

ORDINANCE NUMBER 1927

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,
AMENDING CERTAIN SECTIONS OF CHAPTER 19 OF THE DAYTON MUNICIPAL CODE
(DMC) – LAND DIVISIONS, ADDING SECTIONS 19-07.010 THROUGH 19-07.090 IN
REFERENCE TO A PLANNED UNIT DEVELOPMENT PROCESS FOR THE CITY OF
DAYTON.**

WHEREAS, THE CITY OF DAYTON, WASHINGTON IS A FULLY PLANNING CITY UNDER RCW 36.70A, GROWTH MANAGEMENT ACT; AND,

WHEREAS, COLUMBIA COUNTY PLANNING AND BUILDING IS CONTRACTED WITH THE CITY OF DAYTON TO PROVIDE BUILDING SERVICES AND PLANNING SERVICES FOR THE CITY OF DAYTON; AND,

WHEREAS, IT IS NECESSARY TO UPDATE AND AMEND THE CITY CODE TO PROVIDE FLEXIBILITY AND BENEFIT TO PROMOTE GROWTH WITHIN THE CITY OF DAYTON; AND,

WHEREAS, THE PROPOSED AMENDMENTS DO NOT CHANGE ANY ADOPTED COMPREHENSIVE PLANS POLICIES OR LAND USE DESIGNATIONS; AND,

WHEREAS, THE ADOPTION OF THIS ORDINANCE IS A NON-PROJECT ACTION AND A SEPA CHECKLIST WAS PREPARED AND A DETERMINATION OF NONSIGNIFICANCE WAS GRANTED; AND,

WHEREAS, A NOTICE OF THE SEPA DETERMINATION WAS DULY ADVERTISED WITHIN THE PAPER OF RECORD, WITH NO COMMENTS BEING RECEIVED; AND,

WHEREAS, EXPEDITED REVIEW WITH THE DEPARTMENT OF COMMERCE WAS REQUESTED AND GRANTED FOR THIS PROPOSAL, ENSURING COMPLIANCE WITH RCW 36.70A.106; AND,

WHEREAS, THE DAYTON PLANNING COMMISSION DULY ADVERTISED AND HELD A PUBLIC HEARING ON FEBRUARY 20TH, 2018 REGARDING THE PROPOSED CHANGES; AND,

**NOW, THEREFORE, THE CITY COUNCIL OF CITY OF DAYTON, WASHINGTON,
DO HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. AMENDMENT:

Chapter 19-07 Planned Unit Developments (PUD)

Sections:

19-07.010	Purpose and Goals
19-07.015	Who May Apply
19-07.020	Procedure for Approval
19-07.025	Decision Criteria
19-07.030	Development and Design Standards
19-07.035	Density Standards
19-07.040	Density Standards – Residential Zone
19-07.045	Density Standards – Nonresidential Zone.
19-07.050	PUD Application
19-07.055	Staff Recommendations to Planning Commission
19-07.060	Final Approval - Effect
19-07.065	Zoning Map Notation
19-07.070	Permits
19-07.075	Subdivision Requirements
19-07.080	Termination of PUD - Failure to Commence or Continue
19-07.085	Minimum Site Area
19-07.090	Filing Fees

19-07.010 Purpose and Goals. A Planned Unit Development (PUD) is a regulatory process by which the City may permit a variety in type, design, and arrangement of structures. A Planned Unit Development allows for innovations and special features in site development.

The purpose of the PUD is to provide greater flexibility and encourage more design creativity than is generally accomplished under conventional standards and development approaches. The PUD concept is intended to promote efficient land use, provide amenities, and preserve natural values and qualities to a greater extent than conventional development schemes. The PUD is also used to facilitate development adaptations to meet anticipated market demands and/or better utilize sites with special features such as environmentally sensitive areas or unusual size and slope of the lands. This is accomplished by using development design alternatives such as clustering or grouping lots or housing types to maximize common open space and amenities.

