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ORDINANCE NO. 3387

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY REPEALING AND REENACTING CHAPTER 20.35 PLANNED RESIDENTIAL DEVELOPMENT; AMENDING TITLE 21 TO ADD A NEW CHAPTER 21.125"Z" TERMS AND TO ADD A NEW SECTION 21.25.010 DEFINING ZERO LOT LINE DEVELOPMENT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City's ordinances have provided for Planned Residential Developments, and

WHEREAS, the revision of the City's regulations has been considered by the City's Planning Advisory Board and its recommendation received by the City Council, and

WHEREAS, the City Council after public hearing, has determined that it is in the public interest to modify the Planned Residential Development Standards, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code is hereby amended by the repeal of Chapter 20.35 and reenactment of the provisions regarding Planned Residential Developments as follows:

Planned Residential Development (PRD) Sections:

20.35.010 Purposes

20.35.020 Applicability

20.35.030 Modification of Standards

20.35.040 Criteria for Modifying Development Standards

- 20.35.050 **Decision Criteria for PRD's****
- 20.35.060 **Single Family Design Criteria****
- 20.35.070 **Application****
- 20.35.080 **Review Process****
- 20.35.080 **Final Approval****
- 20.35.100 **Administration of an Approved PRD****
- 20.35.110 **Modifications to Approved PRD's****

20.35.010 Purposes

The purposes of this chapter are:

- A. Provide an alternative form of development which will promote flexibility and creativity in the layout and design of new development and which will protect the environment and critical areas through the use of open spaces;
- B. Provide for small and large scale developments incorporating a variety of housing types and related uses, that are planned and developed as an integral unit;
- C. Promote the efficient use of land by allowing flexible arrangement of buildings and lots, circulation systems, land uses, and utilities;
- D. Promote the combination and coordination of architectural styles, building forms, and building relationships within a development;
- E. Coordinate development with the value, character, and integrity of surrounding areas which have been, or, are being developed under traditional zoning regulations;
- F. Provide for the integration of new development into the existing community while protecting and preserving the value of the surrounding neighborhood;
- G. Provide the opportunity for affordable housing to meet the needs of a wide range of income and age groups;
- H. Encourage the preservation of existing natural site amenities such as trees, water courses and wetlands, topography, and geologic features;
- I. Create permanent, useable and commonly owned open space for both active and passive recreation to serve the development;
- J. Clustering structures to preserve or create open spaces, especially where steep slopes or other environmentally sensitive areas exist;

K. Promote a more efficient street and utility system by clustering units, in an effort to promote affordable housing, land development and maintenance costs and reducing the amount of impervious surfaces;

L. Implement policies of the Comprehensive Plan;

20.35.020 Applicability

A. Planned Residential Developments (PRD's) may be located in any residential zone of the City. Uses permitted in the PRD shall be governed by the use regulations of the underlying zoning classification.

1. PRD's in Single-family zones may be comprised of detached or attached dwelling units on individual lots (Attached units are subject to the limitations outlined in subsection 'b' below); and any appurtenant common open space, recreational facilities or other areas or facilities.

a) The PRD process is not available to single-family lots that are incapable of further subdivision,

b) Attached dwelling units in single family zones may only be approved when the application of the Critical Areas ordinance and its buffering provisions significantly impact site development. See table below.

Area of Lot defined as a Critical Area and/or its buffer	Permitted Types of Dwelling Units
< 25%	Detached Single Family Units
> = 25%	Attached Units – up to 2 units/Building

c) The PRD process shall not be used to reduce any bulk or performance standard not specifically referenced herein. Bulk standards not referenced may be varied only in accordance with ECDC Chapter 20.85, Variances, or through the modification provision provided through the subdivision process as outlined in 20.75.

d) Any PRD's that have attached units are prohibited from having Accessory Dwelling Units in those attached units.

B. Property included in a PRD application must be under the ownership of the applicant, or the applicant must be authorized pursuant to a durable power of attorney or other binding contractual authorization in a form which may be recorded in the land records of Snohomish County to process the application on behalf of all other owners.

20.35.030 Modification of Standards

A. Development standards may be modified through the PRD process. Such modification shall be limited to the bulk or use requirements specifically set forth in this Chapter. Absent specific authorization the standard may not be waived or varied through the PRD process.

