval through the PUD ordinance, they will also need to meet design guidelines that still need to be developed by the County. The design guidelines are intended to further develop the goals of the subarea plan and will give further guidance for development.

## 4.0 Project Approach

This report is the first step in creating a PUD ordinance for the Bayview Ridge Subarea. An effective PUD ordinance includes the components in the following outline, which will serve as a structure for the discussion of the elements from each of the reviewed PUD ordinances.

- I. Purpose and Intent
- II. Permitted Uses
- III. Permitted Density
- IV. Review and Approval Process
- V. Performance Standards
- VI. Time limits

### **PUD Ordinance Review**

More than 25 PUD ordinances were reviewed from around the United States. They were considered for the following elements:

- Are they applicable to rural areas?
- Are they applicable to six units per acre or similar density?
- Are they applicable to infill development?
- Do they include mixed-use development?
- Do they include commercial development?
- Do they include an airport?
- Do they include stormwater management strategies?
- Do they include other low impact development and/or smart growth functions?

A complete listing of the 25 reviewed PUD ordinances is included in Appendix B. The Planned Unit Development Ordinance Summary section contains each of the outline areas, and a summary of the sections of ordinance that should be considered as a model for the Bayview Ridge Subarea PUD ordinance. Appendix C contains complete sections of the ordinances that are summarized in the Planned Unit Development Ordinance Summary section.

## **Low Impact Development**

Low impact development is especially important in the Bayview Ridge Subarea. The current residential development in the subarea is sparse, and has maintained a connection to its agricultural surroundings. The Port of Skagit's Skagit Regional Airport and surrounding industrial development offer a solid employment base to the area. Additionally, the subarea's location on a ridge results in unique stormwater challenges. For all of these reasons, the future residential, mixed use, and commercial development in the subarea must be carefully planned, and should contain innovative ideas to reduce vehicular travel, improve stormwater management, and offer a complete community to residents. The idea that one should be able to live, work, and play all within walking distance of each other is lasting for a reason: it works to create functional communities. These smart growth concepts are the ideals that Bayview Ridge citizens, developers, and planners hope to embrace with the subarea's future development. Therefore, any elements of reviewed PUD ordinances that result in low impact development were especially important in the review, and have been noted as such throughout the Planned Unit Development Ordinance Summary section.

## **5.0 Planned Unit Development Ordinance Summary**

Below is a summary of the ordinance sections that are applicable to what the future Bayview Ridge PUD ordinance hopes to accomplish. See Appendix C for complete verbiage from each of the summarized sections, and Appendix B for a complete list of the reviewed PUD ordinances.

### **I. Purpose and Intent**

The objective of Planned Unit Development regulations is to encourage and allow more flexibility for imaginative design of land development than is possible under the jurisdiction's existing zoning regulations. The type and amount of flexibility each jurisdiction wishes to offer will vary depending on local development conditions. For this reason it is important for the PUD ordinance to contain a statement on its particular purpose and intent. The purpose is the framework to which the permitted uses, allowed densities, and performance standards must relate. A PUD must conform to the objectives of the jurisdiction's comprehensive plan and should state such within the ordinance's introductory sections.

Mount Vernon, WA and Kyle, TX have ordinances that clearly state the jurisdiction's desired intent, and require adherence to the local comprehensive plan. Mount Vernon states its purpose as preserving the area's natural resources, providing for open space, promoting diversity of housing options and densities, managing stormwater, allowing design flexibility for public facilities such as roads, preventing overwhelming public utilities and infrastructure, and ensuring that new developments are cohesive with existing neighborhoods. The ordinance from Kyle states its purpose as conserving natural resources, protecting historic and cultural places, providing adequate public services and infrastructure while

reducing construction and maintenance costs, and avoiding the pitfalls of piecemeal and uncoordinated development patterns.

## **II. Permitted Uses**

Many PUD ordinances are overlay zones, and allow for any use that is already permitted within the zoning districts represented by the underlying parcels. This is the case in Clark County, WA; however, its code allows the location of the uses in PUDs to vary from the zoning as long as the final densities and uses conform to the zoning's previously allowable densities. The Vancouver, WA code refers to the types of zoning districts a PUD may be used to regulate.

Some other codes allow for specific uses in the PUD area, using the PUD to designate the zoning. For example, the City of Anacortes allows only residential uses in PUD areas. All other uses may be considered, but require a Conditional Use Permit (CUP). The City of Anacortes details the allowable residential uses and accessory uses in its PUD ordinance.

The Deschutes County, Oregon Municipal Code allows for commercial uses in Urban Unincorporated Community Zones, which function like a PUD ordinance. The code includes uses that are permitted outright, as well as those permitted with a Conditional Use Permit. As the PUD ordinance for Bayview Ridge is developed, it will be important to consider the types of commercial uses that should be allowed in the area. The Deschutes Code also includes a section specific to a Town Center; a similar code could be considered for the Community Center in Bayview Ridge.

The Sedro-Woolley code permits commercial uses in Planned Residential Developments (PRDs), as long as they are intended to serve only the surrounding neighborhood. This may be instructive to the Bayview Ridge area, as consideration is given to the inclusion of neighborhood markets and other neighborhood retail.

Kyle, TX allows for mixed-use development within a PUD; it states that the PUD "may be comprised of a combination of all the other zoning districts provided." This allows for maximum flexibility within the PUD area; that flexibility also results in uncertainty about what will ultimately be allowed. This trade-off should be considered when framing the Bayview Ridge PUD ordinance.

Benton County, OR; Clark County, WA; and Bellevue, WA all require that common open space and parks be included in a PUD. The ordinances provide requirements that the parks must meet, and what the intended uses for the parks should be. Since parks and open space are requirements for the Bayview Ridge Subarea, these ordinances may be helpful in creating regulations to ensure that the desired open spaces are achieved.

Conservation features are also included in the Bellevue, WA code. These features require all critical areas and critical area buffers to be conserved within a 10% conservation area for any PUD project. The code lists different ways in which conservation features could be designed, and how those features would contribute to the overall conservation credit requirement. Finally, the code details how maintenance will be conducted, and by whom, on conservation areas.

One of the creative features that may be considered in the Bayview Ridge PUD ordinance is a reduction of parking spaces. This reduction is based on the principle that more people will be walking and biking from their residences and places of business to the town center, thus encouraging a more walkable community. The Benton County, OR code allows for such a reduction in parking, if warranted by the proposed use.

The review did not find that any airport safety zones were discussed in PUD ordinances. However, many zoning ordinances include information about an airport overlay and/or safety zone. The City of Fernandina Beach, FL overlay zone protects the operational areas of the airports, and encourages uses that would support airport functions in the surrounding areas. The airport safety overlay zone will be an important component of the Bayview Ridge PUD ordinance.

### **III. Permitted Density**

A PUD can provide flexibility to create a site plan that can accommodate residential and/or commercial development at higher densities while protecting sensitive and significant environmental resources. Many of the reviewed ordinances offer density bonuses. These bonuses provide incentives to offer additional amenities such as more public green space in exchange for the ability of developers to build out sites at higher densities than the existing zoning or conventional subdivision standards allow.

Within Bayview Ridge, densities within the urban residential area (BR-R) will maintain an average of four to six units per acre. This density is consistent with both the Skagit Regional Airport Land Use Compatibility Study and requirements of the Growth Management Act (GMA). Policy 5A-1.9 frames when the density increase is allowable: *“Allow the residential density in the Bayview Ridge Residential zone to be increased from four to six units per acre through the purchase of Farmland Legacy credits through the Skagit County Farmland Legacy Program. The Farmland Legacy Program would use the revenues from the sale of Farmland Legacy credits for the purchase of permanent conservation easements on agricultural land and other land of strategic significance in the County.”*

One way to accomplish increased density while still maintaining the required average of four to six units per acre is through the use of cluster development, which utilizes specific areas of a site for buildings, and reserves the remainder of the site for open space and preservation lands. Benton County, OR and Kyle, TX both allow for cluster development, if the density is in compliance with the total amount of allowable units. This approach is useful to create public open space, and to preserve habitat. Cluster development can be used to encourage low impact development.

### **IV. Review and Approval Process**

An effective PUD process has been considered from start to finish, and a clear procedure for what is required for filing and of what will happen after submittal should be included in the PUD ordinance. The Bellevue, WA ordinance details the conditions under which a PUD will be approved, including consistency with the comprehensive plan and that the PUD “accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional

development.” It then lists ways in which this appreciable betterment may be measured. The code also requires demonstration that roads, streets, sidewalks, open space, and utilities are adequately provided for.

The Clark County, WA code includes the requirements for both pre-application and application submittals. This is a complete, detailed list that makes the requirements clear and easy to follow. The Bayview Ridge PUD would be well-served by including similar requirements, especially since multiple developers are expected to submit PUD packages.

## **V. Performance Standards**

Performance standards included in a PUD ordinance seek to increase the certainty of quality design within the flexible use regulations offered by a PUD. For example, the Concrete, WA code includes performance standards that detail the required minimum size of a PUD, the amount of common open space, and zoning standards that increase flexibility from the allowed underlying zoning. Additionally, design standards are included, which require architectural features. The design standards ensure that the development will have the intended look and feel throughout a PUD area. The design standards can be used to encourage low impact development.

## **VI. Time Limits**

A time limits section in a PUD creates an expiration date for an approved PUD application. An approved PUD application, if not commenced or completed within a given time-frame, will be considered to be expired, and a new proposal for use of the land will be required prior to issuance of new permits. A time limit is beneficial because it creates an incentive for land to be developed in a timely manner, and does not hold the municipality to outdated PUD applications. Kyle, TX; Lynnwood, WA; and Vancouver, WA codes all contain examples of time limit sections.

