

Chapter 16.10 PLANNED UNIT DEVELOPMENT DISTRICT

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16.10.010 Purpose and goals of PUDs.

A. The planned unit development (PUD) district is an alternative to conventional land use regulations, combining use, density and site plan considerations into a single process. The PUD is intended to be a zoning map designation, applied to a parcel of land only after a site-specific and project-specific review of proposed land uses, densities and site plan considerations to ensure compliance with the provisions of the adopted Sultan comprehensive plan, development regulations, the Growth Management Act, specifically RCW 36.70A.090 providing for innovative land use management techniques, and to ensure compatibility of design with existing, adjacent uses.

B. The PUD district is specifically intended to encourage diversification in the use of land insofar as what is allowed in the relevant sections of the comprehensive plan and to allow flexibility in site design in all specified zoning districts with respect to spacing, heights and setbacks of buildings, densities, critical areas, open space, parking, accessory uses, landscaping, and circulation elements; innovation in residential development that results in the availability of adequate affordable housing opportunities for varying income levels; more efficient use of land and energy through smaller utility

and circulation networks; pedestrian considerations; and development patterns in harmonious relationships with nearby areas and in consideration and support of the goals and objectives of the comprehensive plan for the city.

C. The PUD chapter is further intended to implement the planned retail center provisions of the comprehensive plan, providing the site-specific and project-specific review required by the comprehensive plan retail policies prior to locating the planned retail centers as identified in the comprehensive plan.

D. Because of the size of sites in proportion to their critical and natural features, the provisions of this chapter provide flexibility in the use of land and the placement and size of buildings in order to better utilize the special features of sites and to obtain a higher quality of development. PUD applicants are motivated to incorporate high levels of amenities, which meet public objectives for protection and preservation of our critical areas, site enhancing natural features, and preservation of open space amenities through the use of bonus density incentives. These will provide for urban densities while encouraging developments which provide a desirable and stable environment in harmony with that of the surrounding areas. (Ord. 793-02 § 1)

16.10.020 PUD as an overlay zone.

The PUD, once approved, shall constitute an “overlay” zone and shall be labeled as such on the official zoning map of the city of Sultan. For each property that receives a PUD approval, the zoning map shall also identify a “fallback” underlying zone, which in most cases shall be the existing zoning designation of the property at the time of PUD application. This fallback underlying zoning shall govern development of the site in the event the approved PUD expires without development of the approved project. The overlay PUD shall be identified within parentheses “()” on the official zoning map of the city of Sultan. At such time as the approved PUD is completely developed, the fallback zoning designation shall be removed from the official zoning map and the property shall be principally zoned one of the type of PUD zones listed in SMC [16.10.030](#). (Ord. 793-02 § 1)

16.10.030 Types of PUDs.

The following types of PUDs are hereby established as overlay zones:

A. Retail Center PUDs. These PUD zones are created to implement the planned retail centers policies of the comprehensive plan. A retail center PUD may only be approved if the site is located within the area identified in the comprehensive plan for a planned retail center. It may occur with any existing underlying zone, as explained in SMC [16.10.020](#), and does not require one of the commercial zoning districts. One type of retail center PUDs are identified in the comprehensive plan:

1. PUD-Planned convenience retail (PUD-PCvR).

B. Residential PUDs. These PUD zones are created to provide for greater flexibility in residential design from underlying zoning standards, to encourage provision of affordable housing and to allow for a limited amount of increased residential density if PUD review is completed. Each residential PUD shall have a “base density” determined by the maximum density permitted by the underlying residential zoning designation.

Bonus density above the base density may then be approved, based on the density bonus considerations described in SMC [16.10.120](#). A PUD-MF shall only be permitted in areas identified as appropriate for multifamily development in the comprehensive plan and adopted subarea plans or neighborhood plans. A PUD-SF shall only be permitted in areas identified as appropriate for single-family development in the comprehensive plan. A PUD-MHP shall only be permitted on properties with underlying LMD and MD zoning. There are three types of residential PUDs:

1. PUD-Single-family (PUD-SF);
2. PUD-Multifamily (PUD-MF);
3. PUD-Manufactured home/manufactured home park (PUD-MHP). (Ord. 793-02 § 1)

16.10.040 Master plans.

A. When the total project is to be developed in phases and the applicant does not expect the phases to be developed within the time frames specified for expiration of preliminary and final PUDs, the applicant may file a general master plan, including essential proposed land use information (land use, densities, site design, adjacent uses, circulation, utility corridors and alignments, wetlands) for review and approval by the city pursuant to the procedures of this chapter, instead of submitting a preliminary PUD for the entire project. The master plan shall identify the geographic area, land uses, and density of each phase. The master plan shall also be accompanied by a phasing plan describing the general boundaries of each phase and the expected date at which a detailed site plan and preliminary PUD application for that phase will be submitted. No project to be developed in phases may exceed five years from the time the master plan is approved until the final plan is submitted.

B. The master plan shall be reviewed by the hearing examiner, using the same procedures and same criteria as a preliminary PUD, recognizing the lesser level of detail included in the master plan application.

C. Subsequent preliminary PUD applications for each phase of the PUD approval shall be consistent with any approved master plan and shall contain all of the detailed information and materials specified in SMC [16.10.070](#). (Ord. 793-02 § 1)

16.10.050 Who may apply.

A. PUD projects may be initiated by:

1. The owner or duly authorized agent(s) of all property involved, if under one ownership; or
2. Jointly by all owners or duly authorized agent(s) having title to all the property in the area proposed for the PUD project, if there is more than one owner; or
3. A governmental agency.

B. The PUD applications shall be in the name or names of the recorded owner or owners of property included in the development. The applications initially may be filed by the holder(s) of an equitable interest in or option on such property, but the applicant must evidence either fee title or the purchaser's interest in a binding sales agreement

before final approval of the applicant's plan or the recorded owner or owners must have given written consent satisfactory to the city. (Ord. 793-02 § 1)

16.10.060 Team development, preapplication conference and neighborhood meeting.

A. For the purposes of expediting applications and reducing development costs, the city of Sultan offers and encourages a "team development" general information meeting. This meeting will provide input from relevant department staff regarding requirements needed for a proposed project; such as land use, site design, required improvements, and conformance with the comprehensive plan, zoning ordinance and subdivision code. This team development approach offers a forum where information can be shared about the site and staff can guide the applicant through specific requirements prior to developing a detailed site plan. This informal process will help alert developers to potential issues prior to expending resources on plans that may need alterations to meet city regulations. The meeting will also provide details on the information needed for the required preapplication conference.

