

ORDINANCE NO. 1476

AN ORDINANCE OF THE CITY OF RUSTON, REPEALING SECTION 25.01.060 OF THE RUSTON MUNICIPAL CODE RELATING TO MASTER DEVELOPMENT PLANS AND CREATING A NEW CHAPTER 25.08 OF THE RUSTON MUNICIPAL CODE RELATING TO MASTER DEVELOPMENT PLANS (“MDP”), INCLUDING ADDING NEW PROVISIONS REGARDING THE AMENDMENT OF AN MDP, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, this City of Ruston has approved Master Development Plans in accordance with its existing City Code; and

WHEREAS, the existing Code contained no provisions or process for amending an approved Master Development Plan; and

WHEREAS, it is appropriate for the City to have a process to amend an approved Master Development Plan; and

WHEREAS, for ease of use, the provisions regarding Master Development Plans, and the amendment thereof, should be moved to a new Chapter 25.08 of the Ruston Municipal Code; and

WHEREAS, the City’s SEPA Responsible Official issued a Determination of Non-Significance (DNS) on October 8, 2015; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Community, Trade and Economic Development with a request for expedited review on October 8, 2015; and

WHEREAS, the request for expedited review was granted and the required time has passed to allow adoption by the City Council on the date of adoption; and

WHEREAS, the City Council determined that it is in the public interest to hold the required public hearing on this ordinance at the City Council and to bypass the Planning Commission; and

WHEREAS, the City Council held first reading on this Ordinance on October 20, 2015; and

WHEREAS, on November 3, 2015, the City Council held a public hearing on these revisions to the City's Master Development Plan requirements; and

WHEREAS, following the public hearing the City Council deliberated on the revisions, including adding new procedures for amending approved MDPs; and

WHEREAS, on November 3, 2015, the City Council adopted this Ordinance at second reading during its regular meeting following the public hearing; **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 Section 25.01.060 of the Ruston Municipal Code is hereby repealed.

Section 2. A new Chapter 25.08 entitled "Master Planned Development (MDP) Zone" is hereby added to the Ruston Municipal Code to read as follows:

Chapter 25.08-- Master planned development (MPD) zone.

Sections:

- 25.08.010 Purpose.**
- 25.08.020 General Provisions; Applications.**
- 25.08.030 Criteria for Approval; Findings Required.**
- 25.08.040 Amendments.**
- 25.08.050 Approved Master Development Plan.**

25.08.010 Purpose.

The Master Plan Development (MDP) zone is intended to allow flexibility in zoning and development standards for large-scale developments in exchange for providing public amenities and benefit.

The MDP is a zoning district that may be developed under this chapter only in accordance with a specific development plan for property that is already subdivided. The MDP process shall not be used in place of the subdivision process contained in Chapter 29.02 RMC. The approved development plan is an integral part of this MDP zoning district and all development shall comply with said plan as approved as part of the MDP process.

The Master Planned Development Zone is designed and intended to enable and encourage the development of large tracts of land of at least 0.75 acres in size and which are under unified ownership or control, or lands which by reason of existing or planned land uses are appropriate for development under this Chapter. The purpose of this Chapter is to allow zoning flexibility consistent with the City's Zoning Code and Comprehensive Plan which will achieve land development patterns which will maintain and enhance the physical, social and economic values of an area and to provide additional public benefit and amenities for the City of Ruston than would otherwise exist under a strict application of the City's Zoning Code. Although other approaches may be considered, the City of Ruston prefers to utilize concepts established by the Congress for New Urbanism which are implemented through the use of a Smart Code or Form-Based Code.

To this end, the MDP process may allow a combination of land uses, allowed by the underlying zoning and consistent with the Comprehensive Plan 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, storm water and sewer systems, parks, schools and utilities. The relationship of building façade placement throughout the site and how that affects the pedestrian experience at the street will be given a great amount of emphasis when determining compliance. The use of the MDP process requires the applicant to provide definable public benefits in exchange for being allowed to vary from the underlying zoning and traditional lot by lot zoning. The MDP process is a discretionary process.

The Master Planned Development Zone and the procedures for obtaining or amending an MDP are further established to provide a land developer with reasonable assurance that specific uses proposed and approved under this process will be acceptable to the City; and to provide certainty, predictability and benefit to the City for the development plans of a given area.

25.08.020 General Provisions; Application.

- (A) Qualifications. MDP districts may be established on parcels of land which, because of their unified ownership or control, size of at least 0.75 or more acres, topography proximity to large public facilities, or exceptional or unusual locational advantages, will result in a superior development under this process than would be achieved by strict application of the zoning code for the underlying property.