To be approved as a PUD under this Chapter, a development proposal should accomplish the following general goals:

- A. Produce a development as good or better than that resulting from traditional lot-by-lot development by permitting flexibility in design and development standards, design and placement of buildings, circulation facilities, parking areas, and other elements of the development to best use the characteristics of the site.
- B. Encourage a creative approach in the development of land which will result in an efficient, aesthetic and desirable use of land area, while at the same time maintaining substantially the

same unit density and area coverage, or in the case on nonresidential, the same area coverage, as that permitted on non-PUD developments in the zone in which the project is located.

- C. Avoid overburdening public utilities, services and roads.
- D. Encourage developments that will provide a desirable and stable development in harmony with surrounding land uses.
- E. Allow development that, on balance, will be more desirable than the traditional lot-by-lot development of the underlying land use and/or will enhance the enjoyment and use of the property and of the adjoining nearby area.

19-07.015 Who May Apply. The property owner, or a developer with the property owner's consent and signed authorization, may apply for a PUD

19-07.020 Procedure for Approval. The PUD application will be processed as a Type V application per DMC 10-01.030, in which the following steps are taken prior to approval:

- A. The applicant must file with the Department of Planning and Building a complete application for PUD approval, in which staff will forward to the City Planning Commission.
- B. The City Planning Commission will consider the application and conduct a public, open-record hearing on the application. After the hearing the City Planning Commission will make findings and a recommendation to the City Council.
- C. The City Council will conduct a closed-record review and will take final action on the application.
- D. The decision of the City Council is final and may be appealed by a party of record with standing to file a land use petition in Columbia County Superior Court. Just petition must be filed as provided in RCW 36.70C.

The specific procedures to be followed in receiving an application for a PUD, determining whether the application is complete, review of the application, holding hearings, making findings and recommendations, taking final action, and similar procedural actions, all shall be governed by 10-01.030 of this Code.

19-07.025 Decision Criteria. The City Council may approve or approve with modifications a PUD application if:

- A. The PUD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development; and
- B. The PUD results in no greater burden on present and projected public utilities and services than would result from traditional development; and
- C. There are adequate public utilities and facilities including streets, fire protection, water, storm water control, and sanitary sewer, to serve the PUD; and
- D. Landscaping within and along the perimeter of the PUD enhances the visual compatibility of the development with the surrounding neighborhood; and
- E. At least two major circulation points are functionally connected to a public right-of-way; and
- F. As a minimum, the development provided open space as follows:
 - a. Common open space shall comprise at least 30 percent of the gross area of the PUD, and shall be used as an amenity for collective enjoyment by occupants of the development.

- Up to 30 percent of the required open space may be composed of open space on contiguous privately-owned properties reserved by easement or covenant to assure that the open space will be permanent.
- b. At least 50 percent of the common open space area must be usable for active or passive recreation.
 - c. Common open space may contain such structures and improvement as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PUD; and
 - d. Open space is an identifiable greenbelt area that is accessible and available to all occupants of dwelling units for whose use the space is intended. This includes private as well as common open space.
 - e. Open space does not include:
 - i. An area of the site covered by buildings, streets, roads, sidewalks, parking structures or accessory structures.
 - ii. Proposed public rights-of-way.
 - iii. Open parking areas and driveways for dwellings.
 - iv. School sites.
 - v. Commercial areas.
 - f. The total area of the development, minus undevelopable area and bodies of water, is the gross site area.
 - g. Open space within the PUD is an integrated part of the project rather than an isolated element of the project.
 - h. Required open space must be permanently designated in restrictive covenants; and
- G. The PUD is harmonious and appropriate in design, character and appearance with the existing or intended character of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
 - H. The proposed development presents a unified and organized arrangement of buildings, service facilities and open spaces; and
 - I. Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets that are contained in the other Chapters of this Subdivision Article; and
 - J. Streets and sidewalks, existing and proposed, are suitable and adequate for pedestrian traffic and comply with applicable WMC Titles, Articles, and Chapters relating to the same; and
 - K. The development contains the adequate parking spaces, open space, recreation space, landscaping and utility areas necessary for creating and sustaining a desirable and stable environment; and
 - L. The proposed project will not be detrimental to present and potential surrounding land use, but will have a beneficial effect which could not be achieved except for the proposed PUD; and
 - M. The site is physically suitable for the type and intensity of land use being proposed; and
 - N. The negative impacts of the proposed use are mitigated; and
 - O. The proposed location, size and design of the development would not be detrimental to the public interests, health, safety or welfare of the City; and
 - P. Commercial or industrial land uses shall be primarily to serve the residential uses within the PUD and shall be compatible with the residential uses within the PUD and the land uses within the surrounding area to the extent that no occupancy shall be permitted which produces unusually loud noise, emits large amounts of smoke or gases, uses highly inflammable or explosive materials, or which would generate heavy traffic congestion. Commercial use within a