B. Prior to filing any application, the applicant shall schedule, and the city shall conduct, a preapplication conference, pursuant to the provisions of SMC [16.28.280\(A\)](#). To schedule a preapplication conference, the applicant shall submit to the planning director all required application materials, including forms, maps, site plans, landscaping plans, elevations, etc., so the city can advise the applicant whether there is sufficient information to constitute a complete application and to review the proposal in relationship to the comprehensive plan, approved subarea plan or neighborhood plan for the area, and specific city development objectives, policies, and plans for the area.

C. Prior to submission of a formal PUD application and after the completion of the preapplication meeting with the city, the applicant is encouraged to conduct a neighborhood meeting to review the proposed project with property owners within 300 feet of the subject property. These meetings are mandatory for retail center PUDs and all residential PUDs over 50 dwelling units. If such neighborhood meeting is held, comments received at the meeting should be submitted to the city for consideration with the PUD application.

D. If, as a result of the neighborhood meeting, residents have questions or require additional information concerning the proposed PUD, they may request an informal meeting with the planning director or the applicant by contacting the planning department. (Ord. 793-02 § 1)

16.10.070 Preliminary PUD application – Contents and fees.

A. After the preapplication conference, the applicant may file an application for a preliminary PUD with the planning director together with the application fee and documents meeting the requirements set out in subsections B through G of this section. An applicant may submit applications for:

1. Master plan only or simultaneously with the preliminary PUD for the first phase;
2. Preliminary PUD only;

3. Preliminary and final PUD simultaneously, provided all information required under SMC [16.10.160](#)(B) is submitted;

4. Amendment to a PUD.

B. The PUD application shall be accompanied by a nonrefundable fee as set forth in the city's current fee schedule to reimburse the city of Sultan for the costs of reviewing the application. Further provided, the applicant shall be responsible for additional processing costs incurred by the city in the event of additional staff time, consultant services, and public hearing costs over and above the initial application fee. All additional costs shall be paid within 30 days of notice by the city. Failure to provide payment to the city shall terminate processing of the application.

C. Written documents required with a PUD application are as follows:

1. Provide application forms:
 - a. Counter complete checklist, as prepared by the planning department;
 - b. PUD application form;
 - c. Application for preliminary plat or short plat, if required by the planning director and city engineer; however, it will normally be processed with the final PUD application;
 - d. Application for a substantial development permit if required by the shoreline master program ordinance;
 - e. SEPA environmental checklist pursuant to Chapter 43.21C RCW;
 - f. Ownership statement;
2. Provide legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning;
3. Provide statement of objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant including consistency with the goals, objectives and criteria of the comprehensive plan and a detailed statement summarizing in written and graphic form how the development complies with the applicable provisions of this chapter;
4. Provide development schedule indicating the approximate date when construction of the PUD or phases of the PUD can be expected to begin and be completed based on the estimated date of construction plan approval;
5. Provide statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.;
6. Provide quantitative data for the following:
 - a. Total number and type of dwelling units;
 - b. Parcel size;
 - c. Proposed lot coverage of buildings and structures;
 - d. Approximate gross and net residential densities;
 - e. Total amount of open spaces as defined by Sultan zoning code, including a separate figure for usable open space;
 - f. Total amount of nonresidential construction, including a separate figure for commercial or institutional facilities;
7. Provide evidence of sewer availability;
8. Provide evidence of adequate water supply as required by RCW 19.27.097;

9. For retail PUDs and for that portion of any residential PUD that contains proposed retail or other commercial uses intended to serve the residents of the PUD, a market analysis that includes the following information:

- a. Provide service area, if the proposal is a planned retail center;
- b. Provide service area population, present and prospective, for the planned retail center or provide the projected population in the residential PUD for nonresidential uses in a residential PUD;
- c. Show evidence of effective buying power in such service area for a planned retail center or effective buying power of the residents of the PUD for nonresidential uses in a residential PUD;
- d. Show the net potential buying power for the proposed planned retail uses or the nonresidential uses in the residential PUD and a recommendation regarding the types and sizes of uses;

10. A municipal service economic impact assessment is required for all residential PUDs over 50 dwelling units and all other PUDs over five acres. The purpose of this section is to assure that PUD approvals are not granted unless all facilities are evaluated for capacity. Fiscal impacts must be identified as they affect:

- a. Parks;
- b. Roads;
- c. Schools;
- d. City staffing levels;
- e. Library;
- f. Fire;
- g. Water lines;
- h. Sewer lines;
- i. Drainage.

The fiscal analysis must evaluate and show existing levels of service, and how the proposed project will impact the existing levels of services, and how sufficient quantities will be available to service the proposed new development;

11. Provide a copy of the summary of the preapplication conference and all information requested during the preapplication conference;

12. Provide, if required by SMC [16.10.060](#) (C), comments received at the neighborhood meeting.

D. Master Plan. If a master plan is proposed for development of the PUD in phases, the master plan shall contain a general description of and a conceptual site plan showing proposed land uses, densities, site design, adjacent uses, circulation, utility corridors and alignments, and wetlands or other physical development constraints for the total project visualized by the applicant. Where the total project is to be developed in phases, the master plan shall identify the geographic area, land uses, and density of each phase. The master plan shall present a broad but cohesive and complete overview of the project.

