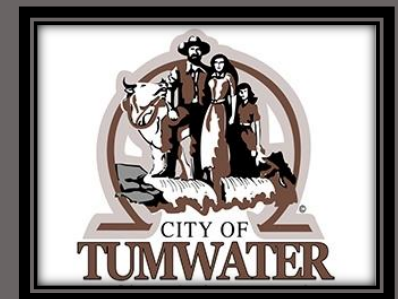


Planned Unit Development Amendments

Ordinance No. O2022-006

August 1, 2022
City Council Consideration



Issue

- The City's planned unit development regulations were last substantially updated in 2000
- Currently, planned unit developments in the City provide a benefit to developers by giving flexibility in addressing existing regulations, but have not provided a quantifiable benefit to the public
- The proposed amendments provide developers flexibility in addressing existing regulations in exchange for requiring quantifiable public benefits

Issue – Private Streets

- Current regulations do not clearly address the requirements for private streets as part of planned unit developments
- The amendments would:
 - Provide more specificity in regards to when and how private streets are allowed
 - Amend the definition of a private street in TMC Title 17 to be consistent with the *Tumwater Development Guide*

Summary of Amendments

1. Private Streets

- a. Amend the definition of private street in TMC 17.04.385 to read:

“Private street” means a privately owned and maintained vehicular access serving property, which is provided for by an access tract, easement, or other legal means.

Summary of Amendments

2. Amend permitted uses:

- a. Add “planned unit developments” as a permitted use in the Manufactured Home Park (MHP) zone district
- b. Add “planned unit developments not including residential uses” as a permitted use in the Airport Related Industry (ARI) zone district

Summary of Amendments

2. Amend permitted uses:

- c. Remove single-family detached dwellings as part of a planned unit development as a permitted use from the Multifamily Family Medium (MFM) zone district
- d. Remove single-family detached dwellings and duplexes as part of a planned unit development overlay as a permitted use from the Multifamily Family High (MFH) zone district

Summary of Amendments

3. Change the name of the chapter to remove “overlay”
4. Update the intent section to establish a clear list of tangible benefits in exchange for flexibility in addressing zoning regulations

Quantifiable Public Benefits

The **size** of the project affects the number of tangible benefits required:

- Projects providing 20 or more dwelling units or industrial, commercial, or institutional projects 20 acres or more in size shall provide at least 2.0 points from the list of tangible benefits
- Projects providing less than 20 dwelling units or industrial, commercial, or institutional projects less than 20 acres in size shall provide at least 1.0 point from the list of tangible benefits

Quantifiable Public Benefits

- On May 10, 2022, the Planning Commission asked staff for local developers input on the quantifiable public benefits and code modifications
- Staff contacted five local developers on May 16, 2022, heard back from one of them on May 26, 2022, and incorporated their suggested changes into the ordinance

Tangible Benefits

#	Points	Tangible Benefit
1	1.0	Provide enhanced useable parks and open space.
2	1.0 to 2.0	Provide significant public facilities or other public amenities that could not be required by the city for development of the subject property without a planned unit development.
3	1.0	Go significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.
4	1.0	Dedicate a site containing a building, structure, site, object, or district on a register of historic places
5	2.0	Incorporate energy systems that produce energy from nondepletable energy sources will result in at least fifty percent of the energy needs for the development being met.

Tangible Benefits

#	Points	Tangible Benefit
6	2.0	Build passive residential dwelling units that meet the Passive Home Institute US (PHIUS) standard that will result in fifty percent or more of the total dwelling units qualifying as passive homes.
7	1.0	Go significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the development.
8	2.0	Provide at least twenty percent of the total dwelling units as permanently affordable housing.
9	1.0 to 2.0	Provide any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section.