## **6.0 Graphic Examples**

Graphic examples of how the following kinds of designs, features, and standards might look once they are implemented are included in Appendix D. These were gathered from the Congress for New Urbanism and from HDR Engineering, Inc.’s graphics database. These are included not to represent the exact results that might come from implementing a PUD for the Bayview Ridge Subarea, but to provide ideas about how a future PUD ordinance might result in a community that is walkable, livable, and sustainable. The graphics also include representative photos of public transit and ideas for the reduction of vehicular trips. In collecting these graphics, innovative ideas for addressing drainage impacts, reducing impervious surfaces, and incorporating farms into the resulting landscape were considered. Finally, to ensure that Bayview Ridge has a sense of place and identity, examples are included that show community centers, farmers markets, and community identity and gateway signage. The examples may

not all be suitable for the Bayview Ridge Subarea; however, they have been included to serve as ideas from which a discussion can be framed.

## 7.0 Summary Remarks and Next Steps

The Bayview Ridge Subarea Plan implementation represents a unique opportunity to create the framework for a community that is representative of the smart growth concepts valued by citizens, developers, and County officials. As the PUD ordinance is developed, the following ideas should be considered to determine if they are features that should be included in the subarea implementation.

**Community Identity.** The Bayview Ridge Subarea has a sense of character and place that should be retained and fostered through the implementation of development. This stems from the history of agriculture in the area, as well as from the airport in the western part of the subarea. To preserve this history and build the community identity, the County should consider requiring elements such as gateway signage, memorial signage, directional signage, and public art.

**Walkability and Limited Mixed Uses in Neighborhoods.** Creating walkability in neighborhoods does not require having a town center in each neighborhood. Instead, the PUD could be written to allow for limited amounts of neighborhood commercial to be interspersed into residential areas. By requiring that at least one neighborhood commercial establishment is within a specific radius, walkability to a corner store would be built into the PUD. The PUD could also require that each neighborhood be designed to accommodate a pocket park that is no farther than a given distance from each residence. By allowing for limited neighborhood commercial development in residential areas, and requiring that parks be within walking distance, neighborhoods become more accessible by foot or bicycle, and traffic can be reduced.

**Inclusion of LEED for Neighborhood Development Principles in PUD and Design Guidelines.** LEED (Leadership in Energy and Environmental Design) for Neighborhood Development offers standards that encourage sustainable, green building as well as smart growth concepts detailing how neighborhoods are laid out. By requiring that future neighborhood developments meet the LEED for Neighborhood Principles, the County would be assured that the most up-to-date criteria for sustainable development would be put into place. The rating system checklist has been included in Appendix E.

**Low Impact Stormwater Requirements.** The Stormwater Management Plan for the Bayview Subbasin addresses issues such as a capital facilities program and financing plan which recognizes the interrelationship and overlap between the County Drainage Utility and Dike and Drainage District No. 12 and Drainage Districts 14 and 19. It is the intent to develop agreements between the County Drainage Utility and the Drainage Districts to coordinate discharge to the downstream drainage facilities. In addition, the County is evaluating the option of having developers contribute toward regional facilities prior to construction. Project-level facilities, funded by project developers at the time of development, will be provided consistent with the standards and best management practices (BMPs) presented in the Washington State Department of Ecology Stormwater Management Manual. Consideration should be

given to containing and treating stormwater onsite using sustainable, low impact techniques. These can range from using pervious asphalt treatments, to including wider planting strips with specific plantings in parking lots. These can also include plantings around storm drains to treat stormwater before it enters the drainage system, green roofs, and collection of stormwater for onsite planting irrigation. These and other innovative techniques could be required as part of the PUD ordinance to regulate how stormwater is handled.

**Salmon-Safe Certification.** Salmon-Safe is an independent 501(c)(3) nonprofit that considers stormwater design for a location. “The Salmon-Safe label on a product [or campus] means it was created using healthy practices that keep Pacific Northwest rivers clean enough for native salmon to spawn and thrive. Farms and urban sites earn Salmon-Safe certification after a rigorous assessment that includes on-the-ground inspection by expert independent certifiers. Land managers can do much to promote healthy landscapes for salmon by planting trees along riverside areas, improving irrigation systems to reduce erosion, and limiting pesticides and other pollution from reaching waterways.” The Salmon-Safe certification could be sought for all or part of the Bayview Ridge Subarea.

**Community Center.** At the heart of the Bayview Ridge Subarea is a piece of land designated for a community center. Consideration should be given and public feedback sought to determine what is included in this area, and what activities will be offered at the center. Ideas include common open space, a farmers’ market on set days of the week, senior community classes, a recreation area, and more. Gathering input from the citizens concerning what would be helpful to them would ensure a useful and appreciated community center.

**Airport Compatibility.** One of the unique attributes of the Bayview Ridge Subarea is the regional airport that is located in the subarea’s western portion. The airport and the surrounding industrial land uses offer employment opportunities for Skagit County and Bayview Ridge residents. The vacant industrial lands can result in additional economic development. The County has a unique opportunity to partner with industrial businesses that espouse sustainable values through their work practices and products. The airport offers a built-in opportunity for the “work” leg of the live, work, and play to be fulfilled, allowing residents to work in their own neighborhood. An airport compatibility plan has been approved, and will need to be followed throughout PUD implementation.

**Community Transit.** As the neighborhood develops, demand for transportation alternatives may increase. Consideration should be given to extending the bus route that currently runs adjacent to the subarea to reroute through the Bayview Ridge Subarea with stops in strategic locations, such as at neighborhood entrances and at the community center. Additionally, as plans to improve the passenger rail lines that currently run through Skagit County (serving as far south as Portland, OR and as far north as Vancouver, BC) continue and high speed rail becomes a reality, consideration should be given to how to provide residents of Bayview Ridge with access to the stations without having to use a personal vehicle.

In addition, the next steps of the process are included as follows:

- Hold a County workshop to present the ideas included in this report and to obtain feedback on the graphic examples.
- Hold a stakeholder workshop to present the ideas included in this report and to obtain feedback on the graphic examples.
- Draft the PUD Ordinance.
- Hold a public workshop to confirm vision, goals, objectives, and policies included in the subarea plan, and to present PUD ordinance (as reviewed by County staff).
- Finalize the PUD Ordinance.
- Hold a County workshop to present design guideline options and graphic examples.
- Hold a stakeholder workshop to present design guideline options and graphic examples.
- Draft design guidelines.
- Finalize design guidelines.

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## Appendix A – Skagit County Code Relating to Bayview Ridge Zoning

### 14.16.155 Bayview Ridge Community Center (BR-CC).

(1) Purpose. The Bayview Ridge Community Center zoning district is located in the Bayview Ridge Urban Growth Area. This zoning district provides a community center where employees, residents and others can obtain and utilize public and private services and facilities such as a community meeting building, fire station, police precinct office, public open space, schools, recreation and parkland. This district is intended to be pedestrian-oriented and provide for public and private uses and services to meet the everyday needs of employees and residents of the area.

(2) Permitted Uses.

- (a) Fire stations.
- (b) Police precinct office.
- (c) Community parks and recreation playfields.
- (d) Community club/grange halls.
- (e) Post office.
- (f) Libraries.
- (g) Minor utility developments.

(3) Administrative Special Uses.

- (a) Temporary events.

(4) Hearing Examiner Special Uses.

- (a) Kennels.
  - (i) Day-use kennel.
  - (ii) Boarding kennel.
- (b) Master site plan (SCC 14.16.XXX [Reserved]) and binding site plan per SCC 14.18.500.
  - (i) Art galleries and studios.
  - (ii) Business and professional offices.
  - (iii) Outpatient medical and health care services.
  - (iv) Retail and service business, including restaurants.
  - (v) Retail nurseries/greenhouses.
  - (vi) Bank.
  - (vii) Fitness center.
  - (viii) Day care center, limited to 20 clients.
  - (ix) Gas station with underground fuel storage tanks.
- (c) Schools (public and private) subject to consistency with the following criteria:
  - (i) The proposed facility is not sited in Safety Zones 1 through 5;
  - (ii) An acoustical evaluation concludes that the proposed facility will not be adversely impacted by noise;

- (iii) The proposed facility is appropriately sited with respect to the air traffic pattern at the Skagit Regional Airport as determined by Skagit County in consultation with the Port of Skagit County;
  - (iv) At least 25% of the proposed site will be permanent open space, playfields, or other active recreation areas;
  - (v) The location of the proposed facility shall be compatible with the goals and policies of the Bayview Ridge Subarea Plan and the applicant has investigated other potential sites within the Bayview Ridge UGA; and
  - (vi) The site is accessed by a major collector.
- (5) Dimensional Standards.
- (a) Setbacks.
    - (i) Front: 25 feet.
    - (ii) Side: 8 feet.
    - (iii) Rear: 25 feet.
  - (b) Maximum Size Limits. Commercial and public buildings not to exceed 15,000 square feet of gross building area.
  - (c) Maximum height: 50 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.
    - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of personal wireless services towers is regulated in SCC 14.16.720.
  - (d) Maximum lot coverage: none.
- (6) Pedestrian Circulation. Pedestrian walkways shall be provided between parking areas and the uses served by that parking.
- (7) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA). Development must comply with the UGA infrastructure requirements in SCC 14.16.215, Bayview Ridge Urban Growth Area, and with Chapter 14.28 SCC, Concurrency.
- (8) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600 through 14.16.900, Chapter 14.28 SCC, and the rest of Skagit County Code. (Ord. O20090010 Atch. 1 (part); Ord. O20080007 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 2)

**14.16.340 Bayview Ridge Residential (BR-R).**

- (1) Purpose. The purpose of this district is to create and maintain an urban residential community that continues to reflect a high quality of life (Goal A Bayview Ridge Subarea Plan) and to implement the Subarea Plan policies, including a minimum density range of 4 to 6 units per acre, and community design goals such as encouraging front porches and minimizing the visual and functional impacts of large paved areas and rows of garage doors.
- (2) Permitted Uses.