E. Site plan and supporting maps necessary to show the major details of the proposed PUD (which may be a single phase of a master plan) are required with a PUD application, containing the following minimum information on one or more drawings:

1. The existing site conditions, including contours at five-foot intervals, watercourses, wetlands, unique natural features, steep slopes, and forest cover;

2. Proposed lot sizes, lot lines and plot designs;
 3. The location, floor plans and building elevations, floor area size and building envelopes of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, typical lot landscaping plans, density per type and nonresidential structures including commercial facilities;
 4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common, usable, conservation, buffer, or constrained open spaces, public parks, recreational areas, school sites and similar public and semipublic uses;
 5. The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas, transit stops existing and proposed and major points of access to public rights-of-way, including major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate (detailed engineering drawings of cross-sections and street standards should be handled in the final development stage);
 6. The existing and proposed pedestrian and bike circulation system, including its interrelationships with the vehicular circulation system, consistency with the city's comprehensive plan and indicating proposed solutions to points of conflict;
 7. The existing and general plans for utility systems, including sanitary sewers, storm sewers and water, electric, gas, cable television, fiber optic conduits, telephone lines, solid waste, and lighting;
 8. A general landscape plan indicating the treatment of materials used for private and common, usable, or conservation open space and buffers. This landscape plan should be in a general schematic form at this stage;
 9. Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape;
 10. The proposed treatment and design of the perimeter of the PUD, including materials and techniques used such as screens, landscape buffers, fences and walls;
 11. A proposed comprehensive sign plan encouraging the integration of signs into the framework of the building or buildings on the property should be included with the final PUD application;
 12. The general design of all accessory uses on the property such as all private and public fencing, recreation facilities, service areas, critical areas fencing and signage, and enhancement areas.
- F. Any additional information, as required by the planning director, necessary to evaluate the proposed preliminary PUDs compliance with the criteria in SMC [16.10.100](#) (retail PUDs), SMC [16.10.110](#) (residential PUDs) i.e., tree preservation plan, lighting plan, traffic study, etc.
- G. Provisions for maintenance of all open spaces or common property, including conditions whereby the city may enforce any provisions or requirements needed to insure the meeting of PUD objectives. (Ord. 793-02 § 1)

16.10.080 Preliminary PUD process review.

A. The preliminary PUD application shall be reviewed by the hearing examiner pursuant to the provisions of Chapter [2.26](#) SMC. All procedures for completeness, for administrative, hearing examiner review, and for notices of application, hearing, and decision shall be governed by those provisions of the municipal code.

B. SEPA review shall be conducted concurrently with the PUD application as provided in Chapter [17.04](#) SMC. (Ord. 793-02 § 1)

16.10.090 Authority to approve, condition or deny preliminary PUD.

A. The hearing examiner may approve, deny, or approve with modifications or conditions deemed reasonable and necessary to protect the public interest, mitigate impacts of the proposed development, and to ensure compliance with the standards and criteria of this chapter and the policies of the comprehensive plan.

B. The hearing examiner decision shall include, at a minimum, findings and conclusions regarding the preliminary PUD's compliance with the criteria for location and approval for the particular type of preliminary PUD listed in SMC [16.10.100](#) (retail PUDs), SMC [16.10.110](#) (residential PUDs). A preliminary PUD shall be recommended for approval if, together with reasonable modifications or conditions, the project is determined to comply with the requirements of these sections. A preliminary PUD shall be recommended for denial if, even with reasonable modifications or conditions, the project is determined to not comply with the requirements of these sections.

D. Any decision of the hearing examiner on the preliminary PUD shall be final. This decision may be appealed to superior court, pursuant to the requirements of Chapter 36.70C RCW and SMC [16.120.050](#). (Ord. 793-02 § 1)

16.10.100 Criteria for location and approval – Retail center PUDs.

A preliminary retail center PUD shall only be approved if, with reasonable modification and/or conditions, the city finds that the proposed preliminary PUD complies with the following criteria for location, use and design, for each of the identified types of PUDs.

A. PUD-PCvR – Planned Convenience Retail.

1. Comprehensive Plan. The proposed preliminary PUD-PCvR site must be identified as having potential for a planned convenience retail center in the comprehensive plan's retail policies or an adopted subarea or neighborhood plan. PUD-PCvRs can only be located in the general vicinity mapped in the comprehensive plan map and where it meets the specific location criteria.

2. Other Location Criteria.

a. The site is located on a collector street and the site is also located with respect to streets or other transportation facilities such that these streets and transportation facilities can provide direct access to the PUD-PCvR without requiring traffic to use minor local access streets in residential neighborhoods. Street types are defined in the subdivision regulations, Chapter [16.28](#) SMC.

b. The site is located at least one mile from any other existing or zoned convenience retail center and any other retail center.

c. Adjacent properties are not zoned for retail development or are not currently developed with retail uses, unless these adjacent properties are proposed to be incorporated into the PUD-PCvR.

d. The market analysis submitted with the application demonstrates a minimum population of 1,000 within one mile from the site.

e. The site is located such that it can connect to an existing off-site pedestrian and bicycle circulation system to facilitate non-motor vehicle access to the PUD-PCvR.

f. The PUD-PCvR is located in relation to public services, sanitary sewers, water lines, fiber optic conduit, storm and surface drainage systems, and other utility systems and installations such that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public costs will be required.

g. The PUD-PCvR is located with respect to schools, parks, playgrounds, and other public facilities such that the PUD will have access to these facilities in the same degree as would development in a form generally permitted by the underlying zoning in the area.

h. As an alternative to subsections (C)(2)(f) and (g) of this section, the developers of the PUD-PCvR can:

i. Provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis and assure their satisfactory continuing operation and maintenance; or

ii. Make provision, acceptable to the city, for offsetting any added net public cost or early commitment of public funds necessitated by such development; or

iii. Demonstrate, to the satisfaction of the city, that the anticipated increases in public revenue from the PUD-PCvR will more than adequately cover any anticipated increase in public costs for installation, operation, and maintenance.

3. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.

a. Delivery routes for commercial traffic do not have to use minor local access streets in residential neighborhoods.

b. The site is of sufficient size to generally mitigate impacts of the proposed retail uses within the PUD-PCvR site itself, including the provision of adequate screening, setbacks and other buffers to minimize noise, light and glare impacts from the retail uses.

c. The impacts from light and glare can be mitigated on-site through lighting design and location and/or screening and separation, so that the off-site impacts of light and glare are generally consistent with the light and glare impacts from existing adjacent uses.

d. Noise impacts from the PUD-PCvR can be mitigated on-site such that state noise standards can be met.

e. The PUD-PCvR is designed and located so as not to substantially interfere with the operation and use of existing parks and schools in the vicinity of the site.

f. Building scale in the PUD-PCvR shall not exceed the requirements of the development standards in subsection (C)(5) of this section.