Summary of Amendments

5. Update TMC 18.36.020:

- a. Establish where such development would be allowed:
 - Permitted in all zone districts except Greenbelt (GB), Open Space (OS), Residential/Sensitive Resource (RSR) due to the extreme sensitivity of the areas to environmental disturbance, and Historic Commercial (HC)
- b. Establish a minimum size for a planned unit development of one acre

Summary of Amendments

6. Update TMC 18.36.040 for items required in an application:
 - a. A description of how the planned unit development meets the requirements of TMC 18.36.010
 - b. A description of how the planned unit development relates to the surrounding area

Summary of Amendments

6. Items that need to be in an application, including
 - c. If more than one underlying zone district then the application must include:
 - 1) A map showing the existing zone district locations, sizes, and densities within the planned unit development
 - 2) A map showing the proposed locations of the zone districts within the planned unit development
 - The planned unit development cannot modify the sizes or densities of comprehensive plan land use designations or zone districts without an amendment approved through TMC 18.60 *Text Amendments and Rezones*

Code Modifications

7. Create a new section to explain that an application cannot modify requirements in TMC Title 16 *Environment*
8. Create a new section to explain that if an application creates new lots, it shall follow the requirements in TMC Title 17 *Land Division*

Code Modifications Allowed

Code Modifications Allowed	Notes
Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone District	<p>The type and size of the underlying zone district designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone district may be modified.</p>
Planned unit developments with multiple underlying zone districts	<p>A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Setbacks	<p>Setbacks established by the underlying zone district shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>May modify internal setbacks within the planned unit development.</p>

Code Modifications Allowed

Code Modifications Allowed	Notes
Lot sizes	Lot sizes as specified by the underlying zone district may be modified by up to twenty-five percent, either larger or smaller, provided the densities of the underlying zone district are met.
Land Coverage	Maximum land coverage as established by the underlying zone district may be exceeded by no more than twenty-five percent.
Yards	Yards as specified by the underlying zone district may be reduced by up to twenty-five percent, provided the land coverage requirements of the underlying zone district are met.
Parks and open space area	In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, provide additional park and open space areas consistent with TMC 18.36.010.

Code Modifications Not Allowed

Code Modifications Allowed	Notes
Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone District	<p>The type and size of the underlying zone district designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone district may be modified.</p>
Planned unit developments with multiple underlying zone districts	<p>May move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Densities	Densities established by the underlying zone district shall not be altered.

Code Modifications Not Allowed

Code Modifications Allowed	Notes
Uses	<p>Limited to the permitted, accessory, or conditional uses established by the underlying zone district.</p> <p>If a proposed use requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56 <i>Conditional Use Permits</i>.</p>
Setbacks	<p>Setbacks established by the underlying zone district shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>May modify internal setbacks within the planned unit development.</p>
Structure height	<p>Structure height requirements as established by the underlying zone district shall not be modified.</p>
Landscaping	<p>Landscaping requirements shall not be modified.</p>

Code Modifications Not Allowed

Code Modifications Allowed	Notes
<i>Citywide Design Guidelines</i>	<i>Citywide Design Guidelines</i> shall not be modified.
<i>Tumwater Development Guide</i>	Requirements of the <i>Tumwater Development Guide</i> shall not be modified, except as noted in TMC 18.36.080.
Signage	Signage requirements shall not be modified.
Stormwater	Stormwater requirements shall not be modified.
Provisions of this chapter	The requirements of TMC 18.36 shall not be modified.
Procedural requirements	Procedural requirements in TMC shall not be modified.

Summary of Amendments

9. Public streets are required in a planned unit development, except private streets are allowed:
 - a. When serving 4 or fewer residential dwelling units, unless all of the dwelling units are low income, then private streets may serve up to 9 detached single family dwellings or up to 25 attached single family or multifamily dwelling units
 - b. When serving up to 4 businesses on separate parcels, or up to 4 businesses situated on 1 parcel
 - c. The private street must meet the minimum design standards and requirements for private streets in the *Tumwater Development Guide*

Summary of Amendments

10. Phasing allowed:

- a. For applications with more than 100 dwelling units or commercial or industrial planned unit developments covering more than 20 acres
- b. Phased approval is limited to 2 but not more than 4 phases
- c. Must show how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed needs to be addressed for all phases of the development

Summary of Amendments

13. Updated the hearing examiner approval process and criteria used to approve or deny an application
14. Update the appeal process and bonding sections
15. Create new sections for:
 - a. Final planned unit development approval
 - b. Minor modifications
 - c. Major modifications
 - d. How applications vest
 - e. How long a preliminary approval is valid

Recommendation

Planning Commission recommends approval of the proposed amendments as shown in Ordinance No. O2022-006