

Planned Unit Development Amendments

Ordinance No. O2022-006

July 13, 2022

General Government Committee Briefing



Issue

- The City's planned unit development regulations were last substantially updated in 2000
- In other jurisdictions, planned unit developments provide a quantifiable public benefit in exchange for flexibility in addressing existing regulations

Issue – Benefits & Flexibility

- 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* and amend the sections of the *Tumwater Development Guide* that addresses private streets as needed

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.

- b. Amendments to the *Tumwater Development Guide* (See Attachment C *Development Guide Amendments Staff Report*) – Public Works Committee review

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 to be provided by a planned unit development to the public 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 superior useable parks and open space.
2	1.0 to 2.0	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	Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.
4	1.0	Dedication of a site containing a historic landmark.
5	2.0	Incorporation of 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	For residential developments, building passive homes, which 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	Going 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	The provision of at least twenty percent of the total dwelling units as permanently affordable housing.
9	1.0 to 2.0	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. Amend the current code language about the effect of planned unit development approval on existing zone district regulations
 - c. 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:
 - 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*

Summary of Amendments

6. Items that need to be in an application:
 - d. How the planned unit development is accessed and how internal circulation will be addressed
 - e. The location and size of critical areas and their buffers on or within 300 feet of the project site
 - f. The location and size of open space, parks, and landscaped areas and how they serve the development
 - g. The location of stormwater facilities
 - h. SEPA environmental review

Summary of Amendments

6. Items that need to be in an application:
 - i. Covenants for ongoing maintenance of common areas and stormwater facilities
 - j. If phased, a map of proposed phasing, a description of the proposed phasing timeline, and the general type and location of the development in each phase
 - k. How the application relates to adjacent properties under similar ownership
 - l. How the application allows for future development or redevelopment of neighboring properties

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 Districts	<p>The type and size of the underlying zone districts designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone districts 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 districts 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 districts 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 districts may be exceeded by no more than twenty-five percent.
Structure height	Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent.
Yards	Yards as specified by the underlying zone districts 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 Districts	<p>The type and size of the underlying zone districts designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone districts 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 districts 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 districts.</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 districts shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>May modify internal setbacks within the planned unit development.</p>
Parking	Parking requirements shall not be modified.
Landscaping	Landscaping requirements shall not be modified.

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

Summary of Amendments

11. Phasing allowed:

- a. Applications shall show the number of phases, the area each phase encompasses, and the sequence for development of the various phases
- b. 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

12. Update the hearing examiner approval process and criteria used to approve or deny an application:
 - a. Substantial conformance to the Tumwater Comprehensive Plan
 - b. Conformance to the Tumwater Municipal Code and *Tumwater Development Guide*
 - c. The quantifiable public benefits required by TMC 18.36.010
 - d. The public health, safety, and general welfare

Summary of Amendments

12. Criteria used to approve or deny an application:
 - e. The adequacy of the size of the project to accommodate the contemplated developments
 - f. Adequate access to the project site for all users of the project including the public, if applicable
 - g. Appropriate access for public safety such as fire protection and police services
 - h. Adequate mitigation measures for impacts associated with the physical characteristics of the site such as groundwater, stormwater, floodplains, critical areas, steep slopes, and critical habitat

Summary of Amendments

13. Move and update the appeal process section

14. 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

15. Update the section on bonding

Recommendation

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

Next Steps

City Council

- Public Works Committee briefing – July 7, 2022
- General Government Committee briefing – July 13, 2022
- Worksession – July 26, 2022
- Consideration – August 1, 2022