4. Permitted Uses. The following uses shall be permitted in a PUD-PCvR:

- a. Convenience retail establishments such as small grocery stores, pharmacies, television, electronic and appliance and small specialty shops;
 - b. Small professional offices and business services, not to exceed 5,000 square feet;
 - c. Personal services such as barber shops, beauty shops, and bakeries;
 - d. Preschools and day nursery facilities;
5. Development Standards. PUD-PCvR development shall comply with the following development standards:
- a. Height. The maximum height of any structure in a PUD-PCvR shall be 35 feet.
 - b. Maximum size of retail site: two acres.
 - c. Retail Square Footage. The total gross square footage for retail uses shall not exceed 8,000 square feet.
 - d. Yard and Setback Requirements. There shall be no minimum yard or setback requirements; provided, the PUD-PCvR shall be reviewed and the proposed site plan conditioned to ensure sufficient separation and buffers from existing adjacent uses to mitigate impacts from the PUD development, to encourage pedestrian and bicycle access to the PUD development without needing to access the development through a parking lot without pedestrian paths and to present a streetscape that is of a scale consistent with adjacent development.
 - e. Open Space Requirements. A minimum of 20 percent of the gross site area shall be retained in one or more types of open space as defined in SMC [16.10.140](#).
 - f. Perimeter buffer: a minimum 30-foot buffer zone in those areas of the PUD-PCvR adjacent to LMD, MD and HD residential districts. Larger buffers may be required if necessary to meet the compatibility criteria. This buffer must be kept free of buildings or structures and must be landscaped, screened or protected by natural features so that adverse impacts on surrounding areas are minimized. These buffers may be included in required open space, as specified in SMC [16.10.140](#).
 - g. Parking. The requirements of Chapter [16.60](#) SMC shall apply to a PUD-PCvR.
 - h. Signs. The requirements of Chapter [22.06](#) SMC shall apply to a PUD-PCvR. All signs in a PUD-PCvR shall conform to a master sign plan that shall be considered and approved with the development plan.
 - i. Landscaping. The requirements of Chapter [16.04](#) SMC shall apply to a PUD-PCvR, as a minimum; provided, that additional landscaping may be required to mitigate impacts to adjacent uses and to meet the compatibility criteria for approval from this section. (Ord. 793-02 § 1)

16.10.110 Criteria for location and approval – Residential PUDs.

A preliminary residential PUD shall only be approved if, with reasonable modification and/or conditions, the city finds that the proposed preliminary PUD complies with the following criteria for location, use, and design, for each of the identified types of PUDs.

A. PUD-Multifamily (PUD-MF).

1. Comprehensive Plan. The proposed preliminary PUD-MF must be located in an area that has been identified as appropriate for multifamily development in the

comprehensive plan, residential policies or an adopted subarea plan or neighborhood plan.

2. Design Criteria and Density Limitations. Multifamily dwellings may be permitted in any PUD-MF, including any approved density increases or bonuses; provided further, the hearing examiner and city council will determine the maximum number of multifamily units allowed in any PUD-MF in consideration of the location criteria. Multifamily PUDs may also be permitted as part of a mixed-use development, in conjunction with an activity center, such as one of the planned retail center PUDs described in SMC [16.10.100](#).

3. Other Location Criteria.

a. The site is located on one or more arterial or collector streets and the site is also located with respect to major streets and highways or other transportation facilities such that these streets and transportation facilities can provide direct access to the homes. Street types are defined in the city of Sultan design standards and specifications. If the site is located on a corner, access will be encouraged to be from the minor arterial or collector and not from a principal arterial if it is found that such access reduces potential traffic conflicts and carrying capacities on the principal arterial.

b. The total area of the PUD-MF is a minimum of two acres.

c. The site is located such that it can connect to an existing off-site pedestrian and/or bicycle circulation system to facilitate non-motor vehicle access to the PUD-MF.

d. Transit is available in sufficient proximity to the site to facilitate transit access to the PUD-MF.

e. The PUD-MF is located in relation to public services, sanitary sewers, water lines, fiber optic conduits, storm and surface drainage systems, and other utility systems and installations such that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public costs will be required.

f. The PUD-MF is located with respect to schools, parks, playgrounds, and other public facilities such that the PUD will have access to these facilities in the same degree as would development in a form generally permitted by the underlying zoning in the area.

g. As an alternative to subsections (A)(3)(e) and (f) of this section, the developers of the PUD-MF can:

i. Provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis and assure their satisfactory continuing operation and maintenance; or

ii. Make provision, acceptable to the city, for offsetting any added net public cost or early commitment of public funds necessitated by such development; or

iii. Demonstrate, to the satisfaction of the city, that the anticipated increases in public revenue from the PUD-MF will more than adequately cover any anticipated increase in public costs for installation, operation, and maintenance.

4. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.

a. The design and layout of a PUD-MF shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize any undesirable impact of the PUD on adjacent properties.

b. Setbacks from the property line of the PUD-MF shall be comparable to, or compatible with, those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may be permitted.

c. Access/egress routes for traffic do not have to use minor or local access streets in residential neighborhood neighborhoods.

d. The site is of sufficient size to generally mitigate impacts of the proposed residential uses within the PUD-MF site itself, including the provision of adequate screening, setbacks, and other buffers.

e. The impacts from light and glare can be mitigated on-site through lighting design and location and/or screening and separation, so that the off-site impacts of light and glare are generally consistent with the light and glare impacts from existing adjacent uses.

f. Noise impacts from the PUD-MF can be mitigated on-site such that state noise standards can be met.

g. The PUD-MF is designed and located so as not to substantially interfere with the operation and use of existing parks and schools in the vicinity of the site.

h. Building scale in the PUD-MF shall not exceed the requirements of the development standards in SMC [16.10.120](#).

5. Permitted Uses. The following uses shall be permitted in a PUD-MF: all permitted residential, accessory, and conditional uses listed in the MD residential zoning district, SMC [16.12.020](#).

6. Development Standards. PUD-MF, PUD-SF, and PUD-MHP shall be governed by the development standards of the underlying residential and manufactured home park zoning districts, as may be modified as described in SMC [16.10.120](#). Multifamily PUDs shall also be eligible for density increases as described in SMC [16.10.120](#).