- (a) Agricultural uses, on an interim basis until residential development.
  - (b) Detached single-family dwelling unit, including manufactured homes meeting the requirements of Subsection (7) of this Section.
  - (c) Up to four units of duplexes, townhouses, apartments, and condominiums. Condominiums are subject to the provisions of SCC 14.18.500, Binding site plans, and SCC 14.18.600, Condominiums. Duplexes, townhouses, apartments, and condominiums shall be located no closer than 300 feet to another duplex, townhouse, apartment, or condominium structure, measured along the right-of-way, unless approved as part of a planned unit development. Five or more units of duplexes, townhouses, apartments, or condominiums are allowed only under planned unit development (SCC 14.18.400).
  - (d) Historic sites open to the public.
  - (e) Home Based Business 1.
  - (f) Residential accessory uses.
- (3) Administrative Special Uses.
- (a) Family day care.
  - (b) Home Based Business 2.
  - (c) Minor utility developments.
  - (d) Parks, specialized recreation facilities.
  - (e) Temporary events.
  - (f) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Bed and breakfast.
  - (b) Golf courses, including a clubhouse and restaurant if in conjunction with the golf course.
  - (c) Home Based Business 3.
  - (d) Kennels.
    - (i) Day-use kennel, if associated with other commercial uses as part of a planned unit development (PUD).
    - (ii) Boarding kennel, if associated with other commercial uses as part of a planned unit development (PUD).
    - (iii) Limited kennel, if associated with other commercial uses as part of a planned unit development (PUD).
  - (e) Parks, community.
  - (f) Schools (public and private) and churches subject to consistency with the following criteria:
    - (i) The proposed facility is not sited in Safety Zones 1 through 5, and is sited as close to the outer edge of zone 6 as possible;
    - (ii) An acoustical evaluation concludes that the proposed facility will not be adversely impacted by noise;
    - (iii) The proposed facility is appropriately sited with respect to the air traffic pattern at the Bayview Ridge Airport;
    - (iv) The proposed site includes, or abuts, permanent open space;
    - (v) The applicant has investigated other potential sites and found that no other site is reasonably available; and

(vi) The site is accessed by a major collector.

(5) Density and Dimensional Standards. Densities in BR-R must be at least 4 and no more than 6 units per acre, unless located in areas with density limits lower than this due to an Airport Environs Overlay safety zone.

(a) Purchase of Farmland Density Credits. For each unit over 4 per acre, farmland density credits must be purchased via the Skagit County Farmland Legacy Program.

(b) Density, Lot Area and Width. The minimum lot size and minimum lot width shall be determined by the following table:

Land Use	Minimum Density	Maximum Density	Minimum Lot Area	Minimum Lot Width
Single-Family Dwelling (as allowed in Subsection (2)(a) of this Section)	4 units per acre, unless limited by Airport Environs Overlay safety zone.	6 units per acre, unless limited by Airport Environs Overlay safety zone.	6,000 square feet	50 feet
Duplex	4 units per acre, unless limited by Airport Environs Overlay safety zone.	6 units per acre, unless limited by Airport Environs Overlay safety zone.	8,400 square feet per each 2 units	60 feet
Townhouse, Condominium, or Apartment	4 units per acre, unless limited by Airport Environs Overlay safety zone.	6 units per acre, unless limited by Airport Environs Overlay safety zone.	8,400 square feet per each 2 units	60 feet

(c) Setbacks.

(i) Primary Structures.

(A)Front.

Front Setback	House	Garage
Road class 09 (local neighborhood streets)	20	25
Roads other than class 09	35	40

(B)Side: 15 feet total, minimum of 5 feet on 1 side.

(C)Rear: 20 feet.

(D)Attached Garages. Garages must be set back from house front a minimum of 5 feet unless located to the side or rear of the structure, or alley-loaded.

(ii) Accessory Structures.

(A)Front: 20 feet.

(B)Side: 15 feet, 3-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when

there is an alley along the rear property line providing that the structure is 1,000 square feet or less in size and 16 feet or less in height. A side yard setback of 20 feet is required for all accessory buildings when the side property line is adjacent to a street right-of-way.

(C)Rear yard: 20 feet, 3-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is 1,000 square feet or less in size and 16 feet or less in height.

(D)Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(d) Maximum lot coverage: 65%.

(e) Maximum height: 40 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of personal wireless services towers is regulated in SCC 14.16.720.

(6) Residential and Open Space Provisions.

(a) Planned unit development (PUD) regulations are required for construction of 5 or more units within 1 legal lot of record or for residential land divisions when 5 or more building lots are proposed. See SCC 14.18.400 [Reserved].

(b) Within the airport environs, 10% to 15% permanent open space (mowed lawns or vegetation) is required for new land divisions to minimize the life and safety risks associated with aircraft operations. Where practical, open space areas should be strategically located, contiguous and oriented to the centerline of the runway to provide the greatest benefit.

(7) Manufactured Housing in BR-R Zone. Manufactured housing units in the BR-R zone, that are not located within a sales lot, shall meet the following requirements:

(a) Be constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes;

(b) Have at least 2 fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

(c) Be originally constructed with, and currently possess, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

(d) Have exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences;

(e) Be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and

(f) Be thermally equivalent to the State Energy Code.

(8) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA). Development must comply with the UGA infrastructure requirements in SCC 14.16.215, Bayview Ridge Urban Growth Area, and with Chapter 14.28 SCC, Concurrency.

(9) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600 through 14.16.900, Chapter 14.28 SCC, and the rest of Skagit County Code. (Ord. O20090010 Attch. 1 (part); Ord. O20080012 (part); Ord. O20080009 (part); Ord. O20080004 (part); Ord. O20060007 Exh. D § 8. Formerly 14.16.335.)

## **Appendix B – Bayview Ridge Subarea Plan Goals, Objectives, and Policies related to PUD and LID.**

Policy 2A-1.2 Develop regulations for the Bayview Ridge Community Center area that provide for limited neighborhood shopping opportunities and a gathering place for community activities in a well designed setting, consistent with the character of the community.

Policy 2A-1.3 Allow mixed use development in logical areas to provide opportunities for residents to walk to work and neighborhood shopping locations.

Policy 2A-1.4 Develop regulations for the Bayview Ridge Residential area that provide for the enhancement of existing neighborhoods and transition of undeveloped lands to urban residential development consistent with the character of existing Bayview Ridge residential development.

Objective 2A-3 Protect lowland property from stormwater impacts of development on the ridge.

Policy 2A-3.1 Require all new development to comply with the Bayview Watershed Stormwater Management Plan for the Bayview Ridge Urban Growth Area.

Policy 2A-3.2 Encourage the use of permeable surfaces and other new technologies in building construction and property development, consistent with County drainage regulations.

Goal 3A Create a high quality living and working environment in Bayview Ridge.

Objective 3A-1 Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents.

Policy 3A-1.5 Encourage mixed use development to create a balance of incomes, jobs, and housing in appropriate areas.

Policy 3A-1.9 Allow residential units to be mixed with commercial and light industrial when combined in a mixed PRD.

Policy 4A-2.2 Recognize that street-front landscaping and wider sidewalks, benches for pedestrians, covered transit stops, and pocket parks are important elements of the streetscape.

Policy 4A-2.3 Recognize that streets provide order for the placement of buildings and open spaces. A “build-to” line is required along commercial and business frontages to keep visual interest and prevent the image of streets lined with parking lots.

Policy 4A-2.6 The area adjacent to the Community Center is an appropriate location for a mix of residential, commercial, and light industrial uses with unified design reviewed in a PRD process. Residential uses within a mixed use development must acknowledge the presence of industrial uses.

Goal 5A Create and maintain an urban residential community that continues to reflect a high quality of life.

Objective 5A-1 Provide for a diversity of new residential development while preserving and improving existing neighborhoods.

Objective 5A-2 Use flexible zoning tools, such as planned residential developments, planned unit development, design review standards, and special use permits to ensure that new development is compatible with the character and future vision of the community.

Policy 5A-2.1 Develop Planned Residential Development standards as part of the Land Division Ordinance that will:

- a) Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other sections of the Land Division Ordinance;
- b) Preserve or create environmental amenities superior to those generally found in conventional developments;
- c) Create or preserve usable open space for the enjoyment of the occupants. Usable open space should be within walking distance of all residents, and should include both active and passive recreational amenities. Small neighborhood parks and tot lots will be owned and maintained by a Homeowners' Association, unless otherwise approved by Skagit County.
- d) Preserve to the greatest possible extent, the natural characteristics of the land, including topography, natural vegetation, waterways, views, etc.
- e) Encourage development of a variety of housing types for a variety of lifestyles and prices, including affordable housing.
- f) Allow a range of lot sizes.
- g) Require buffers between incompatible land uses.
- h) Provide vehicular and pedestrian/bicycle connections to destinations such as other neighborhoods, recreation facilities, stores, schools, and employment sites.
- i) Provide for pedestrian and bicycle circulation.
- j) Provide for maximum efficiency in the layout of streets, utility networks and other public improvements;
- k) Provide a guide for developers and county officials in meeting the purpose and provisions of a Planned Residential Development section of the Land Division Ordinance.

Policy 5A-2.2 Develop Planned Unit Development standards as part of the Land Division Ordinance.

Policy 5A-2.10 A mix of uses shall be allowed in areas immediately north and south of the BRCC zone as part of a planned development process. This mix of uses would not allow for an increase in density from the land that is proposed to be included in the planned development, unless part of an approved transfer of development rights process. The uses allowed in a mixed PRD are those uses allowed in the BR-LI, BR-CC and BR-RR zones.

Policy 6A-1.3 The County shall take advantage of existing public lands and right-of-way in the development of the nonmotorized transportation system.

Policy 6A-5.7 A network of bicycle and pedestrian paths should be provided between Bayview Ridge's employment and residential areas and community facilities such as parks and schools. Connections should also be planned or provided to regional bicycle and pedestrian paths such as the Port Trail, Padilla Bayshore Trail, Padilla Bay Interpretive Center and the City of Burlington.

Policy 9A-1.6 Require that usable open space be within walking distance of all residents. Small neighborhood parks and tot lots will be owned and maintained by a Homeowners' Association, unless otherwise approved by Skagit County.

Goal 10A The critical areas and natural environment of the Bayview Ridge Subarea, which provide the opportunity to live, work and play in a healthy environment, should be maintained, protected and enhanced for the enjoyment and use of present and future generations.

Policy 10A-1.2 Low impact development tools should be considered for implementation in sensitive environments. Tools include reducing the amount of impervious surface on each development site, minimizing soil disturbance and erosion, and discouraging vegetation removal during site development and construction.