PUD shall be limited to the commercial uses permitted, outright or by conditional use, within the R-1 Zone by Chapter 10.1K of Article 10.1 of this Title; and

- Q. All land with the PUD shall be subject to such contractual agreements or recorded covenants as the City Council may deem necessary to protect the public interest; and
- R. The development, or the portion thereof for which approval is sought, shall be completely planned and the City Council may require the inclusion of such facilities as sidewalks, street lights, storm sewers, sanitary sewers, water lines, underground power and telephone lines and other utilities, landscaping, adequate off-street parking, natural open space, parks, playgrounds and other recreational facilities.

19-07.030 Development and Design Standards. Provided that the overall development plan of a proposed PUD satisfies the Goals of this Chapter, as stated in Section 19-07.010 above, and the Criteria of this Chapter, as stated in Section 19-07.025 above, then in a PUD. Any requirements of the Zoning Article of this Title may be varied or reduced, provided that structures located on the perimeter of the PUD shall be set back in accordance with front yard setbacks of the underlying zone.

19-07.035 Density Standards.

A. The following standards apply to a PUD in any zone:

B. The PUD shall:

- a. Contain at least 10,000 square feet of real property located in the city limits;
- b. Be connected to existing roads to provide safe and reasonable access;
- c. Have new utilities underground;
- d. Have properly controlled storm water drainage which does not adversely affect adjoining property nor degrade the quality of natural storm runoff into the flood control area;
- e. Have landscaping for all areas not covered by structures, parking lots, sidewalks or other improvements;
- f. Meet or exceed all city standards, regulations and uniform codes; and
- g. Public improvements for streets and utilities shall be in accordance with the latest edition of Standard Specifications for Roads, Bridges and Municipal Construction (WSDOT & APWA) and the City of Dayton Municipal Code
- h. Have paved roads.

19-07.040 Density Standards – Residential Zone

The following standards further apply to a PUD in any residential zone:

- A. A density of one dwelling unit per 2,000 square feet lot size is permitted if the following features are included:
 - a. Compatible design;
 - b. Preservation of open space, natural features and views;
 - c. Energy conscious construction;
 - d. Private open space;
 - e. One covered parking space/unit; and
 - f. Sidewalk, curb and street construction.
- B. A density of one dwelling unit per 1,250 square feet lot size is permitted if the following features are included:
 - a. Compatible design;
 - b. Preservation of open space, natural features and views;

- c. A minimum 20,000 square foot parcel;
 - d. Energy conscious construction;
 - e. Private open space;
 - f. One covered parking space per unit;
 - g. Sound transmission reduction; and
 - h. Sidewalk and curb construction and asphalt streets.
- C. In the event the PUD does not satisfy all the standards in either subparagraph A or B of this section, then any use of the property must comply with the density standards otherwise applicable to that zone.
- D. A minimum of twenty-five percent of the site will be usable open space. A minimum of ten percent and a maximum of fifty percent will be personal open space. In multi-story dwellings balconies and decks can be used to calculate personal open space.
- E. A buffer containing landscaping, fencing, walks and/or plants shall be located along any boundary which is adjacent to a nonresidential area or arterial road.
- F. Uses permitted in a residential zone PUD include residential, residential accessory, neighborhood convenience, personal and professional use, recreation, religious or educational. The location, size and type of any nonresidential use shall be specified on all site plans and specifically evaluated by the planning commission.