B. PUD-Single-Family (PUD-SF).

1. Comprehensive Plan. The proposed preliminary PUD-SF must be located in an area that has been identified as appropriate for single-family development in the comprehensive plan, residential policies or an adopted subarea plan or neighborhood plan.

2. Other Location Criteria.

a. The site is located on one or more arterial or collector streets and the site is also located with respect to major streets and highways or other transportation facilities such that these streets and transportation facilities can provide direct access to the homes, if the development is more than 10 acres, or 40 units. Street types are defined in the city of Sultan design standards and specifications. If the site is located on a corner, access will be encouraged to be from the minor arterial or collector and not from a principal arterial if it is found that such access reduces potential traffic conflicts and carrying capacities on the principal arterial.

b. The total area of the PUD-SF is a minimum of two acres.

c. The site is located such that it can connect to an existing off-site pedestrian and bicycle circulation system to facilitate non-motor vehicle access to the PUD-SF.

d. Transit is available in sufficient proximity to the site to facilitate transit access to the PUD-SF.

e. The PUD-SF is located in relation to public services, sanitary sewers, water lines, fiber optic conduits, storm and surface drainage systems, and other utility systems

and installations such that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public costs will be required.

f. The PUD-SF is located with respect to schools, parks, playgrounds, and other public facilities such that the PUD will have access to these facilities in the same degree as would development in a form generally permitted by the underlying zoning in the area.

g. As an alternative to subsections (B)(2)(e) and (f) of this section, the developers of the PUD-SF can:

i. Provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis and assure their satisfactory continuing operation and maintenance; or

ii. Make provision, acceptable to the city, for offsetting any added net public cost or early commitment of public funds necessitated by such development; or

iii. Demonstrate, to the satisfaction of the city, that the anticipated increases in public revenue from the PUD-SF will more than adequately cover any anticipated increase in public costs for installation, operation, and maintenance.

h. Multifamily dwellings may be permitted in a single-family PUD; provided, the total number of units does not exceed 20 percent of the approved PUD density, including any approved density increases or bonuses, and is located in an area identified for “scattered multifamily within a single-family” on the comprehensive plan map, and has a minimum development size of 10 acres, and meets the other location criteria. Only one “scattered multifamily within a single-family” development may occur where identified on the comprehensive plan map.

3. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.

a. The design and layout of a PUD-SF shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize any undesirable impact of the PUD on adjacent properties.

b. Setbacks from the property line of the PUD-SF shall be comparable to, or compatible with, those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may be permitted.

4. Permitted Uses. The following uses shall be permitted in a PUD-SF:

a. Those permitted, accessory, conditional and special uses listed in the LMD single-family residential zoning district, Chapter [16.08](#) SMC.

b. Multifamily dwellings may be permitted in any PUD; provided, the total number of units shall not exceed 20 percent of the approved PUD density, including any approved density increases or bonuses. The multifamily development must be located in an area identified for “scattered multiple-family within single-family” in the comprehensive plan and then only if the multifamily meets the location requirements.

c. Convenience retail, service, or office uses (“nonresidential uses in a residential PUD”) are limited to the size and location appropriate to serve the needs of the residents of the PUD-SF.

5. Development Standards. PUD-MF, PUD-SF, and PUD-MHP shall be governed by the development standards of the underlying residential and manufactured home park zoning districts, as may be modified and described in SMC [16.10.120](#). Single-family PUDs shall also be eligible for density increases as described in SMC [16.10.120](#).

C. PUD-Manufactured Home Park (PUD-MHP).

1. Comprehensive Plan. The proposed preliminary PUD-MHP site must be located in an area that has been identified as appropriate for LMD and MD single-family development in the comprehensive plan, residential policies or an adopted subarea plan or neighborhood plan.

2. Other Location Criteria.

a. The site is located on one or more arterial or collector streets and the site is also located with respect to major streets and highways or other transportation facilities such that these streets and transportation facilities can provide direct access to the homes. Street types are defined in the city of Sultan design standards and specifications. If the site is located on a corner, access should be from the minor arterial or collector and not from a principal arterial to reduce potential for traffic conflicts and carrying capacities on the principal arterial.

b. The total area of the PUD-MHP is a minimum of five acres.

c. The site is located such that it can connect to an existing off-site pedestrian and bicycle circulation system to facilitate non-motor vehicle access to the PUD-MHP.

d. Transit is available in sufficient proximity to the site to facilitate transit access to the PUD-MHP.

e. The PUD-MHP is located in relation to public services, sanitary sewers, water lines, fiber optic conduits, storm and surface drainage systems, and other utility systems and installations such that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public costs will be required.

f. The PUD-MHP is located with respect to schools, parks, playgrounds, and other public facilities such that the PUD will have access to these facilities in the same degree as would development in a form generally permitted by the underlying zoning in the area.

g. As an alternative to subsections (C)(2)(e) and (f) of this section, the developers of the PUD-MHP can:

i. Provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis and assure their satisfactory continuing operation and maintenance; or

ii. Make provision, acceptable to the city, for offsetting any added net public cost or early commitment of public funds necessitated by such development; or

iii. Demonstrate, to the satisfaction of the city, that the anticipated increases in public revenue from the PUD-MHP will more than adequately cover any anticipated increase in public costs for installation, operation, and maintenance.

3. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.

a. The design and layout of a PUD-MHP shall take into account the relationship to the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize any undesirable impact of the PUD on adjacent properties.

b. Setbacks from the property line of the PUD-MHP shall be comparable to, or compatible with, those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may be permitted.

4. Permitted Uses. The following uses shall be permitted in a PUD-MHP: all permitted, residential accessory, and conditional uses listed in the LMD and MD zoning districts, SMC [16.12.010](#) and [16.12.020](#).