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## Appendix C – PUD Ordinances Considered

This table contains a complete listing of the PUD ordinances that were researched. Some are included to indicate where research was done, even if no PUD exists, especially those in Skagit County.

City/County, State	PUD Link	PUD Handbook or Example
Anacortes, WA	<a href="http://library.municode.com/index.aspx?clientId=16193&amp;stateId=47&amp;stateName=Washington">http://library.municode.com/index.aspx?clientId=16193&amp;stateId=47&amp;stateName=Washington</a> Chapter 17.44	
Bellevue, WA	<a href="http://www.bellevuewa.gov/bellcode/Bluc2030D.html">http://www.bellevuewa.gov/bellcode/Bluc2030D.html</a>	<a href="http://www.ci.bellevue.wa.us/Ordinances/Ord-5205.pdf">http://www.ci.bellevue.wa.us/Ordinances/Ord-5205.pdf</a>
Benton County, OR	<a href="http://www.co.benton.or.us/cd/planning/documents/dc-ch_98.pdf">http://www.co.benton.or.us/cd/planning/documents/dc-ch_98.pdf</a> Also, Chapter 100 is newer adopted ordinance.	
Burlington, WA	No PUD	N/A
Clark County, WA	<a href="http://www.codepublishing.com/wa/clarkcounty/clarkco40/clarkco40520/clarkco40520080.html#40.520.080">http://www.codepublishing.com/wa/clarkcounty/clarkco40/clarkco40520/clarkco40520080.html#40.520.080</a>	<a href="http://www.co.clark.wa.us/commdev/documents/devservices/handouts/72-pud.pdf">http://www.co.clark.wa.us/commdev/documents/devservices/handouts/72-pud.pdf</a>
Concrete, WA	<a href="http://www.townofconcrete.com/PlanZone/Title%2019%20-%20Zoning%20Code.doc">http://www.townofconcrete.com/PlanZone/Title%2019%20-%20Zoning%20Code.doc</a>	
Deschutes County, OR	<a href="http://www.deschutes.org/dccode/index.htm">http://www.deschutes.org/dccode/index.htm</a> Chapter 18.108	
Fernandina Beach, FL	<a href="http://www.fbfl.us/DocumentView.aspx?DID=74">http://www.fbfl.us/DocumentView.aspx?DID=74</a>	
Gainesville, FL	<a href="http://library8.municode.com/default-now/home.htm?infobase=10819&amp;docaction=whatsnew">http://library8.municode.com/default-now/home.htm?infobase=10819&amp;docaction=whatsnew</a>	
Hamilton, WA	Could not find municipal code online.	
Irvine, CA	<a href="http://library.municode.com/index.aspx?clientId=13239&amp;stateId=5&amp;stateName=California">http://library.municode.com/index.aspx?clientId=13239&amp;stateId=5&amp;stateName=California</a>	
Kyle, TX	<a href="http://www.cityofkyle.com/documents/zoningord_000.pdf">http://www.cityofkyle.com/documents/zoningord_000.pdf</a> PUD (section 39, page 53)	
La Conner, WA	<a href="http://www.laconner.net/uploads/Laconner15.pdf">http://www.laconner.net/uploads/Laconner15.pdf</a> Planned Unit Residential Development (PURD) chapter 15.25	
Larimer County, CO	<a href="http://library2.municode.com/default-test/home.htm?infobase=13411">http://library2.municode.com/default-test/home.htm?infobase=13411</a>	
Los Angeles, CA	No PUD	

City/County, State	PUD Link	PUD Handbook or Example
Lyman, WA	No PUD	
Lynnwood, WA	<a href="http://www.mrsc.org/wa/lynnwood/index_dtSearch.html">http://www.mrsc.org/wa/lynnwood/index_dtSearch.html</a>	<a href="http://www.ci.lynnwood.wa.us/Docs/cd-PUD.pdf">http://www.ci.lynnwood.wa.us/Docs/cd-PUD.pdf</a>
Mount Vernon, WA	<a href="http://www.mrsc.org/mc/mountvernon/mtvern17.pdf">http://www.mrsc.org/mc/mountvernon/mtvern17.pdf</a> page 61	<a href="http://www.ci.mount-vernon.wa.us/imageuploads/Media-1064.pdf">http://www.ci.mount-vernon.wa.us/imageuploads/Media-1064.pdf</a>
Mountain View, CA	<a href="http://library2.municode.com/default-test/template.htm?view=browse&amp;doc_action=setdoc&amp;doc_keytype=toCID&amp;doc_key=b3bc01d987a9e44add97c6ed389ad853&amp;infobase=16508">http://library2.municode.com/default-test/template.htm?view=browse&amp;doc_action=setdoc&amp;doc_keytype=toCID&amp;doc_key=b3bc01d987a9e44add97c6ed389ad853&amp;infobase=16508</a>	
Ponte Vedra, FL	Could not find municipal zoning codes : <a href="http://www.nocatee.com/TownLife/Default.aspx">http://www.nocatee.com/TownLife/Default.aspx</a>	
Port Aransas, TX	<a href="http://library3.municode.com/default-test/home.htm?infobase=10718&amp;doc_action=whatsnew">http://library3.municode.com/default-test/home.htm?infobase=10718&amp;doc_action=whatsnew</a> Chapter 25, Article VI	
Sedro-Woolley, WA	<a href="http://www.codepublishing.com/wa/sedrowoolley/">http://www.codepublishing.com/wa/sedrowoolley/</a> Planned Residential Development (PRD)	
Sparks, NV	<a href="http://www.ci.sparks.nv.us/governing/muni_code/Title_20/18/index.php">http://www.ci.sparks.nv.us/governing/muni_code/Title_20/18/index.php</a>	<a href="http://www.ci.sparks.nv.us/living/theplan/pdfs/Executive_Summary.pdf">http://www.ci.sparks.nv.us/living/theplan/pdfs/Executive_Summary.pdf</a>
Tallahassee, FL	<a href="http://library.municode.com/index.aspx?clientId=19980&amp;stateId=9&amp;stateName=Florida">http://library.municode.com/index.aspx?clientId=19980&amp;stateId=9&amp;stateName=Florida</a>	
Vancouver, WA	<a href="http://www.cityofvancouver.us/MunicipalCode.asp?menuid=10462&amp;submenuID=10478&amp;title=title_20&amp;chapter=260&amp;VMC=index.html">http://www.cityofvancouver.us/MunicipalCode.asp?menuid=10462&amp;submenuID=10478&amp;title=title_20&amp;chapter=260&amp;VMC=index.html</a>	<a href="http://www.cityofvancouver.us/upload/images/Planning/Riverview/101508_RGX_Design_Guidelines.pdf">http://www.cityofvancouver.us/upload/images/Planning/Riverview/101508_RGX_Design_Guidelines.pdf</a>
Westminster, CO	<a href="http://www.ci.westminster.co.us/code/892_1787.htm">http://www.ci.westminster.co.us/code/892_1787.htm</a>	
Wilsonville, OR	<a href="http://www.ci.wilsonville.or.us/Index.aspx?page=107">http://www.ci.wilsonville.or.us/Index.aspx?page=107</a> They have "planned development" code sections for industrial, commercial and residential.	

## Appendix D – Example Ordinance Sections

### I. Purpose and Intent

#### *Kyle, TX*

Section 39. Planned Unit Development - "PUD" District.

(a) Purpose and Objectives. The purpose and intent of the Planned Unit Development District is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the City consistent with this Ordinance and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City's comprehensive plan. The PUD rules are designed:

- (i) to allow development which is harmonious with nearby areas;
- (ii) to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
- (iii) to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
- (iv) to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
- (v) to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;
- (vi) to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
- (vii) to require the application of professional planning and design techniques to achieve overall coordinated mixed use developments and avoid the negative effects of piecemeal, segregated, or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the City's comprehensive plan and this Ordinance and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Ordinance.

#### *Mount Vernon, WA*

17.69.010 Purpose.

The purpose of this chapter is to implement the goals and policies of the Mount Vernon comprehensive plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential and mixed residential/ commercial development to protect and enhance environmental features, and provide other public benefits. This chapter provides performance criteria to encourage flexibility in the choice of the types of living units

available to the public through a discretionary planned unit development (PUD) process. More specifically, it is the purpose of this chapter to:

- A. Allow development of land with physical constraints, while at the same time preserving the natural characteristics of a site, including topography, native vegetation, wildlife habitat, environmentally sensitive areas, and other natural amenities of value to the community;
- B. Create and/or preserve open space for recreation and aesthetic enjoyment of residents and employees;
- C. Provide for the management and control of storm water;
- D. Permit developers to use innovative methods and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the diverse housing needs of Mount Vernon residents to promote the housing goals and policies of the Mount Vernon comprehensive plan;
- E. Provide for the economic provision of public facilities and services by allowing choices in the layout of streets, utility networks, and other public improvements through innovative site design;
- F. Avoid the overburdening of present or planned capacity of public utilities, services, facilities and streets, which may occur under conventional site development and zoning methods;
- G. Ensure that proposals are contextually appropriate and integrate appropriately with surrounding established neighborhoods. (Ord. 3316 § 2, 2006).

## II. Permitted Uses

### *Anacortes, WA*

17.44.030 - Permitted uses—Residential zones.

Single-family uses, multifamily uses and condominiums shall be permitted in a planned unit development in any residential zone subject to the criteria established in this title and the subdivision ordinance. No use shall be permitted except in conformity with specific and precise approved preliminary plat pursuant to the procedural and regulatory provisions hereinafter set forth. Accessory uses in a residential planned unit development include:

- A. Garage;
- B. Swimming pool;
- C. Garden house;
- D. Tool house;
- E. Community facility such as a clubhouse, meeting space, tennis court, park, playground, or similar use, whether available to the general public or owned and used by the residents of a particular area.
- F. Other uses shall only be allowed after planning commission review and city council approval. (Ord. 2528 Att. A § 12, 2000; Ord. 2316 (part), 1994)

## *Bellevue, WA*

20.30D.160 Planned Unit Development plan – Conservation feature and recreation space requirement.