- (B) Permitted Uses. All uses would be permitted in substantial harmony with the Comprehensive Plan and Zoning Code subject to approval of a development plan by the City Hearing Examiner.
- (C) All commercial and multifamily portions of development plans and amendments to development plans must comply with the City's design standards as set forth in Chapter 25.06 RMC. For the purposes of applying design review criteria, internal circulation driveways and private roads shall be treated as public streets.
- (D) Application. A complete application for an MDP shall consist of the following information and materials:
- (1) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).
 - (2) A SEPA checklist.
 - (3) A statement of proposed use or action, including a description of all the proposed uses of the property with detail to show which portions of the property are proposed for the specific use(s).
 - (4) 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 City.
 - (b) The existing and proposed topographic character of the land at two-foot intervals.
 - (c) The views to Puget Sound and Mount Rainier from the development site as well as from the surrounding area.
 - (d) Drainage plans consistent with the City's storm water standards contained Chapter 12.09 RMC.
 - (e) Utilities plans consistent with the City's public works standards contained in Chapter 12.09 RMC.
 - (f) Any major re-grading intended for streets or changes in elevation of other portions of the property.
 - (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 consistent with the City's public works standards contained in Chapter 12.09 RMC.
 - (i) Location of public uses proposed, if any, such as schools, parks, playgrounds, plazas, trails or other recreational facilities.
 - (j) The locations of any critical areas or geologic hazard areas.
 - (k) Relationship to Puget Sound shoreline and related shoreline or park facilities.
 - (l) Proposed building façade locations through the use of a build-to line or build- to zone.

(m) Proposed location and quantity of vehicle access locations that intersect at public or private streets, such as driveways, garages, loading bays, dumpster access, etc.

The map described in this subsection (D)(4) shall be called the “Master Development Site Plan.” The final approved “Master Development Site Plan” shall become part of the Master Development Plan and have the same binding force and effect as the rest of the Master Development Plan decision.

(5)The proposed development program including but not limited to the following information:

(a) A legal description of the MPD boundary, including tax lot information for parcels within the boundary and a copy of the subdivision or plat for all property within the MDP boundary.

(b) The gross size of the area expressed in acres.

(c) The overall density and type of structures proposed.

(d) The nature of development proposed, including proposed uses or categories of uses.

(e) The disposition of lands proposed for public facilities.

(f) The anticipated timing for each building or lot proposed to be developed separately, including any proposed phasing plan. (A phasing plan will require a separate development agreement in accordance with Chapter 36.70B RCW.)

(g) The delineation of each lot within the MDP and the number, size and types of buildings to be constructed thereon.

(h) If a subdivision is needed as part of the MDP plan, then the applicant shall apply for a subdivision either prior to or contemporaneously with the MDP application. Such subdivision shall be processed in accordance with Chapter 29.02 RMC.

(i) The approximate size, in acres, of each lot.

(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.

(l) All amenities proposed by the applicant to provide a public benefit. Amenities which provide a public benefit include, but are not limited to the following:

i. Active and passive open space such as parks, plazas, porches, patios, community gardens, amphitheaters, courtyards, trails, shoreline access, piers, docks and viewing platforms, etc.

ii. Inclusion of landmark structures and prominent places such as visual terminus locations, entry gateways and street corners.

iii. Significant increases in the quality of building materials used on buildings such as stone, masonry, copper, exposed beams, etc.

iv. Provision of covered walkways and outdoor seating areas along pedestrian routes by constructing awnings, colonnades, trellises, porches, etc.

(6) All Proposed Restrictive Covenants. Any and all proposed restrictive covenants to be recorded against the property in a form approved by the City Attorney shall be provided with the development plan.

(7) Compatibility and Benefit Analysis. A description demonstrating how the MPD uses will be compatible with the areas surrounding the proposed development and a clear explanation of the public benefit provided by granting the MDP.

(8) Wherever residential development is proposed within a MPD district, the application shall contain at least the following information:

(a) The approximate number of dwelling units proposed by type of dwelling (i.e. single-family, multi-family) and the density, i.e., the number of dwelling units proposed per gross acre for each type of use.

(b) 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.

(9) For MDP districts or sections thereof for which commercial development is proposed, the application shall contain at least the following information:

(a) The approximate retail sales floor area and total area proposed for commercial development broken down by type.

(b) The types of uses proposed to be included in the development.

(c) 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.

(10) For MPD districts or sections thereof for which light industrial development is proposed, the application shall contain at least the following information

(a) The approximate total area proposed for such use broken down by type.