5. Development Standards. PUD-MF, PUD-SF, and PUD-MHP shall be governed by the development standards of the underlying residential zoning districts, as may be modified as described in SMC [16.10.120](#). Manufactured home park PUDs shall also be eligible for density increases as described in SMC [16.10.120](#). (Ord. 793-02 § 1)

16.10.120 Residential PUD density increases and development standards.

The following density increase provisions and development standards shall apply to all types of residential PUDs (MF, SF and MHP):

A. Density Increases. A residential PUD application may have density increases as provided in this section. A residential PUD may be eligible for density increase based on one or two of the following subsections; provided, in no event may the total density increase for a residential PUD exceed 20 percent. All density increase percentages shall be calculated on the base density permitted in the underlying residential zone. The density increases are transferable within the PUD area as long as the proposed transfer is consistent with all of the requirements of this chapter and is consistent with the conditions of preliminary approval. Density increases shall be governed by the following factors, and are to be treated as additive, and not compounded.

1. Density Increase for Design Factors.

a. The project may be granted a maximum of five percent increase in density if it serves the needs of the development's residents and would include such facilities as play areas with equipment, basketball courts, handball courts, ball fields, tennis courts or swimming pools. This could also include landscaping, streetscape, open spaces, plazas, pedestrian facilities and recreational areas and recreational facilities in excess of those minimums required by the underlying zoning.

b. The project may be granted a maximum of five percent increase in density if the siting of the proposed development promotes the use of visual focal points, existing significant natural physical features such as topography, critical areas, view, sun and wind orientation, circulation patterns, physical environment, and energy efficient design.

c. The project may be granted a maximum of five percent increase in density if the development provides at least one of the following amenities:

i. If the project is designed such that the built environment includes preservation and restoration of historically or architecturally significant structures and/or consists of architectural styles that are internally consistent with the project as a whole and with the existing architectural styles in the neighborhood, but does not include normal maintenance such as painting, roofing and tuck pointing;

ii. If the scale of the structures is reduced from the maximums permitted by the underlying zone in an effort to develop a more pedestrian-friendly scale and to be consistent with existing development in the neighborhood;

iii. If the parking areas are broken up by landscape features in excess of the minimums required by the underlying zoning;

iv. If the project contains variation in building siting (i.e., clustering) and building setbacks to facilitate efficient use of the site, while maximizing privacy for

residential units in a majority of the units and to preserve slopes, streams, wetlands or other environmental features; and/or

v. If the proposed structures incorporate energy efficient design to at least a level of efficiency that exceeds the state standards by one base increment, or if the project incorporates the use of renewable energy sources in a majority of the development. The burden of designation of such structures or features as significant shall be upon the applicant, unless such structures or features are already identified as worthy of preservation in the comprehensive plan, parks plan, or other official documents, or on a local, state, or national register. Final determination as to significance shall be made by the planning director at the earliest possible time and no later than the preapplication review. The planning department staff report shall include a recommendation to the hearing examiner on any suggested density increase for these design features. The hearing examiner decision shall also include findings and a recommendation regarding these density increases.

d. The total possible design and landscape bonuses available under this subsection shall not exceed 15 percent.

2. Density Increase for Affordable Housing. A maximum density increase of 15 percent for the development of on-site and/or off-site housing opportunities for low- or moderate-income families is permitted based on the following standards:

a. For each low- or moderate-income housing unit provided under this section, one additional building lot or dwelling unit shall be permitted up to a maximum of 15 percent increase in total dwelling units.

b. Any off-site affordable housing units used to increase density shall be approved in conjunction with the preliminary PUD for which a density bonus is granted. The hearing examiner may impose development standards, construction schedules, and PUD approval conditions on the off-site development to ensure the off-site development meets the requirements for PUD approvals generally in this chapter, and to ensure appropriate timing of construction of the affordable units.

c. Any redevelopment of off-site affordable housing units involving rehabilitation of new or combination units may be used to increase the density by an additional five percent; provided, the redevelopment project shall be approved in conjunction with the PUD for which a density bonus is granted.

B. Residential Development Standards. The following criteria shall be applied by the city in reviewing and approving any requested variation from the residential development standards found in the underlying residential zoning district:

1. Building Spacing or Side and Rear Yards. The requirements for building spacing, or side and rear yards as they are often defined, is based on several related factors. Setback requirements within the PUD may be granted by the hearing examiner if the proposed design incorporates the following features:

a. Privacy. The minimum side yard requirement is intended to provide privacy within the dwelling unit. Where windows are placed in only one of two side-facing walls, or there are no windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building side yard spacing may be reduced to a zero lot line; provided, a minimum of five feet is maintained between buildings and structures on the adjacent lot and appropriate easements are provided to maintain spacing and permit maintenance

access. The minimum rear yard requirement is intended to provide privacy for the outdoor area behind the dwelling unit. Where physical elements such as fences, screens, or open space are provided, rear yards may be reduced to 10 feet.

b. Light and Air. The building spacing provides one method of ensuring that each room has adequate light and air. Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction. The building spacing may be reduced to a zero lot line on side yards and 10 feet on rear yards; provided, a minimum of five feet is maintained between buildings and structures and fences on the adjacent lot and appropriate easements are provided to maintain spacing and permit maintenance access.

c. Side Yard Use. Areas between buildings are often used as service yards, for storage of trash, clotheslines, or other utilitarian purposes. Where this use is similar for both houses, a reduction of building space permitting effective design of a utility space shall be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards. In these areas reduction from 10 feet to five feet will be permitted.

d. Rear Yard Use. Areas behind buildings provide a usable yard area for residents and can be used for landscaping, recreation, storage, and other residential accessory uses. In areas where physical elements are provided for privacy, a reduction from 20 to 10 feet will be permitted.

e. Building Configuration. Typical setback requirements will be required unless the following can be demonstrated. Irregular building configurations may be allowed if the needs expressed in the subsections (B)(1)(a), (b), and (c) of this section are met.

f. Front Yard. The minimum front yard is intended to provide privacy and usable yard area for residents. In practice, however, front yards are rarely used, so that only the privacy factor is important. Where a developer provides privacy by reducing traffic flow through street layout such as cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout or location, and access to garages of the home face perpendicular to or are not visible from the street frontage, then it is possible to reduce the front yard setback to 15 feet. Also, if 60 percent of the front facing portion of a structure consists of a front porch, setbacks may also be reduced to 10 feet for the front yard. Front porches and stoops which contain less than 60 percent of the front facade may project into the setback; provided, they do not interfere with minimum vehicular sight distance requirements.

