

Low Impact Development Principles Project



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Part 20.30D Planned Unit Development

20.30D.110 Scope.

This Part 20.30D establishes the procedure and criteria that the City will use in making a decision upon an application for a Planned Unit Development.

20.30D.115 Applicability.

- A. This part applies to each application for a Planned Unit Development.
- B. An applicant may submit an application for a Planned Unit Development for a residential or mixed residential and commercial use project.
- C. In no case may a Planned Unit Development include uses which are not permitted by the zoning of the subject property. For purposes of this Part 20.30D, however, a single-family dwelling as defined in LUC 20.50.016 includes dwellings attached by common walls, floors and ceilings.

20.30D.120 Purpose.

A Planned Unit Development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A Planned Unit Development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, protection of critical areas and critical area buffers, the use of low impact development techniques, conservation of energy, and efficient utilization of open space.

20.30D.150 Planned Unit Development plan – Decision criteria.

The City may approve or approve with modifications a Planned Unit Development plan if:

- A. The Planned Unit Development is consistent with the Comprehensive Plan; and
- B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
 - 1. Placement, type or reduced bulk of structures, or
 - 2. Interconnected usable open space, or
 - 3. Recreation facilities, or
 - 4. Other public facilities, or
 - 5. Conservation of natural features, vegetation and on-site soils, or
 - 6. Reduction in hard surfaces, or
 - 7. Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC, or

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- 8. Aesthetic features and harmonious design, or
- 9. Energy efficient site design or building features, or
- 10. Use of low impact development techniques; and
- C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and
- D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and
- E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and
- F. At least one major circulation point is functionally connected to a public right-of-way; and
- G. Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and
- H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- I. That part of a Planned Unit Development in a transition area meets the intent of the transition area requirements, Part 20.25B LUC, although the specific dimensional requirements of Part 20.25B LUC may be modified through the Planned Unit Development process; and
- J. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and
- K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and
- L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

20.30D.160 Planned Unit Development plan – Conservation feature and recreation space requirement.

A. General.

Within a Planned Unit Development including residential uses:

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1. Through the conservation design features included in subsection B of this section, the proposal must earn square footage credit totaling at least 40 percent of the gross land area, which includes any critical area or critical area buffer; and
 2. At least 10 percent of the gross land area, which includes any critical area or critical area buffer, of the subject property must be retained or developed as common recreation space as defined by LUC 20.50.044; provided, however, that the requirement for recreation space may be waived if the total of critical area and critical area buffer equals at least 40 percent of the gross land area; and
 3. Recreation space as required by subsection A.2 of this section may be included within non-critical area conservation design features required by subsection A.1 of this section if:
 - a. The common recreation space does not interfere with the purposes and functions of the conservation design feature; and
 - b. At least 20 percent of the gross land area is nonrecreation open space. Provided, however, that recreation space may not occur in a critical area or a critical area buffer; and
 4. The area of the site devoted to pedestrian trails shall not be included in the required common recreation space unless public trails are specifically required by the City; and
 5. An outdoor children's play area meeting the requirements of LUC 20.20.540 may be included in the above-described common recreation space requirement; and
 6. For mixed use projects, the required open and recreation space shall be designed to meet the needs of both the residential and commercial uses.
- B. Conservation Design Features.

To satisfy the requirements of subsection A of this section, a proposal shall include any combination of the following factors. The total square footage credit required in subsection A of this section is calculated by multiplying the square footage actually dedicated to the conservation design feature by the conservation factor set forth below. Where noted, certain conservation design features are not eligible to earn square footage credit unless the minimum size requirements are met. After the minimum size requirement is met, each square foot provided may be used to calculate the square footage credit earned by the feature.

Conservation Design Feature	Conservation Factor	Minimum Size of Retained Area Before Credit Earned
Critical area or areas placed in a tract (connection between isolated critical areas credited as corridor below)	1.0	
Preservation of Westside lowland conifer hardwood forest not already in critical area and/or preservation of	1.2	20,000 sq. ft.

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recommended forest habitat to protect species of local importance		
Designated wildlife corridor, trail or other essential connection set aside in a tract	1.2	
Critical area buffer increased by 15% or more and placed in tract	1.2	
Preservation of native soils and mature trees on required open space or combination of preservation with hydrologic enhancement (soil amendment and tree such that vegetative areas are connected to soil below)	1.1	10,000 sq. ft. canopy cover or amended and planted area
Site area set aside in separate tract to achieve bio-retention and runoff dispersion to natural areas or to soil layer below; e.g., community rain garden, downspout dispersion or similar LID techniques. Must serve more than one residence.	1.1	5,000 sq. ft. reserved for rain garden or dispersion
Landscaped or grass open space in separate tract for active or passive recreation but only partially connected to soil below	1.0	2,500 sq. ft. contiguous area
Paved but pervious open space; e.g., court yards and similar facilities	1.0	1,500 sq. ft.
Impervious paved court yards and similar facilities that meet minimum definition of open space	1.0	2,500 sq. ft.
Built Green certification for green communities	1.0	200 points earned under Built Green's "Site Design Criteria." For sites with critical areas, proposal must achieve all of the available points from the open space and habitat preservation sections as part of the total 200 points

C. Maintenance.

In appropriate circumstances the City may require a reasonable performance or maintenance assurance device in conformance with LUC 20.40.490 to assure the retention and continued

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maintenance of all open and recreation space or conservation design feature in conformance with the Land Use Code and the Planned Unit Development plan approval.

20.30D.165 Planned Unit Development plan – Request for modification of zoning requirements.