### A. General.

Within a Planned Unit Development including residential uses:

1. Through the conservation design features included in subsection B of this section, the proposal must earn square footage credit totaling at least 40 percent of the gross land area, which includes any critical area or critical area buffer; and
2. At least 10 percent of the gross land area, which includes any critical area or critical area buffer, of the subject property must be retained or developed as common recreation space as defined by LUC 20.50.044; provided, however, that the requirement for recreation space may be waived if the total of critical area and critical area buffer equals at least 40 percent of the gross land area; and
3. Recreation space as required by subsection A.2 of this section may be included within non-critical area conservation design features required by subsection A.1 of this section if:
  - a. The common recreation space does not interfere with the purposes and functions of the conservation design feature; and
  - b. At least 20 percent of the gross land area is non-recreation open space.

Provided, however, that recreation space may not occur in a critical area or a critical area buffer; and

4. The area of the site devoted to pedestrian trails shall not be included in the required common recreation space unless public trails are specifically required by the City; and
5. An outdoor children's play area meeting the requirements of LUC 20.20.540 may be included in the above-described common recreation space requirement; and
6. For mixed use projects, the required open and recreation space shall be designed to meet the needs of both the residential and commercial uses.

### B. Conservation Design Features.

To satisfy the requirements of subsection A of this section, a proposal shall include any combination of the following factors. The total square footage credit required in subsection A of this section is calculated by multiplying the square footage actually dedicated to the conservation design feature by the conservation factor set forth below. Where noted, certain conservation design features are not eligible to earn square footage credit unless the minimum size requirements are met. After the minimum size requirement is met, each square foot provided may be used to calculate the square footage credit earned by the feature.

Conservation Design Feature	Conservation Factor	Minimum Size of Retained Area Before Credit Earned
Critical area or areas placed in a tract (connection between isolated critical areas credited as corridor below)	1.0	
Preservation of Westside lowland conifer hardwood forest not already in critical area and/or preservation of recommended forest habitat to protect species of local importance	1.2	20,000 sq. ft.
Designated wildlife corridor, trail or other essential connection set aside in a tract	1.2	
Critical area buffer increased by 15% or more and placed in tract	1.2	
Preservation of native soils and mature trees on required open space or combination of preservation with hydrologic enhancement (soil amendment and tree such that vegetative areas are connected to soil below)	1.1	10,000 sq. ft. canopy cover or amended and planted area
Site area set aside in separate tract to achieve bio-retention and runoff dispersion to natural areas or to soil layer below; e.g., community rain garden, downspout dispersion or similar LID techniques. Must serve more than one residence.	1.1	5,000 sq. ft. reserved for rain garden or dispersion
Landscaped or grass open space in separate tract for active or passive recreation but only partially connected to soil below	1.0	2,500 sq. ft. contiguous area
Paved but pervious open space; e.g., court yards and similar facilities	1.0	1,500 sq. ft.
Impervious paved court yards and similar facilities that meet minimum definition of open space	1.0	2,500 sq. ft.
Built Green certification for green communities	1.0	200 points earned under Built Green's "Site Design Criteria." For sites with critical areas, proposal must achieve all of the available points from the open space and habitat preservation sections as part of the total 200 points

C. Maintenance.

In appropriate circumstances the City may require a reasonable performance or maintenance assurance device in conformance with LUC 20.40.490 to assure the retention and continued maintenance of all open and recreation space or conservation design feature in conformance with

the Land Use Code and the Planned Unit Development plan approval. (Ord. 5682, 6-26-06, § 11; Ord. 4972, 3-3-97, § 50; Ord. 4816, 12-4-95, § 149; Ord. 3775, 5-26-87, § 20)

### *Benton County, OR*

98.110 Off-Street Parking. The number of off-street parking spaces in a PUD may be reduced below the minimum required by this code if the nature of the proposed use warrants such reduction. [Ord 26, Ord 90-0069]

98.120 Parks. A common park area shall be designated in a residential PUD if the PUD is to be comprised of parcels or lots smaller than one acre in size. Such a park area shall be accessible to and available for use by the residents of the development, and shall be suitable for scenic or recreational purposes. [Ord 26, Ord 90-0069]

### *Clark County, WA*

B. Applicability. Planned unit developments are permitted pursuant to the provisions of this section within the following districts: R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, CR-1, CR-2, C-2, C-3, CL, GC and MX districts.

D. Uses Permitted.

Any use consistent with the zone districts designated for the parcel(s) within the proposed planned unit development boundary may be permitted in planned unit developments. The location of the uses in planned unit developments may vary from underlying zoning; provided that the total allowed uses (e.g., number of residential uses or area assigned to commercial use) was limited by the maximum allowed on each respectively zoned parcel. Approval shall be by either of the following:

1. The hearing examiner for those development plans which include mixed uses such as commercial-residential or industrial-commercial. The hearing examiner shall approve, approve with conditions, or disapprove the request in a public hearing; or
2. The responsible official for those development plans which are single-purpose in land use type and would not result in an increase greater than twenty percent (20%) in the net density normally allowed within the district.

c. Common Open Space. No open area may be accepted as common open space within a planned unit development, unless it meets the following requirements:

- (1) The location, shape, size and character of the common open space is suitable for the planned unit development;
- (2) The common open space is for amenity or recreational purposes; provided, that the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the number and type of dwellings provided;

(3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation, such as wetlands, may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space;

(a) Landscaping shall be installed and financial assurance measures provided pursuant to Section 40.320.010(G);

(b) If a planned unit development is phased, the requirements of Section 40.520.080(E)(1)(c)(3)(a) shall be satisfied prior to provisional acceptance of improvements in conformance with conditions of approval for each phase of the development;

(4) Land shown in the final development plan as common open space, the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one (1) of the following:

(a) An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that is acceptable to the Prosecuting Attorney, in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any covenants limiting the use of common open space areas, and all rights to enhance these covenants against any use permitted are expressly reserved; or

(b) A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

## *Deschutes County, OR*

### 18.108.050. Commercial - C District.

A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.

1. Recreational path.
2. Ambulance service.
3. Library.
4. Church.
5. Bus stop.
6. Community center.
7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:

- a. Retail/rental store, office and service establishment.
  - b. Art galleries
  - c. Dry cleaner and/or self-service laundry establishment.
  - d. Radio and television sales and service.
  - e. Radio and television broadcasting studios and facilities, except towers.
  - f. Restaurant, bar and cocktail lounge, including entertainment.
  - g. Automobile service station.
  - h. Technical and business school.
  - i. Catering establishment.
  - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
  - k. Medical and dental clinic, office and laboratory.
  - l. Theater not exceeding 4,000 square feet of floor area.
- 8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
  - 9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
  - 10. Post Office.
  - 11. Administrative and office facility associated with a community association or community use.
  - 12. Police facility.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

- 1. Public buildings and public utility buildings and structures.
- 2. Club, lodge or fraternal organization.
- 3. Commercial off-street parking lot.
- 4. Bus passenger station.
- 5. Interval ownership and/or time-share unit or the creation thereof.
- 6. Miniature golf.
- 7. Bed and breakfast inn.
- 8. Inn.
- 9. Residential facility.
- 10. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
  - a. Bowling alley.
  - b. Car wash.
  - c. Dancing or music school, nursery school, kindergarten and day-care facility.
  - d. Theater exceeding 4,000 square feet in floor area.
  - e. Veterinary clinic or kennel operated entirely within an enclosed building.
  - f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.

C. Use Limits.

1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
  - a. No dwelling unit shall have more than three bedrooms.
  - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
  - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. Residential dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
  - a. Residential dwelling units shall be developed above first floor commercial use.
  - b. No dwelling unit shall have more than two bedrooms.
  - c. Individual dwelling units shall not exceed 850 square feet of floor area.
  - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

18.108.055 Town Center – TC District

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the TC District.

1. Park or plaza.
2. Library.
3. Community center.
4. Visitors center.
5. A building, or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including any of the following uses:
  - a. Retail/rental store, office, civic and service establishment.
  - b. Grocery store.
  - c. Art gallery.
  - d. Restaurant, bakery, delicatessen, pub, cocktail lounge, including entertainment.
  - e. Health care service including medical and dental clinic, office, pharmacy, and laboratory but excluding nursing homes.
  - f. Health & fitness facility.
  - g. Barber, beauty shop or spa.
  - h. Child care center, preschool and daycare facility.
  - i. Bank.
  - j. Post office.
  - k. Veterinary clinic (without animal boarding facilities).

- l. Crafts in conjunction with retail sales (occurring on premises such as sculpture, stained glass, pottery, etc.).
  - m. Meeting room, convention and banquet facility.
  - n. Property sales, mortgage, management or rental office.
  - o. Movie theater.
6. Multi-family Residential, subject to paragraphs (E)(1) and (2).
  7. Developed recreational facilities, outdoors or in a building or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including, but not limited to the following facilities:
    - a. Indoor and outdoor swimming pools.
    - b. Ice skating rink.
    - c. Indoor and outdoor tennis courts.
    - d. Indoor and outdoor basketball court or other ball field.
    - e. Physical fitness facilities.
    - f. Park, playground and picnic and barbeque area.
    - g. Walkways, bike paths, jogging paths.
    - h. Bowling alley.
    - i. Arcade.
  8. Hotel with up to 100 hotel units in a single building.
  9. Mixed Use Structure, subject to the rules of DCC 18.108.055(E)(3) and a limit of 8,000 square feet of floor space for commercial uses listed in DCC 18.108.055(A)(5) or recreational uses listed in DCC 18.108.055(A)(7), unless said uses are approved as large scale uses pursuant to DCC 18.108.055(C).
  10. Residential Facility.
  11. Senior housing/assisted living or active adult development, excluding nursing homes.
  12. Townhomes, subject to paragraphs (E)(1) and (2).
  13. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.
  14. Similar uses to those allowed outright, provided they are approved by the County in the decision approving the Conceptual Site Plan described in DCC 18.108.055(K).

B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.128, Conditional Use Permits.

1. Public buildings and public utility buildings and structures.
2. Bed and breakfast inn.
3. Ambulance service.
4. Fire station.
5. Police station.
6. Bus passenger station.
7. Live/work residence.
8. Stand-alone parking structure.
9. Accessory uses to the above-listed conditional uses.