2. Lot Size and Lot Coverage. The hearing examiner, for the purpose of promoting an integrated project that provides a variety of housing types and additional site amenities, may recommend reductions in the area of individual lots and increases in the lot coverage within a PUD from the required lot area and lot coverage for the zoning district; provided, any such modifications shall be compensated by open space areas elsewhere in the PUD. Open space shall not include areas designated as public or private streets.

3. Open space shall be governed by the requirements of SMC [16.10.140](#).

4. Streets. PUDs shall provide effective street and pedestrian networks. New developments shall also provide multiple access points to existing streets and plan for access to future adjacent developments.

a. Standards of design and construction for roadways within residential PUDs may be modified by the hearing examiner.

b. Right-of-way width and street roadway widths may also be reduced, especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

c. PUDs shall provide effective street networks. New development shall also provide multiple access points to existing streets and plan for access to future adjacent developments. Effective street networks should include the following:

i. Transit and school bus routes and transit and school bus stops, either within the development or on the collector or arterials that provide the major access to the proposed development, unless such provision is deemed inconsistent with the transit or school bus routing plans.

ii. Alternative routes from points within and outside the development, thereby lessening congestion on arterials.

iii. Direct and efficient emergency vehicle response to all points within the proposed development.

iv. Vehicular and pedestrian routes between neighborhoods within the proposed development without requiring all traffic to use arterials between neighborhoods.

v. Minimizing travel distances and providing nonmotorized alternatives to help reduce noise and air pollution.

5. Traffic Calming. Traffic calming control devices may be considered where appropriate to control excessive speed and volume of traffic on neighborhood streets. These devices may include, but are not limited to, traffic circles, streets narrowing, lane stripes, traffic control signing, chicanes, and curb bulbs.

6. Perimeter Buffer Zone.

a. There shall be a minimum 30-foot buffer zone in any PUD of multifamily or nonresidential buildings or structures that are adjacent to a LMD and MD residential use districts. No minimum buffer is required adjacent to other zoning districts, other than whatever perimeter buffer is deemed necessary to meet compatibility and impact criteria in earlier sections of this chapter.

b. The buffer zone must be kept free of buildings or structures and must be landscaped, screened or protected by natural features so that adverse effects on surrounding areas are minimized. The required buffer zone may be used as part of the open space acreage for the PUD as specified in SMC [16.10.140](#).

7. Nonresidential Uses in a Residential PUD.

a. In a residential PUD, nonresidential uses of a religious, cultural, recreational, and nonresidential character are allowed to the extent they are designed and intended primarily to serve the residents of the PUD.

b. In a residential PUD, no nonresidential use, nor any building devoted primarily to a nonresidential use, shall be built or established prior to the development of the residential buildings or uses in the residential PUD it is designed or intended to serve.

c. Yards. During the review process the reduction in or elimination of the required yards may be authorized, provided landscaped yards of at least such minimum width as required by the zoning district in which the PUD is located shall be maintained

by the nonresidential use and shall be built or established prior to the development of the residential buildings or uses in the residential PUD it is designed or intended to serve.

d. For nonresidential uses in a residential PUD, it shall be the burden of the PUD applicant to demonstrate to the hearing examiner the scale of required nonresidential uses proposed to serve the project and to provide a time frame for the construction of such uses as they relate to the existing and proposed residential development. (Ord. 793-02 § 1)

16.10.130 Reserved.

(Ord. 793-02 § 1)

16.10.140 Open space requirements.

A. For the purpose of this chapter, open space shall be described as follows:

1. "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a PUD which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

2. "Usable open space" means areas which have appropriate topography, soils, drainage, and size to be considered for development as active and passive recreation areas for all residents or users of the PUD. Detention areas may be considered under this category providing all the usable standards are met.

3. "Conservation open space" means areas containing special natural or physical amenities or environmentally sensitive features, the conservation of which would benefit surrounding properties or the community as a whole. Such areas may include, but are not limited to, stands of large trees, view corridors or view points, creeks and streams, wetlands and marshes, ponds and lakes, or areas of historical or archaeological importance. Conservation open space and usable open space may be, but are not always, mutually inclusive.

4. "Buffer open space" means areas which are primarily intended to provide separation between properties or between properties and streets. Buffer open space may, but does not always, contain usable open space or conservation open space.

5. "Severely constrained open space" means areas not included in any of the above categories which, due to physical characteristics, are impractical or unsafe for development. Such areas may include but are not limited to steep rock escarpments or areas of unstable soils.

B. All PUDs shall be required to provide open space in the amount of 20 percent of the gross land area of the site, in the minimum types specified in subsection (C) of this section.

C. Any combination of open space types may be used to accomplish the total minimum area required to be reserved as follows:

Open Space Percent of Gross Category Land Area

1.	Usable	15% minimum
2.	Conservation	No maximum or minimum
3.	Buffer	2% maximum
4.	Constrained	2% maximum
5.	Unusable detention areas	5% maximum

(Ord. 885-05 § 1; Ord. 853-04 §§ 1, 2, 3; Ord. 793-02 § 1)

16.10.150 Expiration of preliminary PUD.

A. For preliminary PUD approvals for which a master phasing plan has not also been approved pursuant to SMC [16.10.040](#), an applicant shall file an application for a final PUD approval with the city within 12 months from the date of preliminary PUD approval by the city council. This period shall automatically be tolled for any period of time during which a court appeal is pending.

B. The hearing examiner may authorize one additional 12-month extension for filing a final PUD application if the hearing examiner finds that such extension is consistent with the approval criteria required for each project and that no new information or change in circumstances justifies changing the city’s previous preliminary PUD approval.

C. A phasing plan shall accompany the master plan, for developments where a general master plan for the entire project provides for the project to be constructed in phases. The phasing plan shall describe the general boundaries of each phase and the expected date at which a detailed site plan or subsequent preliminary and final PUD application for that phase of the development will be submitted; provided, however, no project to be developed in phases may exceed five years from the time the master plan is approved until the final phase is submitted. The hearing examiner, as a condition of preliminary PUD or master plan approval, may calculate the amount of time until completion and may also set a schedule for completion of the various phases; such time period may never exceed five years. The time period will be calculated based on the size, location, and development potential of the area, and the need for utility and service extensions for the proposed project and other projected developments in the area.