(b) 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.)

(c) The anticipated employment in the entire development and in each major section thereof. This may be stated as a range.

(d) 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.

(11) For MDP districts containing institutional, recreational or other public or quasi-public development, the application shall contain the following information:

(a) General types of uses proposed in the entire development and each major section thereof.

(b) Significant applicable information with respect to enrollment, residence, employment, attendance, or other social or economic characteristics of development.

(c) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, and signs intended for the development.

(12) The fee as set by the City Council.

(D) Optional Materials. The applicant may also submit the following information:

(1) Economic analysis of a specific development proposal.

(2) Other materials necessary for the City to fully evaluate the proposal.

(E) Applications under this Chapter shall be processed in accordance with the provisions in Title 19 RMC.

(F) Approvals Required; Timing.

(1) Approval of a Master Development Plan must occur after the issuance or amendment of the underlying Plat.

(2) Approval of a MDP must occur prior to or concurrently with the submittal of an application for site plan review and approval.

(3) Site plan review and approval is required under Section 25.01.140 for development within the MPD zone prior to building permit issuance.

25.08.030 Criteria for Approval; Findings Required.

(A) The applicant has the burden to demonstrate that the following criteria are satisfied:

(1) That the development proposed will result in a superior development than can be developed under the underlying zoning in place on the property and that the proposed development will provide significant amenities or public benefits as described above which are significantly greater than the public benefits to the City of Ruston as compared to the benefits provided by strict adherence to the underlying Zoning Code, and that the development in accordance with the MDP 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 City and the public.

(2) That the streets and thoroughfares proposed are adequate to serve the proposed uses and the anticipated traffic which will be generated thereby, including satisfying concurrency by obtaining approval of a Certificate of Concurrency or in the alternative, establishing that City's adopted level of service standards will not be lowered by the proposed MDP and establishing that such streets and thoroughfares are consistent with the City's public work standards contained in Chapter 12.09 RMC and the requirements of SEPA.

(3) That the MPD incorporates all SEPA conditions as set forth in the MDNS or EIS.

(4) In the case of proposed residential development, that such development will constitute a residential environment that is superior in quality, function and design to what can be developed under the underlying zoning in place on the property and consistent with the character of the surrounding area, that the sites proposed provide public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and such development provides a public benefit to the City. Amenities which provide a public benefit include, but are not limited to the following:

(a). Provision of active and/or passive open space such as parks, plazas, porches, patios, community gardens, amphitheaters, courtyards, trails, shoreline access, piers, docks and viewing platforms, etc.

(b). Inclusion of landmark structures and prominent places such as visual terminus locations, entry gateways and street corners.

(c). Provision of significant increases in the quality of building materials used on buildings such as stone, masonry, copper, exposed beams, etc.

(d). Provision of covered walkways and outdoor seating areas along pedestrian routes by constructing awnings, colonnades, trellises, porches, etc.

(5) In the case of proposed light industrial or research uses, that such development will be equal to or superior in quality, function and design to what can be developed under the underlying zoning in place on the property and consistent with the character of the surrounding area and the design and development standards contained in Chapter 25.06 RMC have been satisfied and such development provides a public benefit to the City, including such benefits as are described in Sections 25.08.010 and 25.08.020 above.

(6) In the case of proposed commercial, institutional, recreational and other nonresidential uses, that such development will be superior in quality, function and design to what can be developed under the underlying zoning code in place on the property and consistent with the character of the surrounding area and that such development is consistent with the design standards in Chapter 25.06 RMC and provides a public benefit to the City, including such benefits as are described in Sections 25.08.010 and 25.08.020 above.

(7) The final Master Development Site Plan as described in Section 25.08.020(D)(4) shall reflect the approvals listed in this Section and shall be finalized and incorporated as part of the approval of the Master Development Plan.

- (B) Before approval or modified approval of an application for a proposed MDP or amendment of an approved MDP, the decision-maker must find that the requirements contained in subsection A above have been satisfied and enter written findings supporting the approval or denial of an application for a proposed MPD.
- (C) If the approval of an MDP or an amendment of an approved MDP results in a change of zoning, then the Official Zoning Map of the City must be concurrently amended to show the uses allowed in the new zone.
- (D) The granting of an MDP or the amendment of an approved MDP shall be binding on any subsequent development or re-development and such development must comply with all conditions of the approval.

RMC 25.08.040 Amendments.

