

ORDINANCE NO. 1436

AN ORDINANCE OF THE CITY OF RUSTON, AMENDING SECTION 25.01.060 OF THE RUSTON MUNICIPAL CODE RELATING TO THE MASTER PLAN DEVELOPMENT ZONE TO PERFORM HOUSEKEEPING AMENDMENTS AND TO ADD CROSS-REFERENCES TO THIS SECTION TO CLARIFY THAT SITE PLAN APPROVAL AND THE CITY'S DESIGN STANDARDS ARE APPLICABLE TO DEVELOPMENT WITHIN THE MASTER PLAN DEVELOPMENT ZONE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston has a Master Development Plan zone ("MPD zone") in its existing Zoning Code; and

WHEREAS, the City has approved MPDs consistent with the MPD zone; and

WHEREAS, in accordance with RMC 25.06.020 the City's design standards are applicable to development in all zones city-wide and shall be reviewed for compliance under the site plan approval process contained in RMC 25.01.140; and

WHEREAS, the existing Code on the MPD zone lacks a cross-reference with regard to the applicability of the site plan approval process (RMC 25.01.140) and the City's design standards (Chapter 25.06 RMC) and such cross-reference should be added for clarity and ease of reference; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Commerce for review on April 21, 2014; and

WHEREAS, the Department had no comments and more than sixty (60) days have passed and now adoption by the City Council is permitted; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on Mau 9, 2014 and no appeals were filed; and

WHEREAS, as an owner with an approved Master Development Plan, the City provided additional notice to Point Ruston, LLC of this proposed ordinance and Ordinance #1435 prior to the Planning Commission hearing, no comment was received from Point Ruston LLC on this ordinance or its companion Ordinance #1435; and

WHEREAS, on April 30, 2014, the Ruston Planning Commission held a public hearing on these revisions; and

WHEREAS, following the public hearing the Planning Commission deliberated on the revisions; and

WHEREAS, after a full deliberation and consideration, the Planning Commission unanimously recommended that the City Council adopt this Ordinance; and

WHEREAS, on August 5, 2014 the City Council held first reading of this Ordinance; and

WHEREAS, on August 19, 2014, the City Council adopted this Ordinance at second reading during its regular meeting; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 25.01.060 of the Ruston Municipal Code is hereby amended to read as follows:

25.01.060 Master planned development (MPD) zone.

- (a) **Purpose.** This is a zoning district that may be developed only in accordance with a specific development plan. The approved development plan is an integral part of this zoning district and all development shall comply with said plan. The master planned development zone is designed and intended to enable and encourage the development of large tracts of land which are under unified ownership or control, or lands which by reason of existing or

planned land uses are appropriate for development under this section, so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area and the ~~Town~~City of Ruston.

To this end, there may be provided within such areas a combination of land uses, including a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with modern land planning principles and development techniques; and in such a manner as to be properly related to each other, the surrounding community, the shoreline, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.

The master planned development zone and procedure are further established to provide a land developer with reasonable assurance that specific uses proposed from time to time, if in accordance with an approved development plan, will be acceptable to the ~~Town~~City; and to provide the ~~Town~~City Planning Commission and the ~~Town~~City Council with a long-term proposal for the development of a given area.

(b) General Provisions.

- (1)Qualifications. MPD districts may be established on parcels of land which, because of their unified ownership or control, size, topography proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.
- (2)Permitted Uses. All uses would be permitted in substantial harmony with the Comprehensive Plan subject to approval of a development plan by the ~~Town~~City Council.
- (3)Property Development Standards. All land uses in an MPD district shall conform to the property development standards set forth in the development plan approved by the ~~Town~~City Council.
- (4)Approvals Required. No structure or building shall be built or remodeled upon land in the MPD district until ~~Town~~City Council approval has been obtained as outlined herein.

Material and information shall be provided for specific types of uses as follows:

- (A) Wherever residential development is proposed within a MPD district, the development plan shall contain at least the following information:
 - (i) The approximate number of dwelling units proposed by type of dwelling and the density, i.e., the number of dwelling units proposed per gross acre for each type of use.
 - (ii) The standards of height, open space, building coverage, yard area, landscaping and pedestrian facilities, parking facilities and the kinds of street and land improvements proposed.
- (B) For MPD districts or sections thereof for which commercial development is proposed, the development plan shall contain at least the following information:
 - (i) The approximate retail sales floor area and total area proposed for commercial development.