D. If a final PUD is not filed within the time periods provided in this section, the preliminary PUD approval shall expire, the PUD overlay zoning shall be removed from the official zoning map of the city and the property shall revert to the underlying “fallback” zoning shown on the official zoning map. (Ord. 793-02 § 1)

16.10.160 Final PUD review and approval.

A. The final PUD application shall be processed pursuant to the provisions of Chapter [16.120](#) SMC, except that the administrative review shall be conducted by the community development director, with input from the city engineer, public works director, and building official.

B. Contents of Application. The final development plan must present all of the information required for the preliminary development plan in a finalized, detailed form. This includes all PUD and supporting information, site plans sufficient for recording and

engineering drawings. All schematic plans presented in the preliminary development plan stage, such as a landscape plan, must be presented in their detailed form. Any items not submitted during the preliminary stage must be reviewed, and any preliminary or final plats and public dedication documents required by the city shall also be submitted at this time.

C. Application Fees. The PUD application shall be accompanied by a nonrefundable fee in the amount set forth in the fee schedule. Any application for an amendment to a PUD shall be accompanied by a nonrefundable fee in the amount set forth in the fee schedule.

D. The final PUD shall be transmitted by the planning director to the city council with a recommendation of approval if it is in substantial compliance with the approved preliminary PUD. The final PUD shall be deemed in substantial compliance with the approved preliminary PUD if it does not involve a change to one or more of the following:

1. Violate any of the criteria for approval found in SMC [16.10.090](#);
2. Vary the lot area requirements by more than 10 percent;
3. Involve a reduction of more than 10 percent of the area reserved for the common open space and/or usable open space; provided, the minimum open space requirements are met;
4. Increase the floor area proposed for nonresidential use by more than 10 percent, provided the maximum square footage for nonresidential uses are not exceeded;
5. Increase the total ground area covered by buildings by more than five percent;
6. Increase the density or number of dwelling units by more than 10 percent; provided, the maximum density increases are not exceeded.

E. If the final PUD is not in substantial compliance with the approved preliminary PUD, the applicant shall file for and process an amendment to the preliminary PUD, using the same procedures and requirements for the initial preliminary PUD.

F. The city council shall act on the final PUD as described in SMC [16.120.050](#). The city council's final PUD decision shall be a final decision, appealable to superior court, pursuant to the provisions of SMC [16.120.050](#) and Chapter 36.70C RCW. (Ord. 793-02 § 1)

16.10.170 Final PUD acknowledgments – Filing – Copies – Recording.

A. All final PUD site plans, supporting maps, and illustrations required for filing shall include approval acknowledgments for the mayor, city engineer and community development director.

B. Within 30 days of approval of the final PUD, the applicant shall provide the Sultan community development department with two sets of mylars of all PUD site plans and supporting maps and illustrations, and the original and one copy of any required protective covenants, and required agreements suitable for filing with the Snohomish County auditor. The final PUD site plans and any required associated documentation noted above shall be filed at the applicant's expense with a recorded copy provided to the planning department.

C. The approved final PUD plan shall be a binding restriction on development and shall run with the land, unless it expires as provided in SMC [16.10.150](#), in which case a notice of expiration shall be recorded against the property when the PUD overlay zoning is removed. (Ord. 793-02 § 1)

16.10.180 Building permits.

No building permits may be issued for any construction on property that is subject to a preliminary PUD approval until the final PUD has been approved and the applicant has recorded the site plan and associated documentation as provided in SMC [16.10.170](#). For PUDs which include covenants requiring architectural review by a homeowner's association or other PUD entity, the applicant shall provide evidence of approval from such entity prior to issuance of city building permits. (Ord. 793-02 § 1)

16.10.190 Minor changes and amendments to final PUD.

A. Minor changes of lot lines or the combination of lots if no new lots are created or minor changes in the location, and height of buildings and structures; provided, they are within the development standards established for the PUD, may be authorized by the community development director if required by engineering or other circumstances not foreseen at the time the final plan was approved without requiring approval by the city council. No change authorized by this subsection may cause any of the following:

1. A change in the use or character of the development;
2. An increase in the overall coverage of structures;
3. An increase in the intensity of a use;
4. An increase in traffic generation, or a change to proposed traffic circulation that could cause impacts not evaluated in the preliminary or final PUD approval;
5. A change to proposed public utilities that could cause impacts not evaluated in the preliminary or final PUD approval;
6. A reduction in approved open space;
7. A reduction in off-street parking and loading space;
8. A reduction in required pavement widths.

B. Any change that does not meet the limitations of subsection A of this section shall be processed in the same manner as the original final PUD, or, if the proposed change does not meet the substantial compliance provisions of SMC [16.10.160](#), as an amendment to the preliminary PUD. Any changes to the final PUD pursuant to this subsection shall be recorded as amendments in accordance with the procedure established for the recording of the original final PUD documents. (Ord. 793-02 § 1)

16.10.200 Expiration of final PUD.

If no construction has begun in the final PUD within 24 months from the approval of the final PUD and recording of the final PUD plan and associated documents, the final PUD approval shall expire and the PUD overlay zone on the official zoning map shall be removed; provided, however, the city council, upon recommendation of the community development director and a showing of good cause by the applicant, may extend for a

maximum of two periods of 12 months each the period for commencing construction. Each request for a time extension shall be accompanied by a nonrefundable fee as set forth in the fee schedule to cover the costs of processing the request. The city council may impose conditions on any extension request to implement the current development regulations and related requirements in effect at that time. (Ord. 793-02 § 1)

16.10.210 Periodic review of building permits for consistency with approved PUD.

After construction commences, the community development director shall review, at least once every six months, all building permits issued and compare them to the overall development phasing program and master plan, if applicable. If the community development director determines that the rate of construction of residential units or nonresidential structures substantially differs from the phasing program, the community development director shall so notify the developer and the city council in writing. The developer shall then submit a revised phasing schedule and substantiate the need for such revisions. The community development director shall review and make recommendation to the city council to approve or deny the revised phasing schedule, with or without conditions, based on the information presented. If the revised phasing schedule is denied, the city shall withhold additional building permits in the until the approved phasing schedule is met. (Ord. 793-02 § 1)