1. Development standards which may be modified are as follows:

a) For properties which contain sufficient area to be divided into four lots or less, the density for PRD's shall be determined by dividing the total lot area by the density allowed by the underlying zoning; the number of lots or units permitted shall be rounded down to the nearest whole number.

b) For properties which contain sufficient area to be divided into five lots or more, the density for PRD's shall be determined by dividing the total lot area by the density allowed by the underlying zoning; the number of lots or units permitted shall be rounded to the nearest whole number.

c) Detached single family housing and subdivision types that are not normally permitted under the City's current subdivision code.

d) Building setbacks; This does not mean that an applicant will be exempt from Uniform Building Code separation requirements for fire safety.

e) Lot size; Lot sizes may be reduced to allow dwelling units to be shifted to the most suitable locations on residential PRD sites.

f) Lot width;

g) Lot coverage;

h) Street and Utility Standards. Street and utility standards for PRD's may

be modified by the City Engineer.

i) Design standards contained in this title.

No modification of height limits shall be permitted in the PRD process.

Since the PRD process does not authorize the division of land, housing types that require the division of land will require a short or long subdivision.

20.35.040 Criteria for Modifying Development Standards

Approval of a modification request to the development standards using a PRD differs from the variance procedure in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a PRD shall be based upon the criteria listed in this paragraph. In evaluating a PRD which proposes to modify the development standards of the underlying zone, the city shall consider and base its findings upon the ability of the proposal to satisfy all of the following criteria:

A. The proposed PRD's compatibility with surrounding properties, related to:

1. Providing more landscaping and greater buffering of buildings, parking and storage areas than would otherwise be provided through the subdivision process,
2. Providing safer and more efficient site access, on-site circulation and off-street parking,
3. Architectural design of buildings and harmonious use of materials;

B. No setback from the exterior lot lines of the PRD may be reduced from that required by the underlying zoning unless a variance or subdivision modification is approved;

C. Minimize the visual impact of the planned development by reduced building volumes as compared with what is allowable under the current zoning;

D. Preservation of unique natural features of the property;

E. Reduction of impervious surfaces.

20.35.050 Decision Criteria for PRD's

Because PRD's are providing some incentives to applicants by allowing for flexibility from the bulk zoning requirements, a clear benefit should be realized by the public. To insure that there will be a benefit to the public, the City shall approve, or approve with changes, a PRD if the proposal meets the following five criteria.

A. Design Criteria. The project must comply with the City's Urban Design Guidelines set forth in subparagraph (1) below and provide two or more of the results set forth in subparagraphs (2) through (6) below:

1. Architectural design consistent with the City's Urban Design Guidelines for multi-family projects or section 060 of this chapter for single family projects for the design, placement, relationship and orientation of structures;
2. Improve circulation patterns;
3. Minimize the use of impervious surfacing materials;
4. Increase open space or recreational facilities on-site over what is required through the PRD process;
5. Increase landscaping, buffering, or screening in or around the proposed PRD over what is required for a PRD;
6. Preserve, enhancing or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;

B. Public Facilities. The PRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer, and parks and recreation facilities.

C. Perimeter Design. The perimeter of the PRD shall be appropriate in design, character and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property and consistent with 20.35.060.B.4 of this chapter.

D. Open Space and Recreation. Open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses and consistent with 20.35.060.B.6 of this chapter.

E. Streets and Sidewalks. Existing and proposed streets and sidewalks within and surrounding a PRD shall be suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the subject property.

20.35.060 Single Family Design Criteria

Because PRD's may allow changes to bulk development standards in residential zones. The following single family design criteria are established to ensure that development of PRD's in single family zones will maintain a single family character. Although the criteria listed here are not necessarily consistent with every design characteristic of every single family neighborhood in the City of Edmonds, the criteria have been developed to create a reasonable single family residential setting. The intent behind these criteria is to ensure a high quality of design and construction for all buildings located in single family neighborhoods where development standards may be modified through the PRD process.

A. Building Design

1. Characteristics of Single Family Development

a) To demonstrate a residential quality, single family homes should have a strong connection between the street and the house. This can be accomplished by providing a pedestrian access or walk from the street to the front door or porch.

[Drawing to appear here – attached as Exhibit A]

b) From the street, the design should not emphasize the garage, but rather the human scale and elements of design (this could include pedestrian entrances, windows, and details that are a smaller, more human scale and texture).

c) If attached dwelling units are proposed in single family zones, the applicant will need to design buildings that reflect the single family zone (i.e. a building that looks like a large house as opposed to a building that looks like a row of townhomes).