19-07.045 Density Standards – Nonresidential Zone.

The following standards further apply to a PUD in any nonresidential zone:

- A. A minimum of twenty percent of the site shall be open space.
- B. Buffers shall be constructed to include visual screening and sound attenuation if the PUD is within one hundred feet of a residential area or an arterial road.
- C. Noise reduction barriers shall be constructed if the use produces or may likely produce sounds in excess of one hundred decibels.

19-07.050 PUD Application. The applicant shall submit a formal application to the City Planning Commission for review. The application shall include the following:

- A. A written program for development setting out detailed information concerning the following subjects:
- B. Name, address, zip code and telephone number of the applicant; and if applicable, the names, addresses zip codes and telephone numbers of all persons who have a real or possessory interest in the subject property.
- C. A description of the plans for operation and maintenance of the project (i.e. homes, associations, condominium, co-op, or other), and the intent as to final ownership, including plans for rental, sale or combination.
- D. Site areas, including:
 - a. Total site area
 - b. Area of bodies of water
 - c. Gross area of site [a minus b]
 - d. Total number of dwelling units
 - e. Density [d divided by c]
 - f. Usable open space [expressed as a % of a]
 - g. Common open space [expressed as a % of f]

- E. Proposed land uses, intensities and densities, including the total number of units and the purpose or use of each.
- F. Legal description of site and statement of present ownership.
- G. Description of the natural setting, including slope, topography, soil type, trees and other vegetation, surrounding buildings, and areas requiring substantial recontouring or grading.
- H. Development schedule including dates of start, completion and phasing.
- I. Elevation and perspective drawings of structures and improvements showing scale, bulk and architectural character of structures; provided that a general description of building size and architectural features may be substituted where the PUD plan contemplates that individual owners will select their own residential structures at a later time.
- J. The proposed method of insuring permanent retention and maintenance of open space areas. The manner in which open space, parks, playgrounds, or other recreational facilities are to be maintained shall be presented with the plans for the development project.
- K. The proposed treatment of the perimeter of the PUD, including materials and techniques used such as landscaping, fences and walls.
- L. Provisions to assure permanence and maintenance of common open spaces through homeowner association formation, condominium development, or other means acceptable to the city.
- M. Proposed methods to mitigate development impacts.
- N. Site development map(s) depicting:
 - a. Topographic lines at 20-foot intervals.
 - b. Natural features including major landforms and flood hazard areas.
 - c. Areas of significant vegetation and how they are affected by the plan.
 - d. Property lines; easements.
 - e. Existing street names.
 - f. Configuration and function of all existing and proposed buildings, noting proposed heights of each and distance between property lines and nearest buildings; provided that a general description of building size and architectural features may be substituted where the PUD plan contemplates that individual owners will select their own residential structures at a later time.
 - g. Vehicular circulation, parking area, and storage areas (including number of parking spaces for each use and which parking is intended for occupants versus visitors).
 - h. Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities.
 - i. Areas of private open space.
 - j. Recreational facilities, if any.
 - k. Landscaping.
 - l. Areas requiring substantial grading or recontouring.
 - m. Graphic scale with north arrow, date and title.
 - n. A legible sketch of the vicinity within 500 feet of the proposed development showing significant features and buildings.
 - o. Proposed public dedications.
 - p. Lighting.
 - q. Utility lines and easements (water, sewer, electric, etc.).
 - r. Lot lines, proposed lot lines, and the size and dimensions of each lot.
 - s. The road lineage, and acreage of road area and percentage it represents of the total land area.

- O. Environmental Checklist.
- P. An application for Shoreline Substantial Development permit if the proposed site is within a Shoreline Management jurisdiction.
- Q. Application for Floodplain Permit, if required.
- R. Any other local, state, or federal permit applications.
- S. A description of the means by which the proposed PUD meets the criteria of 19-07.010 above, and the Criteria of this Chapter, as stated in Section 19-07.025 above, Decision Criteria, including a description of the rationale behind the assumptions and choices made by the applicant.
- T. Where only a portion of the site is submitted for approval, a preliminary plan indicating in general the proposed layout for the portions of the site proposed to be developed in the future shall be submitted with the complete plans of the area proposed to be immediately improved.
- U. A market analysis for any PUD application for five or more residential units; or, a market analysis for any PUD application that includes one or more commercial site.