## *Fernandina Beach, FL*

### 2.02.05 Airport Area Overlay

The Airport Area Overlay is intended to provide for appropriate land use on and adjacent to the Fernandina Beach Municipal Airport lands through protection of the operational areas, reduction of noise impacts, and preservation of ecologically unique areas. The Airport Area Overlay encourages light, clean industry that is consistent with and supportive of airport operations.

## *Kyle, TX*

(b) Mixed Use Development. The PUD District shall include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this Ordinance. The outer boundary of the each such PUD Zoning District shall be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district, and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references, and other information shown thereon, shall be adopted by Ordinance.

## *Sedro-Woolley, WA*

### 17.43.040 Commercial uses.

Commercial uses are permitted in the PRD which satisfy the criteria of this section. Such uses are intended to serve the surrounding neighborhood, be comprised of small-scale buildings that maintain the visual character and architectural style of the residential area, and minimize visual and functional conflicts between residential and non-residential uses within and abutting the PRD. Commercial uses within the PRD shall meet the following criteria:

- A. Shall be limited to:
  - 1. Retail businesses serving the local neighborhood; provided, that drive-through businesses and 24-hour establishments are prohibited;
  - 2. Personal or professional services;
  - 3. Public and quasi-public uses;
  - 4. Recreational uses;
  - 5. Residential dwellings located either behind or above an allowed commercial use are permitted;

6. Beauty salons;
  7. Day care centers.
- B. Bulk restrictions.
1. Maximum building size: five thousand square feet.
  2. Minimum setbacks:
    - a. Front: ten;
    - b. Side: ten;
    - c. Rear: ten.
  3. Maximum building height: twenty five feet.
- C. Design Standards.
1. Lot size: Commercial lots shall not exceed twenty thousand square feet in area per twenty acres of land within the PRD. Any increase in commercial area shall be based upon twenty-acre increments of additional land, and proportionate increases shall not be permitted.
  2. Landscaping requirement: Shall comply with the landscaping requirements for commercial uses in SWMC 17.50.
  3. Signage: Total sign area is limited to one percent of gross floor area utilized by the activity. Monument signs are restricted to no more than six feet high. Internally illuminated signs, flashing signs, mechanically mobile signs, or neon signs are not allowed. All signs must be ground oriented or a facade sign.
  4. Parking: Two parking spaces required per one thousand square feet of commercial area. On-street parking which fronts the parcel shall be counted in the overall parking requirement. Off-street parking shall be located at the side or at the rear of the building.
  5. The site plan for the commercial area shall comply with the design standards and guidelines of Chapter 15.44. The site plan and commercial designation must be submitted and processed as part of the PRD application. (Ord. 1484-04 § 11 (part), 2004)

### *Vancouver, WA*

- A. Applicable in all zones. The planned development is a development vehicle that may be used in all base zoning districts except in the Park, Greenway and Natural Area districts.
- B. Permitted uses. The following uses shall be allowed in various base zoning districts:
1. Lower-Density Residential Zoning Districts. In the R-2, R-4, R-6 and R-9 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the maximum density provisions of the underlying zone, as contained in Chapter 20.410 VMC, plus 5% density bonus per the provisions of 20.260.060 (D) VMC.
    - a. The following uses are allowed by right within planned developments:
      1. Single-family detached residential units with or without accessory dwelling units.
      2. Two or more single-family attached residential units.

3. Accessory uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
    - a. Community building with indoor and/or outdoor recreation facilities;
    - b. Recreational vehicle storage area;
    - c. Consolidated mini-storage;
    - d. Consolidated guest parking facilities.
  4. Home occupations, subject to development standards in 20.860.
  5. Child care centers of all types including those with 13 or more children, subject to development standards in 20.840.
  6. Adult day care.
  7. Any other use allowed by right in the base zoning district.
- b. A planned development may also include conditional uses as identified on the use tables in the respective base zoning district chapters, provided the applicant pursues a concurrent conditional use review, as governed by 20.245. The following uses also are allowed conditionally within a planned development in the R-2, R-4, R-6, and R-9 districts.
1. Recreation facility, athletic center, fitness club or related facility with indoor and/or outdoor facilities.
  2. Retail commercial uses allowed in the CN zone limited to 1,500 gross square feet (gsf) per use to a maximum of 5,000 gsf in planned developments with 150 or more units.
2. Higher-Density Residential Zoning Districts. In the R-18, R-22, R-30, and R-35 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the minimum and maximum density provisions of the underlying zone, as contained in Chapters 20.420.040 VMC, plus 5% per the density bonus provisions of 20.260.060 (D) VMC.
- a. The following uses are permitted by right within planned developments:
    1. Single-family detached residential units with or without accessory dwelling units.
    2. Two or more single-family attached residential units.
    3. Multi-family residential units.
    4. Accessory uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
      - a. Community building with indoor and/or outdoor recreation facilities;
      - b. Recreational vehicle storage area;
      - c. Consolidated mini-storage;
      - d. Consolidated guest parking facilities.
    5. Home occupations, subject to development standards in 20.860 VMC.
    6. Child care centers of all types including those with 13 or more children, subject to development standards in 20.840 VMC.
    7. Adult day care.

8. Commercial retail uses as permitted in the CN zone limited to 1,500 gsf per use to a maximum of 5,000 gsf.

9. Any other use allowed by right in the base zoning district.

b. A planned development may also include conditional uses as identified in the use tables in the respective base zoning district chapters, provided the applicant applies concurrently for conditional use approval, per 20.245 VMC. The following uses also are allowed conditionally within the medium- and high-density residential zones within a planned development:

1. Recreation facility, athletic center, fitness club or related facility with indoor and/or outdoor facilities.

2. Commercial uses allowed in the CN zone from 5,001 to a maximum of 10,000 gsf.

3. Commercial Zones

a. In all commercial zones, a planned development may contain all of the uses permitted by right in the underlying zone.

b. A planned development may also include conditional uses as identified in the use tables in the respective base zoning district chapters, provided the applicant applies concurrently for conditional use approval, per 20.245 VMC.

4. Industrial Zones

a. In the OCI and IL zoning district, a planned development may contain all of the uses permitted by right in the underlying zone.

b. In the IH zoning district, a planned development shall contain only those uses allowed by right in the underlying zoning district.

c. A planned development may also include conditional uses as identified on the use tables in the respective base zoning district chapters, provided the applicant applies concurrently for conditional use approval, per 20.245 VMC.

C. More than one base zone. When a site contains land that is in more than one zoning district, the allowed and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district. The zoning may be shifted around the site provided that the same proportion acreage of each zoning district is retained. The concept and detailed plans shall explicitly illustrate such physical re-configuration of the site and shall be used as the basis for all subsequent land use reviews.

### **III. Permitted Density**

#### *Benton County, OR*

98.105 Density of Development.

(1) Parcels or lots smaller than the minimum parcel or lot size may be allowed in a PUD where open space and clustering of parcels or lots are proposed such that the overall density of the PUD is maintained at or less than the level allowed by the minimum parcel or lot size.

(2) The overall density of the PUD may be increased up to twenty-five (25) percent beyond that allowed by the minimum parcel or lot size where the proposed PUD contains areas

allocated for a functional common area, such as a park, or the increase in density is warranted by the design and amenities incorporated in the proposed PUD. [Ord 26, Ord 90-0069, Ord 96-0118]

### *Kyle, TX*

(c) Residential Clustering. Upon approval by the City Council, a PUD District subdivision or a section or phase of a PUD District subdivision of greater than three (3) buildable acres may cluster LUE's on buildable acres of subdivision so long as the total number of LUE's does not exceed the total number of allowable LUE's had each LUE been built on specified minimum lot square footage for appropriate zoning classification as shown in Chart 1. When clustering LUE's, the subdivision may be composed of the following: forty percent (40%) or more of the LUE's must be built under the guidelines of R-1-1 zoning requirements, thirty percent (30%) or less may be built under the guidelines of R-1-2 zoning requirements, thirty percent (30%) or less may be built under the guidelines of R-1-A zoning requirements, fifteen percent (15%) or less may be built under the guidelines of R-1-T zoning requirements so long as the total number of LUE's in the subdivision does not exceed the total number of LUE's allowed under R-1-1.

If, after review by the Commission and on approval by the City Council of a Concept Development Plan, clustered residential developments may vary from established standards as set forth in Chart 1 if the following conditions are met:

- a) Create pedestrian access to retail establishments without using major roads.
- b) All homes have access to green space within 1/8 of mile from home.
- c) Subdivision must consist of 3 to 4 product types (i.e. R-1-1; R-1-2; R-1-A; R-1-T)
- d) Create pedestrian access to neighborhood schools
- e) Plant 5" diameter trees every 30 ft along streets.
- f) Have a minimum of three (3) green space areas each having an area of not less than one (1) acre within interior of subdivision, not including floodplain or neighborhood association parks.
- g) Total density of development shall not exceed that which is allowed by designated zoning district.

## **IV. Review and Approval Process**

### *Bellevue, WA*

The City may approve or approve with modifications a Planned Unit Development plan if:

- A. The Planned Unit Development is consistent with the Comprehensive Plan; and
- B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
  1. Placement, type or reduced bulk of structures, or

2. Interconnected usable open space, or
  3. Recreation facilities, or
  4. Other public facilities, or
  5. Conservation of natural features, or
  6. Conservation of critical areas and critical area buffers beyond that required under Part [20.25H](#) LUC, or
  7. Aesthetic features and harmonious design, or
  8. Energy efficient site design or building features, or
  9. Use of low impact development techniques; and
- C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and
- D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and
- E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC [20.20.520](#), and enhances the visual compatibility of the development with the surrounding neighborhood; and
- F. At least one major circulation point is functionally connected to a public right-of-way; and
- G. Open space, where provided to meet the requirements of LUC [20.30D.160.A.1](#), within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and
- H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- I. That part of a Planned Unit Development in a transition area meets the intent of the transition area requirements, Part [20.25B](#) LUC, although the specific dimensional requirements of Part [20.25B](#) LUC may be modified through the Planned Unit Development process; and
- J. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and
- K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and
- L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment. ([Ord. 5682](#), 6-26-06, § 10; [Ord. 4972](#), 3-3-97, § 48; [Ord. 4816](#), 12-4-95, § 147)

## Clark County, WA

### A. Applicability

Table 40.510.050-1 identifies information to be included with pre-applications and applications for all Type I, Type II and Type III applications, as follows:

1. Type I applications: Submittal items 1 and 2, and any additional materials required by the responsible official.
2. All Type II and Type III applications not listed in Section [40.510.050\(A\)\(3\)](#), submittal items 1 through 6.
3. For applications for a conditional use, master plan, planned unit development (PUD), preliminary plat for a short plat, preliminary plat for a subdivision, and/or a site plan: all submittal items as applicable.