[Picture to appear here – attached as Exhibit B]

2. Entries and Porches

a) Porches contribute to the richness and warmth of a neighborhood, therefore houses should have front porches consistent with the style and scale of the house and the neighborhood.

[Drawing to appear here – attached as Exhibit C]

b) Main entries should be prominent and oriented to the street.

c) When attached units are permitted, the entrances should be located to help keep the building from appearing to be a duplex. An example of this would be to locate entrances on opposite sides of the building.

[Picture to appear here – attached as Exhibit D]

3. Materials. Materials should be used in a consistent manner on all sides of the house. In other words, don't use several materials to enhance the front of the building but leave the sides and back unembellished.

4. Garages

a) Garages facing the street or located at the front of a house should be no wider than one half the width of the house.

b) If the building is a two unit building, the garages should be placed on opposite sides of the building and/or located in such a manner that both garages can not be seen from the same location.

B. Site Design

1. Retain significant features. Significant trees, topography and other environmental features should be retained and/or integrally included in the design

of the project. This might be done by designing homes that are multi level to respond to the existing topography or buildings which have an irregular footprint to preserve healthy significant vegetation.

2. Vehicular access

a) Driveway widths shall not exceed 20 feet at curb cuts. Curb cuts should never exceed this width even if they provide direct access to a three car garage.

[Drawing to appear here – attached as Exhibit E]

b) Shared driveways between adjacent homes are encouraged as a way to reduce the number and size of curb cuts and impervious surfaces.

3. Garage Locations

a) Homes should have a visually diminished garage front.

4. Landscaping and Buffering. Landscaping and buffering shall be consistent with the requirements of the Urban Design Guidelines.

5. Building Entrances

a) Homes should have a dominant front porch and/or entry expression.

[Drawing to appear here – attached as Exhibit F]

b) A separate pedestrian access should be provided from the sidewalk to the main building entrance.

6. Open Space Requirements

a) For PRD's with Critical Areas, separate Open Space tracts, "Critical Areas Open Space", should be created for their protection.

b) For PRD's with five or more lots, at least 10% of the gross lot area shall be developed as "Usable Open Space". This includes play areas, gardening spaces and trails. Usable Open Space may not include "Critical Areas Open Space" except for a trail that complies with the Critical Areas Ordinance. Usable open space may not include the required PRD buffer.

7. Street Design

a) Site design should include a residential neighborhood street design which includes elements such as sidewalks on both sides, street trees and planting/parking strips.

b) Each residential lot should have at least one associated street tree planted in the parking strip if present or in the front yard if not.

20.35.070 Application

A. The applicant shall file with the Development Services Department a preliminary development plan, including the following:

1. A legal description of the property proposed to be developed;
2. A map of the subject property and surrounding 300 feet. This map shall indicate all existing land uses, approximate building footprints and streets;
3. A proposed site plan for the subject property depicting the following:
 - a) Topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent;
 - b) Individual trees over six inches in trunk diameter measured four feet above the base of the trunk in areas to be developed or otherwise disturbed;
 - c) Designated placement, location, and principal dimensions of lots, buildings, streets, parking areas, recreation areas and other open space, landscaping areas and utilities;
 - d) If the developer owns or otherwise controls property adjacent to the proposed development, a conceptual plan for such property demonstrating that it can be developed in a compatible manner with the proposed development;
4. Drawings and text showing scale, bulk and architectural character of proposed structures;
5. Special features including but not limited to critical areas and sites or structures of historic significance;
6. A narrative describing conditions or features which cannot be adequately displayed on maps or drawings;
7. A narrative stating how the proposed development complies with the criteria, goals and policies of this PRD chapter and the City of Edmonds Comprehensive Plan, including level of service standards and guidelines contained in this and other titles;
8. Draft conditions, covenants and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities;

B. The applicant may submit to the development services director proposed development standards that, if approved, shall become a part of the Preliminary PRD for specifying placement, location and principal dimensions of buildings, streets, and parking areas. This alternative process is intended to accommodate the need for flexibility, while insuring that sufficient information as to the nature of the development is available upon which to base a decision concerning the Preliminary PRD. Proposed development standards shall specifically set forth

parameters for location, dimensions and design of buildings, streets and parking areas. This information will need to be submitted in the form of a narrative and drawings which demonstrate and describe how the proposed modifications of the underlying bulk standards meet the criteria outlined in section 20.35.040 of this chapter.