(A) A complete application for an amendment, minor or major, of an approved MDP shall include the following information and materials:

- (1) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).
- (2) A SEPA checklist.
- (3) A statement clearly describing the amendment sought.
- (4) A detailed statement of how proposed amendment complies with approval granted for the MDP.
- (5) Maps consistent with RMC 25.08.020 above of any area that is proposed to be revised under the application.
- (6) Any revisions to the proposed development program, including the information outlined in RMC 25.08.020 above.
- (7) Information on any proposed revisions to the development schedule. (A phasing plan will require a separate development agreement in accordance with Chapter 36.70B RCW.)
- (8) Information about any proposed revisions to the lot or building configurations, density, size or scale as approved in the MDP.
- (9) Information about any proposed revision to the original approved development standards for each of the proposed uses, including how the revision is consistent with the City's comprehensive plan, zoning code and design standards and the impact of such revision on the public benefit provided by the MDP.
- (10) Information about any proposed revision to the MDP approval, including how the revision is consistent with the City's comprehensive plan, zoning code and design standards and the impact of such revision on the public benefit provided by the MDP.
- (11) A description of the status and progress of any environmental remediation activities of the MPD site and any new or revised proposed mitigation measures to address impacts of the MPD.

- (12) Any revisions to proposed restrictive covenants, including drafts of the new or revised covenants to be recorded against the property. Such covenants must be in a form approved by the City Attorney.
- (13) Information consistent with the application requirements contained in RMC 25.08.020 as applicable to any proposed revisions
- (14) The fee as set by the City Council.
- (15) Optional Materials. The applicant may also submit the following information:
 - (a) Economic analysis of a specific development proposal.
 - (b) Other materials necessary for the City to fully evaluate the proposal.

(B) Minor Amendments.

Applications for minor amendments to an approved MDP shall be processed in accordance with the procedures established under RMC Title 19. A decision for a minor amendment application shall be rendered by the Mayor or his designee, without a public hearing, in accordance with the criteria for approval set forth in RMC 25.08.030.

- (1) Minor amendments include any modification to the original approved MDP which:
 - a. Does not increase the overall project maximum building height;
 - b. Does not decrease the width of any required view corridors, (minor shifts in location are permissible);
 - c. Does not result in a net decrease in the quality or quantity of open space, (when considering net open space, the Mayor or his designee *may* consider increased quality of open space or provision of landmark buildings in exchange for proposed reductions in bulk square footage of open space);
 - d. Does not result in reduced pedestrian connectivity (relocation of pedestrian routes is permissible);
 - e. Does not result in a net decrease in overall urban design quality.
 - i. For the purposes of evaluating urban design quality the Mayor or his designee shall utilize modern planning concepts for walkable communities, such as those supported by the Congress for New Urbanism and implemented through the use of a Smart Code or Form-Based Code. In any decision to allow modification to a Master Development Plan, pedestrian comfort and safety shall be considered to be more important than vehicular convenience.

(C) Major Amendments.

- (1) Applications for major amendments to an approved MDP shall be processed in accordance with the procedures established under RMC Title 19. A decision for a major amendment application shall be rendered, in accordance with the criteria set forth in RMC 25.08.030.

- (2) Modifications to an existing approved MDP which are not classified as a minor amendment under Subsection B of this section shall be classified as a major amendment.

25.08.050 Approved Master Development Plan.

(A) Property Development Standards. All land uses in an MPD district shall conform to the property development standards set forth in the development plan approved, or as amended under this Chapter.

(B) An approved Master Development Plan, including the Master Development Site Plan shall be kept on file by the City, shall be reflected on the City's Official Zoning Map and shall be binding on any subsequent development or re-development of the property. Such development must comply with all conditions of the approval.

(C) Site Plan Requirements. Site plan approval is required under Section 25.01.140 for any development within the MPD zone.

(D) Design Standards. All development within the MPD zone is subject to the design standards contained within Chapter 25.06 RMC.

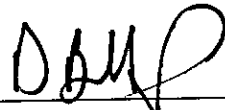
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

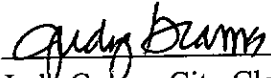
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 3rd day of November, 2015.

APPROVED by the Mayor this 3rd day of November, 2015.



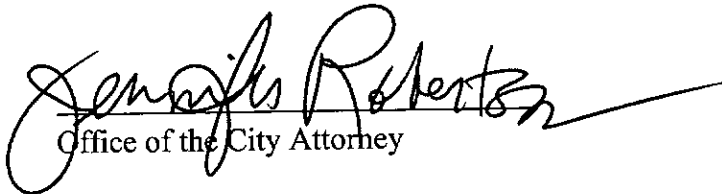
Bruce Hopkins, Mayor

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: _____

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