- (ii) The types of uses proposed to be included in the development.
 - (iii) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading signs, and nuisance controls intended for the development.
- (C) For MPD districts or sections thereof for which light industrial development is proposed, the development plan shall contain at least the following information:
- (i) The approximate total area proposed for such use.
 - (ii) The types of uses proposed to be included in the development. (Generally those light industrial, office, laboratory and manufacturing uses shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create any excessive noise, vibration, smoke, dust, odor, heat or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, do not generate significant levels of truck traffic whose impacts cannot be mitigated.)
 - (iii) The anticipated employment in the entire development and in each major section thereof. This may be stated as a range.
 - (iv) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development.
- (D) For MPD districts or units thereof containing institutional, recreational or other public or quasi-public development, the development plan shall contain the following information:
- (i) General types of uses proposed in the entire development and each major section thereof.
 - (ii) Significant applicable information with respect to enrollment, residence employment, attendance, or other social or economic characteristics of development.
 - (iii) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, and signs intended for the development.

(5)Optional Materials.

- (A) Economic analysis of a specific development proposal.
- (B) Other materials necessary to fully evaluate the proposal.
- (C) Development Plan. The application shall be accompanied by a development plan which shall consist of:
 - (1) A map or maps drawn to a suitable scale, showing at least the following:
 - (A) The boundary of the proposed MPD and its immediate vicinity and the ~~Town~~City.
 - (B) The topographic character of the land.

- (C) Views to Puget Sound and Mount Rainier from the development site as well as the surrounding area.
- (D) Drainage accommodations.
- (E) Accommodations for all utilities.
- (F) Any major regrading intended.
- (G) The proposed uses of the land.
- (H) The approximate location of all public streets, rights-of-way and sidewalks and other pedestrian and bike facilities.
- (I) Location of public uses proposed, if any, such as schools, parks, playgrounds, trails or other recreational facilities.
- (J) The locations of any critical areas.
- (K) Relationship to Puget Sound shoreline and related facilities.

(2) A development program including but not limited to:

- (A) A legal description of the MPD boundary.
- (B) Size of the area.
- (C) The overall density and type of structures proposed.
- (D) The nature of development proposed.
- (E) The disposition of lands proposed for public facilities.
- (F) The anticipated timing for each unit of the district proposed to be developed separately.
- (G) The delineation of development units which shall be integral units planned for development at different stages and phases.
- (H) Development standards for each of the proposed uses.
- (I) The approximate size, in acres, of each development unit.
- (J) A description of the status and progress of any environmental remediation activities of the MPD site.
- (K) Proposed mitigation measures to address impacts of the MPD.

(3) All Proposed Restrictive Covenants. Describe how the MPD uses will be compatible with the areas surrounding the proposed development, the ~~Town~~City's Comprehensive Plan and related zoning, subdivision and shoreline regulations.

Within the MPD district development units may be established of any size whatever but shall be logical in size and shape and shall function by themselves and in relationship to other development units within the district or adjacent property.

(d) Findings Required. Findings are required before approval or denial of an application for a proposed MPD district. Before approval or modified approval of an application for a proposed MPD district, the Planning Commission and the ~~Town~~City Council must find:

- (1) That the development proposed is in substantial harmony with the Comprehensive Plan of the ~~Town~~City of Ruston, and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the ~~Town~~City and the public.
- (2) That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
- (3) That the MPD has been reviewed under the State Environmental Policy Act, according to the procedures specified therein.
- (4) The Planning Commission and City Council shall further find that the facts submitted with the application and presented at the hearing establish that:
 - (A) In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding area, and that the sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population.
 - (B) In the case of proposed light industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended, and that the design and development standards are such as to create an environment of sustained desirability and stability.
 - (C) In the case of proposed commercial, institutional, recreational and other nonresidential uses, that such development will be appropriate in area, location and overall planning to the purpose intended, and that such development will be in harmony with the character of the surrounding areas.
- (e) **Approved Development Plan.** An approved development plan shall be kept on file by the City and if no construction has begun within 18 months of the approval of said plan, or within the time frame established within the approved plan, the plan shall lapse and be of no further effect. The City Council may extend the period for the beginning of construction prior to the expiration date, if requested by the applicant.
- (f) Site Plan Requirements. Site plan approval is required under Section 25.01.140 for any development within the MPD zone.
- (g) Design Standards. All development within the MPD zone is subject to the design standards contained within Chapter 25.06 RMC.


Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 19 day of August, 2014.

APPROVED by the Mayor this 19 day of August, 2014.



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:



Office of the City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO: 1436