### B. Submittal Copies.

#### 1. Pre-Applications.

a. The following shall be submitted with the pre-application:

- (1) One (1) copy of the main submittal with original signatures; and
- (2) One (1) copy of any special studies (e.g., wetland, floodplain, etc.).

b. Reduced copies (eleven (11) inches by seventeen (17) inches in size) shall be included for all pre-application materials larger than eleven (11) inches by seventeen (17) inches in size.

c. Failure to provide any of the required information listed in Table 40.510.050-1 precludes contingent vesting pursuant to Sections [40.510.020\(G\)](#) or [40.510.030\(G\)](#).

#### 2. Applications.

a. The following shall be submitted with the application:

- (1) One (1) copy of the main submittal with original signatures bound by a jumbo clip or rubber band; and
- (2) One (1) copy of any special studies (e.g., wetland, floodplain, etc.), and bound separately.

b. Reduced copies eleven (11) inches by seventeen (17) inches in size) shall be included for any application materials larger than eleven (11) inches by seventeen (17) inches in size.

c. When all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the main submittal, including copies of the "Developer's GIS Packet."

d. The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the fully complete review:

- (1) Archeological pre-determination report, one (1) original and three (3) copies;
- (2) Archeological study, one (1) original;
- (3) Traffic study and road modification requests, one (1) original and three (3) copies;

- (4) Critical aquifer recharge areas (CARA) floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland, if necessary, one (1) original and two (2) copies of all other special studies or permits;
- (5) Mining permit applications: a sixth copy of the main submittal package must be submitted for distribution to the Department of Natural Resources.

**Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews**

Submittal Item	Required for Pre-Application	Required for Application
1. Application Form. The application form shall be completed and original signed in ink by the applicant.	X	X
2. Application Fee. The requisite fee shall accompany the application. The check is to be made payable to "Clark County Community Development."	X	X
3. Cover Sheet and Table of Contents. Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.		X
4. Pre-Application Conference Report. A copy of the "Pre-Application Conference Report" must be submitted.		X
5. Developer's GIS Packet Information. A copy of the "Developer's GIS Packet" shall be submitted with the application submittal. The packet includes the following: General Location Map, Property Information Fact Sheet, Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map, Elevation Contours Map, Photography Map, Photography Map with Contours, Zoning Map, Comprehensive Plan Map, Water, Sewer and Storm Systems Map, Soil Type Map, Environmental Constraints Map, and Quarter Section Map.	X	X
6. Narrative. A written narrative shall be submitted that addresses the following: <ul style="list-style-type: none"> <li>a. How the application meets or exceeds each of the applicable approval criteria and standards; and</li> <li>b. How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site.</li> </ul>		X

Submittal Item	Required for Pre-Application	Required for Application
<p>7. Legal Lot Determination Information. The preliminary site plan shall encompass the entire area of the legal lot(s) involved in the site plan and designate the proposed use (i.e., lots, tracts, easements, dedications) for all land contained within the plan and any boundary line adjustments to be completed prior to final site plan approval. In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted:</p> <ul style="list-style-type: none"> <li>a. Current owner's deed if lot determination not required, as specified in the pre-application conference report, or one (1) of the following:</li> <li>b. Prior county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot; or</li> <li>c. Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the assessor's lot number.</li> </ul>		X
<p>8. Approved Preliminary Plats. A map shall be submitted that shows all approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final), as listed within the pre-application conference summary, that abut the site (including across public and private streets from the site). Also include approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final), that are between the site and nearest public or private street providing vehicular access to the site.</p>		X
<p>9. Proposed Development Plan. The proposed plan shall be drawn to a minimum engineer's scale of one (1) inch equals two hundred (200) feet (1" = 200') on a sheet no larger than twenty-four (24) inches by thirty-six (36) inches (24" x 36"). The following information shall be clearly depicted on the proposed development plan:</p>	X	X
<p>a. General Information:</p>	X	X
<p>(1) Applicant's name, mailing address and phone number;</p>	X	X
<p>(2) Owner's name and mailing address;</p>	X	X
<p>(3) Contact person's name, mailing address, and phone number;</p>		X
<p>(4) North arrow (orientated to the top, left or right of page) scale and date;</p>	X	X
<p>(5) Proposed name of project (i.e., subdivision or business);</p>		X

Submittal Item	Required for Pre-Application	Required for Application
(6) Vicinity map covering one-quarter (1/4) mile radius from the development site (not required for rural area plans); and		X
(7) Area of the site in acres or square feet.	X	X
b. Existing Conditions.	X	X
(1) Environmental (on and within one hundred (100) feet of the site. For purposes of being determined fully complete, only those existing conditions that are shown on the GIS map, known by the applicant or are discussed in the pre-application summary must be included on the proposed plan).	X	X
(a) Topography at two (2) foot contour intervals, or other intervals if not available from a public source (see GIS packet);		X
(b) Watercourses (streams, rivers, etc.) (see GIS packet);		X
(c) Center of stream surveyed for all on-site watercourses with professional land surveyor stamp and signature;		X
(d) Areas prone to flooding;		X
(e) FEMA designated floodplains, flood fringe, or floodway (see GIS packet);		X
(f) Designated shoreline areas (see GIS packet);		X
(g) Water bodies and known wetlands (see GIS packet);		X
(h) Wetland delineation (see pre-application report);		X
(i) Unstable slopes and landslide hazard areas (see GIS packet);		X
(j) Significant wildlife habitat or vegetation (see GIS packet); and		X
(k) Significant historic sites (see GIS packet and pre-application report).		X
(2) Land Use and Transportation.	X	X
(a) Layout, square footage and dimensions of all parcels;	X	X
(b) Location(s) of any existing building(s) on the site and use;	X	X

Submittal Item	Required for Pre-Application	Required for Application
(c) Location and full width of existing easements for access, drainage, utilities, etc.;		X
(d) Name, location and full width of existing rights-of-way;		X
(e) Centerline and right-of-way radius of existing roadways that abut the site;		X
(f) Name, location, full width and surfacing materials (e.g., gravel, asphalt or concrete) of roadways and easements (private and public);		X
(g) Location of existing driveways and those driveway across the street to include distance between driveways and roadways (edge to edge);		X
(h) Location and width of existing pedestrian and bicycle facilities on and within one hundred (100) feet of the site; and		X
(i) Transit routes and stops within six hundred (600) feet of the development site (see GIS packet).		X
(3) Water and Sewer.		X
(a) Location and direction to nearest fire hydrant (see GIS packet);		X
(b) Location of existing sewage disposal systems and wells on the site; and		X
(c) Location of existing sewage disposal systems and wells within one hundred (100) feet of the site (as available from the Health Department).		X
c. Proposed Improvements.	X	X
(1) Environmental.	X	X
(a) Wetland, stream, steep bank buffer areas/protected areas; and	X	X
(b) Planned enhancement areas.		X
(2) Land Use and Transportation.	X	X

Submittal Item	Required for Pre-Application	Required for Application
(a) The configuration and dimensions of the project boundaries, proposed lots and tracts (for binding site plans), mobile home spaces (for mobile home parks), including proposed park, open space, and or drainage tracts or easements;		X
(b) Dimensions of all proposed easements;		X
(c) Location (i.e., dimensions from property lines) of any existing buildings to remain on the site to include approximate square footage. For all structures, include the number of stories, construction type (e.g., metal, wood, concrete block, etc.) and proposed uses;		X
(d) Location and full width of all road rights-of-way;		X
(e) Pedestrian and Transit Facilities. (i) For MX district, site plan shall include layout and architectural drawing of all streetscapes, including landscaping, hardscape, public seating; public artwork and abutting building features;		X
(f) Location and full width of proposed pedestrian and bicycle improvements other than those in standard locations within road rights-of-way;		X
(g) Location, full width (e.g., curb to curb distance) and surface material of all proposed roadways (private and public), provided by drawing or note and typical cross- section (from county road standards);		X
(h) Location of all road segments in excess of fifteen percent (15%) grade that are either on the site or within five hundred (500) feet of the site which are being proposed for site access;		X
(i) Location, width and surface material of off-site roads which will provide access to the site within five hundred (500) feet of the site;		X
(j) Location and width of proposed driveways for corner lots and driveways where site distance standards cannot be met;		X
(k) Site distance triangles where site distance standards cannot be met;		X

Submittal Item	Required for Pre-Application	Required for Application
(l) Location and width of proposed easements for access, drainage, utilities, etc. (provided by drawing or note); and		X
(m) For CU, MP, PUD, MX and site plan: (i) Layout of proposed structures including square feet; (ii) Architectural elevations with dimensions, floor plans and total square footage for each building, types of material, and type of construction per the International Building Code; (iii) Location, dimensions and number of off-street parking and loading areas; (iv) Location and dimensions of recyclables and solid waste storage areas; (v) For MX district, site plan shall include elevations showing transition and scaling with abutting buildings.		X
(3) Landscaping – Landscape plan for urban area arterial and collector roadways and on-site landscaped areas to include:		X
(a) Location, number, species, size at planting, and spacing of proposed plant material;		X
(b) Location, number, species and size of existing landscape material to be removed and/or retained;		X
(c) Location, type (such as sod, groundcover or shrub mass) and area (in terms of square fee and percentage of site) of all soft landscaped areas and buffers;		X
(d) Location, height and materials of fences, buffers, berms, walls and other methods of screening;		X
(e) Surface water management features integrated with landscape, recreation or open space areas;		X
(f) Location, size and construction type of hard landscaping features such as pedestrian plazas;		X
(g) Active and passive recreational or open space features; and		X