20.35.080 Review Process

A. An application for a PRD has two stages. The first stage, the Preliminary PRD, includes the following:

1. Pre-Application Staff Review. The preliminary plans of the proposal shall be submitted to the Planning Manager for review and comment. This provides an opportunity for the developer to work with the city staff to design a total plan which best meets the goals of the city and the needs of the developer. Such potential problems as drainage, topography, circulation, site design and neighborhood impact should be identified and addressed before the proposal is submitted for formal review.

2. Optional Pre-Application Neighborhood Meeting. If the project contains unusual or severe environmental problems or unusual compatibility problems with adjoining properties, the Planning Manager may require the applicant to host a public pre-application neighborhood meeting to discuss and receive public comment on the conceptual proposal. Should the applicant desire, they may choose to host a public pre-application neighborhood meeting even though one is not required by the Planning Manager.

While this meeting will allow immediate public response to the proposal in its conceptual form; comments submitted during this meeting are not binding to the applicant or staff. However, staff may make general recommendations to the applicant as part of the formal application based on the input from this meeting to the extent that said comments are consistent with the adopted provisions of the Edmonds Community Development Code and Comprehensive Plan.

3. Review by the Architectural Design Board. The Design Board will review the project for compliance with the Urban Design Guidelines and/or the Single Family Design Criteria in section 060 of this chapter and forward their recommendation of the site and building design on to the Hearing Examiner for his consideration. Their review will be at one of their regularly scheduled meetings, but will not include a public hearing or the ability for the public to comment on the project.

4. A Public Hearing with the Hearing Examiner. The Hearing Examiner will review the proposed PRD for compliance with this section and make a final decision on the Preliminary PRD (see ECDC section 20.100 and 20.105 for the Hearing Examiner Review and Appeal processes).

If the proposal is denied, a similar plan for the site may not be submitted to the development services department for one year. A new plan which varies substantially from the denied proposal, as determined by the development

services director, or one that satisfies the objections stated by the Hearing Examiner may be submitted at any time.

An applicant who intends to subdivide the land for sale as part of the project shall obtain subdivision approval in accordance with Chapter 20.75 ECDC before any building permit or authorization to begin construction is issued, and before sale of any portion of the property. The preferred method is for the applicant to process the subdivision application concurrently with the planned residential development proposal.

B. The second stage of the PRD process, the Final PRD, consists of the City's review of the final plans for consistency with the Preliminary PRD approved by the Hearing Examiner. The decision at this stage will be made by City Staff unless the Final PRD is submitted as a consolidated application with a permit that requires City Council review, i.e. a Formal Plat. The Final PRD will be subject to the following review:

1. The applicant shall submit the final development plan to the development services director, conforming to the preliminary plan approved by the hearing examiner, and all applicable conditions of that approval. The planning manager shall review the plan along with the city engineer and make a final decision. The plan shall contain final, precise drawings of all the information required by ECDC 20.35.030. The applicant shall also submit all covenants, homeowner's association papers, maintenance agreements, and other relevant legal documents.

2. If city staff finds that the final development plan conforms to the preliminary approval, and to all applicable conditions, staff shall approve the plan and its accompanying conditions as a covenant which touches and concerns the subject property, incorporating by reference all maps, drawings and exhibits required to specify the precise land use authorized. A file shall be maintained by the development services department containing all maps and other documents or exhibits referred to in the approval. The approval shall also contain a legal description of the boundary of the proposal. The covenant shall be recorded with the county auditor if no subdivision plat is to be recorded.

3. The provisions of approval shall be restrictions on the development of the site. Revocation of approval or abandonment as provided in this chapter shall eliminate all requirements imposed under the planned residential development plan and shall cause the old underlying zoning requirements to be in full force and effect.

20.35.090 Final Approval

A. Time limit for submission—Extension.

Within a period of five years following the approval of the Preliminary PRD, the applicant shall file with the planning department a final development plan. The planning manager, for good cause, may extend for one year the period for filing of the final development plan.

B. Final development plan—Failure to submit.

If the applicant fails to apply for final approval for any reason within the five-year period, the PRD shall become void. All future permits shall be subject to the requirements of the underlying use zone unless a new application for a planned development is submitted and approved.