19-07.055 Staff Recommendations to City Planning Commission. After receiving a complete PUD application, the Department of Planning and Building shall route the same to all appropriate city, county, and state departments, and each department shall submit its' comments to the Department of Planning and Building. Those comments and recommendations shall be presented to the City Planning Commission at the open-record public hearing.

19-07.060 Final Approval - Effect. Approval by the City Council of a PUD pursuant to this Chapter shall authorize the owner or owners to proceed with the project, and shall bind such owner or owners to implement the final approved development plan and carry out the construction and maintenance of the PUD in strict accordance with the approved plan and the provisions of this Chapter.

19-07.065 Zoning Map Notation. Upon approval of the final development plan, a notation shall be affixed to the official zoning map to:

- A. Reflect the existing underlying zoning for the parcel or parcels involved; and
- B. Indicate the approval of a PUD thereon.

19-07.070 Permits.

- A. The building official shall issue building permits for buildings and structures which conform with the approved final approved development plan for the PUD. and with all of the applicable City codes, ordinances and regulations. The building official shall issue a certificate of occupancy for completed buildings or structures that conform to the requirements of the approved final development plans and all other applicable City codes, ordinances and regulations. The construction and development of all the open spaces and facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued.
- B. The City shall issue no permit or certificate of occupancy for any public improvement that does not conform to the plans approved by the City Council.

19-07.075 Subdivision Requirements. Approval of a subdivision shall be required of all projects that involve or contemplate the subdivision of land, and the procedures set forth in the Chapters of this Article pertaining to subdivisions shall be followed concurrently herewith. Lots in a platted PUD may be sold to separate owners according to the separate lots shown in the plat approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line, except as permitted by the City's short plat or long plat provisions of this Article.

19-07.080 Termination of PUD - Failure to Commence or Continue.

- A. If no construction has begun within six months of final approval of the PUD, the authorization granted for the PUD project shall terminate and all permits and approval issued pursuant to such authorization shall expire and be null and void. The City Planning Commission may extend approval for an additional six-month period if an application for extension is received before the authorization expires. If no construction has begun at the end of this extension, the final development plan shall become null and void, and a new one shall be required for any development on the subject property. In cases that require platting, the six-month period shall not begin to run until a final plat is approved.
- B. The time period for commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the pendency of legal action challenging an approval granted by the City pursuant to this Chapter.

19-07.085 Minimum Site Area. The minimum site area for a PUD shall be 10,000 square feet.

19-07.090 Filing Fee.

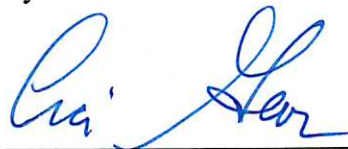
- A. The Fee for processing a PUD will be set forth by resolution.

SECTION 2. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

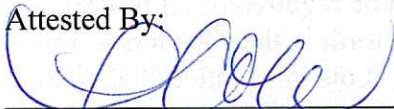
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 14TH DAY OF MARCH, 2018.

City of Dayton



By: Craig George, Mayor

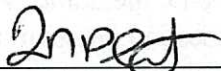
Attested By:



By: Trina Cole, City Clerk-Treasurer

Approved as to form:

Menke Jackson Berry, LLP



By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1927

The full text of Ordinance 1927 adopted the 14th day of March, 2018 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday – Thursday, 8:00 a.m. to 4:00 p.m. Full text of the Ordinance shall be mailed upon request.

SECTION 1. AMENDMENT.

SECTION 2. AMENDMENT.

SECTION 3. AMENDMENT.

SECTION 4. REPEAL.

SECTION 5. AMENDMENT.

SECTION 6. SEVERABILITY.

SECTION 7. EFFECTIVE DATE.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ Quinn Plant, City Attorney

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