Submittal Item	Required for Pre-Application	Required for Application
(h) Location of all roadway intersection site distance triangles per Section 40.350.030(B)(8).		X
(4) Signs. For CU, MP, PUD and site plan, a sign plan shall be submitted that includes size, height, and location of all proposed signs.		X
(5) Lighting. For CU, MP, PUD and site plan, an outdoor lighting plan shall be submitted that shows the areas of illumination for each outdoor light.		X
10. Soil Analysis Report.		X
11. Preliminary Stormwater Design Report.		X
12. Proposed Stormwater Plan.	X	X
13. Project Engineer Statement of Completeness and Feasibility. The project engineer shall include a statement that all information required by Chapter <a href="#">40.385</a> , Stormwater and Erosion Control, is included in the preliminary stormwater plan and that the proposed stormwater facilities are feasible.		X
14. Proposed Phasing Plan (if proposed). A phasing plan shall be submitted (if applicable), to include transportation and water quality improvements.		X
15. Traffic Study.		X
a. Depending on the impacts associated with the proposal, a traffic study may be required to be undertaken by an engineer licensed to practice within the state of Washington, with special training and experience in traffic engineering. If a traffic study is required, the county will provide a scope of the study at the pre-application conference;		X
b. Traffic study must be stamped, signed, and dated by a professional civil engineer registered in the state of Washington; and		X
c. Road modification application, if applicable.		X
16. State Environmental Review. A State Environmental Policy Act (SEPA) Environmental Checklist must be completed; original signed in ink and submitted.		X

Submittal Item	Required for Pre-Application	Required for Application
17. Sewer Purveyor Utility Review Letter. A utility review must be submitted from the public sewer purveyor, or one (1) copy of a preliminary soil suitability analysis, or equivalent, for on-site systems from the Clark County Health Department. For existing septic systems, provide a copy of the original approval.		X
18. Water Purveyor Utility Review Letter. A utility review must be submitted from the public water purveyor, noting the ability to meet water pressure and fire flow requirements of the Fire Marshal (as specified within the "Pre-Application Conference Summary Report"). Or, provide current evidence of the availability of suitable groundwater where the water purveyor has determined public water or community water systems cannot be provided.		X
19. Clark County Public Health Development Review Evaluation Letter. A Clark County Public Health Project Review Evaluation Letter must be submitted if the proposed development is planning to use wells and/or septic systems. This evaluation is conducted to identify any on-site water wells or septic systems, and confirm that the use of wells and/or septic systems is feasible.		X
20. Covenants or Restrictions. All existing covenants or restrictions and/or easements that apply to the property must be submitted.		X
21. Associated Applications. Applications associated with the preliminary plan, to the extent applicable (e.g., critical aquifer recharge areas [CARA], floodplain, habitat, shoreline, wetland, variances, etc.), must be submitted prior to or concurrent with the application.		X
22. Preliminary boundary survey of property for proposed land division.		X
23. For residential developments within a one (1) mile radius of a public school, a letter from the applicable school district stating if bus transportation will be provided for students. In the event a letter cannot be provided in a timely fashion, a copy of the school district's current walking route map may be submitted until the letter can be provided. If busing will not be provided, the applicant shall provide documentation that safe walking routes can be provided to the applicable school(s).		X

Submittal Item	Required for Pre-Application	Required for Application
24. Archaeological Information. If an archaeological review is required, proof that the archaeological predetermination or archaeological survey was submitted to the State Department of Archaeology and Historic Preservation for review must be submitted prior to, or concurrent with, the application. (Proof can be via an e-mail confirmation or other conclusive method of proof that DAHP has received the site-specific document for review.)		X

**V. Performance Standards**

*Concrete, WA*

Standards and requirements.

(1) Size of Planned Unit Development Site.

(a) Except as set forth below, a tract of land to be developed as a planned unit development shall have a minimum site size of three acres.

(b) A planned unit development may have a site size of less than three acres if the review authority makes specific findings of fact to support the conclusion that a planned unit development is in the public interest because one or more of the following conditions exist:

- (i) An unusual physical or topographic feature of importance to the area as a whole exists on the site or in the neighborhood, which can be conserved and still leave the applicant equivalent use of the land by use of a planned unit development;
- (ii) The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development;
- (iii) The property is adjacent to or across a street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development;
- (iv) Unique or innovative design concepts developed to further specific policies of the comprehensive plan.

(2) Open Space. Common open space is required within a planned unit development and shall meet the following:

(a) The common open space shall be primarily intended and improved for amenity or recreational purposes and shall be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and number and type of dwellings provided.

- (b) Common open space containing natural features or critical areas worthy or required of preservation may be left unimproved. However, the planned unit development cannot provide only unimproved preserved or protected common open space.
  - (c) At least 25 percent of the total common open space shall be centrally located within the plat.
  - (d) Common open space shall not include required infrastructure such as roads, or unusable stormwater detention ponds. Usable stormwater detention ponds infiltrate water underground and do not hold water for more than an average of two months per year. Only those portions of usable space within a utility corridor may be counted towards common open space, such as walking paths.
- (3) Density. A 20 percent lot size reduction is allowed if at least 20 percent of the site is designated as common open space.
- (4) Flexibility in Standards. In order to allow for clustering and creative site design, deviations from the underlying zoning district dimensional standards are allowed:
- (a) Lot area; provided, that no lot is reduced by more than 20 percent of the minimum lot size in the underlying zone;
  - (b) Lot width and depth; and
  - (c) Yard setback.
- (5) Residential Types in the Residential (R) Zoning District. Up to 20 percent of the total number of units allowed may be multifamily dwellings, not to exceed fourplexes through a PUD if the proposal meets the following criteria:
- (a) The overall site density does not exceed the zoning district maximum or the allowable density bonus;
  - (b) The multifamily units must be clustered and located in a manner appropriate and compatible with adjacent residential zones;
  - (c) The multifamily units must be single-family in appearance; and
  - (d) Architectural renderings of the multifamily units must be submitted with the application.
- (6) Design Standards. PUDs must meet the following design standards unless a similar design is proposed to the hearing body which meets similar objectives. The hearing body may approve such design alternatives:
- (a) Attached residential garages shall be set back at least five feet from the front of the house, resulting in a minimum front setback of 25 feet. Where alleys exist, access to garages shall be from the alleyway.
  - (b) Houses shall be designed with front porches with special consideration given for those which front onto common open space areas.
  - (c) House plans shall have a variety of architecture and character, such as alternating roof lines, window patterns, and entrances. Buildings shall include articulation along the facades facing and visible from public rights-of-way. Flat blank walls are discouraged. Horizontal facades longer than 30 feet shall be articulated into smaller units, reminiscent of the residential scale. At least two of the following methods shall be included:
    - (i) Distinctive roof forms;
    - (ii) Changes in materials;

- (iii) Window patterns;
  - (iv) Color differentiation;
  - (v) Recesses/offsets.
- (d) Primary building entries shall be clearly identifiable and visible from the street, with well defined walkways from pedestrian routes to building entries.
- (e) Primary building entries shall face the street. If the doorway does not face the street, a clearly marked and well maintained walkway shall connect the entry to the sidewalk.
- (f) Developments which utilize a clustered arrangement shall orient buildings around a common open space with a common vehicle entrance onto the primary street.
- (g) Driveways which access onto public streets are encouraged to share driveways with at least one adjacent property to minimize access points and to increase the amount of on-street parking available.
- (h) If alley access is available or can be provided within the development, vehicle access shall be from the alley with limited curb cuts. [Ord. 577 § 1, 2005]

## **VI. Time Limits**

### *Kyle, TX*

(h) Expiration. If development equal to at least twenty-five (25%) percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least fifty (50%) percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a Planned Unit development tract or lot within two (2) years after the date of approval, such approval shall expire; and may only be renewed after application is made therefore, notice is given and public hearings are held by the Commission and City Council to evaluate the appropriateness of the previously authorized Planned Development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.

### *Lynnwood, WA*

21.30.400 Expiration.

Upon the abandonment of a particular project authorized under this chapter or upon the expiration of three years from the final approval of a planned unit development which has not by then been completed, or commenced with an extension of time for completion granted, the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the planned unit development is located. (Ord. 2020 § 15, 1994; Ord. 190 Art. XII § 12.3, 1964)

## *Vancouver, WA*

### Section 20.260.040 Time Limits.

A. Time limit on filing of detailed development plan. Within two years after the date that the conceptual development plan is approved, the applicant shall prepare and file with the Planning Official a detailed development plan to be reviewed pursuant to 20.260.030(B)(1) VMC. In the case of phased development, as governed by Subsection (C) below, this provision shall apply to the first phase of the development.

#### B. Extension

1. No less than three months before the expiration of the two-year approval period the applicant may request a one-year extension by means of a Type I process, using procedures contained in Section 20.210.040 VMC, which the Planning Official shall approve upon finding provided that:

- a. No changes have been made on the original conceptual development plan as approved by the Commission.
- b. The applicant can show intent of applying for detailed development plan review within the one-year extension period, e.g., by providing evidence of an application for financing.

2. No less than three months before the expiration of the first extension, the applicant may request a second one-year extension by means of a Type I process, using procedures contained in 20.210.040 VMC, which the Planning Official shall approve upon finding that:

- a. The applicant has pursued submitting the detailed development plan in good faith; and
- b. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes that are inconsistent with the approved concept plan.

#### C. Phased development

1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for construction of all phases exceed seven years, as measured from the date of approval of the original concept development plan until the date that building permit(s) for the last phase is(are) obtained.

2. The criteria for approving a phased detail development plan proposal are that:

- a. The public facilities shall be constructed in conjunction with or prior to each phase; and
- b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or special district standard.

## **Appendix E –Graphic Examples**

Additional graphic examples of development and conservation strategies. Not all of these may be suitable for the Bayview Ridge Subarea, however they have been included to serve as ideas from which a discussion can be framed.

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## **Appendix F – LEED for Neighborhood Development Rating System Checklist**

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