C. Final development plan—Content—Final approval procedure.

1. The final development plan shall consist of elements presented for preliminary approval. The procedure involved in final approval shall consist of the following:

a) The final development plan shall be submitted to the planning department.

b) The planning staff shall review the final development plan to see that it is in substantial compliance with the previously approved preliminary development plan.

c) All drawings presented in the preliminary development stage shall be presented in detailed form, i.e., landscaping, circulation, utilities, building location, etc.

d) If the final plan is in substantial compliance with the approved preliminary plan, it shall be sent on to the decision making body as determined by the underlying permit process with a recommendation for approval by the Planning Manager and the City Engineer.

D. Final Review Criteria

1. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan given preliminary approval, provided any modification by the applicant does not:

a) Increase the residential density;

b) Reduce the area set aside for common open space;

c) Relocate the open space in a manner which makes it less accessible or usable to the public or the tenants of the development;

d) Reduce any of the landscape buffers in width or density of planting between the development and adjoining properties.

e) Change the point(s) of access to different streets;

f) Increase the total ground area covered by buildings or other impervious surfaces;

g) Relocate buildings or impervious surfaces to areas designated as “environmentally sensitive” or “critical areas”;

h) Fail to preserve trees or other unique natural features that were required to be preserved by the preliminary planned development approval.

20.35.100 Administration of an Approved PRD

After the effective date of the final approval, the city shall permit use of the land and erection of structures in compliance with the plans as approved. Any use or structure inconsistent with the approved plan shall not be permitted. The application for a building permit or other authorization to begin work on the project shall be accompanied by:

A. Bond. Any bond required pursuant to these ordinances guaranteeing completion of a specific portion of the project as authorized and approved, and a standard subdivision bond if subdivision and sale of lots is a part of the project;

B. Deeds. Deeds to any land or properties intended for public ownership and use in the completed project;

C. Plans. A complete project site plan and construction plans and specifications for the initial buildings.

The City may deny issuance of permits if any plan submitted for construction fails to comply with the conditions of approval imposed by the approved PRD. In that event, the sole appeal shall be by mandamus to Superior Court.

20.35.110 Modifications to Approved PRD's

Final development plan—Amendments permitted.

A. Minor changes in the location and siting of buildings and structures and minor changes to lot lines which do not change the number or orientation of the approved lots may be authorized by the Planning Manager without additional public hearings if these changes were required by engineering or other circumstances not known at the time the final plan was approved or if they are located in a portion of the PRD that was already identified for potential minor changes. These changes would need to be able to be performed through a Lot Line Adjustment between a property owner of a specific lot and the homeowners association as the owner of the open space. No change authorized by this section

may cause any of the following:

1. A change in the use, intensity or character of the development;
2. An increase in the overall ground coverage of structures;
3. An increase in the problems of traffic circulation;
4. A reduction in public use areas which include: perimeter buffers/setbacks, utility easements, required critical areas open space, off-street parking, loading zones, right-of-way or pavement width.

Such amendments may be made only if they are shown to be in the best long term interests of the residents of the PRD and do not impact the surrounding neighborhood.

B. Changes in uses, rearrangements of lots, blocks, buildings, tracts, or changes in the provision of common open space and changes other than listed above shall be reviewed by the City Council following a recommendation from the Hearing Examiner, following the same notification and public hearing process as required for the original approval. Such amendments may be made only if they are shown to be in the best long term interests of the community.

Section 2. The Edmonds Community Development Code Title 21 is hereby amended by the adoption of a new Chapter 21.125 “Z” Terms and Section 21.125.010 defining Zero Lot Line Development to read as follows:

Chapter 21.125 “Z” Terms

21.125.010 Zero Lot Line Development

Zero Lot Line Development(s) is a term that describes the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line. It does not describe or imply attached units. This kind of development may sometimes be described as “z” lots or zipper lots.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 12/07/2001

PASSED BY THE CITY COUNCIL: 12/11/2001

PUBLISHED: 12/18/2001

EFFECTIVE DATE: 12/23/2001

ORDINANCE NO. 3387

SUMMARY OF ORDINANCE NO. 3387

of the City of Edmonds, Washington

On the 11th day of December, 2001, the City Council of the City of Edmonds, passed Ordinance No. 3387. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY REPEALING AND REENACTING CHAPTER 20.35 PLANNED RESIDENTIAL DEVELOPMENT; AMENDING TITLE 21 TO ADD A NEW CHAPTER 21.125 "Z" TERMS AND TO ADD A NEW SECTION 21.25.010 DEFINING ZERO LOT LINE DEVELOPMENT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 12th day of December, 2001.

CITY CLERK, SANDRA S. CHASE