The applicant may request a modification of the requirements and standards of the Land Use Code as follows:

A. Density and Floor Area Ratio (FAR).

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district or the maximum FAR (see general dimensional requirements contained in LUC 20.20.010, and district-specific requirements contained in Chapter 20.25 LUC.
2. Bonus Decision Criteria. The City may approve a bonus in the number of dwelling units allowed by no more than 10 percent over the base density for proposals complying with this subsection A.2. Base density shall be determined on sites with critical areas or critical area buffers pursuant to LUC 20.25H.045. Base density on all other sites shall be determined based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less. The bonus allowed by this section may be approved only if:
 - a. The design of the development offsets the impact of the increase in density; and
 - b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.
3. Senior Citizen Dwelling. An additional 10 percent density bonus may be approved for senior citizen dwellings if the criteria in subsection A.2 of this section are met and if the average dwelling unit size does not exceed 600 square feet.

B. Height.

The applicant may request a modification of height from that allowed by the land use district, provided topography and arrangement of structures does not unreasonably impair primary scenic views (e.g., mountains, lakes, unique skylines) of the surrounding area, as compared to lot-by-lot development. Proposals earning bonus density pursuant to this section or LUC 20.30D.167 may only receive an increase in height if the requirements of subsection A.2 of this section are met, considering the impact of increased height.

C. Zero Lot Line. This is a configuration where the house and/or garage is built up to one of the side lot lines, providing the opportunity for more usable space in the opposing side yard.

1. General. The applicant may request a reduction in the required side setback from that required by the land use district and district specific requirements. Zero lot line setbacks are not permitted for side yards along the perimeter of the PUD.

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2. Setback Reduction Decision Criteria. The City may approve a reduction in the setback of up to one side setback. The reduction in side setback shall be approved only if:
 - a. The opposing side setback shall be at least 10 feet.
 - b. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along the zero lot line wall, except for windows that do not allow for visibility into the side yard of the adjacent lot.

D. Other.

The City may approve a modification of any provision of the Land Use Code, except as provided in LUC 20.30D.170, if the resulting site development complies with the criteria of this part.

20.30D.167 Planned Unit Development – Additional bonus density for large-parcel projects.

A. Purpose.

The City desires to offer incentives to property owners to develop multi-unit residential projects with site features and site designs that minimize impacts to critical area functions and values. Many of these techniques are new, and their effectiveness is uncertain. The City desires additional information about the impact of these design techniques and features, to determine the appropriate amount of density bonus and other incentives to offer for their use, and to determine what, if any, design features are required to offset the impact of the increased density. The projects allowed under this section are mechanisms to allow the City to gather such information prior to making additional density available to all projects.

B. Eligible Sites.

Projects will only be authorized on sites of five acres or more.

C. Applicable Procedure.

A project will be approved as part of the PUD approval for the underlying proposal.

D. Additional Bonus.

The City may authorize additional bonus density, up to 30 percent of the base density, for proposals including additional conservation design features above the amount required in LUC 20.30D.160.A. Base density shall be determined on sites with critical areas or critical area buffers pursuant to LUC 20.25H.045. Base density on all other sites shall be determined based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less. Bonus density shall be based on the square footage credit earned divided by the minimum lot size of the underlying land use district. Bonus density may be approved only if the proposal meets the criteria of LUC 20.30D.165.A.2.a and A.2.b.

20.30D.170 Planned Unit Development plan – Limitation on authority to modify zoning.

The following provisions of the Land Use Code may not be modified pursuant to LUC 20.30D.165:

- A. Any provision of this Part 20.30D, Planned Unit Development; or

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- B. Any provision of LUC 20.10.440, Land Use Chart, and district-specific requirements contained in Chapter 20.25 LUC, except where district-specific requirements would prohibit Zero Lot-Line development, as provided for in section 20.30D.165.C (Zero Lot-Line); or
- C. Any provision of Part 20.25E LUC, the Shoreline Overlay District; however, requests for modifications to the requirements of Part 20.25E LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development; or
- D. Any provision of the Land Use Code which specifically states that it is not subject to modification; or
- E. The procedural, enforcement and administrative provisions of the Land Use Code or any other applicable City Code; or
- F. Any provision of Part 20.25H LUC, the Critical Areas Overlay District, except as specifically provided for in that part; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development.

20.30D.175 Planned Unit Development plan – Authorized activity.

Following approval of the Planned Unit Development plan, the applicant may begin any work that is specifically authorized in the Planned Unit Development approval and is not prohibited by any other applicable regulation. No other work may be done until the final development plan is approved.

20.30D.195 Planned Unit Development plan – Merger with subdivision.

- A. General.
The applicant may request that the City process a preliminary plat in conjunction with a Planned Unit Development plan. Platting is required for all projects which involve or contemplate the subdivision of land.
- B. Procedure.
The City may review and decide upon a preliminary plat at the same hearing as the preliminary development plan to the extent allowed by such procedures.
- C. Plat Requirements.
The preliminary plat must comply with the procedures, standards and criteria of Chapters 20.45A and 20.45B LUC and must conform to the Planned Unit Development plan.

20.30D.200 Planned Unit Development plan – Effect of approval.

- A. Recording Required.
The approval of the Planned Unit Development plan constitutes the City's acceptance of the general project, including its density, intensity, arrangement and design. Upon final Planned Unit Development approval that is not merged with a subdivision, the Development Services Department will forward an approved Planned Unit Development to the King County Department of Records and Elections for recording. No administrative approval of a Planned

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Unit Development is deemed final until the Planned Unit Development is recorded and proof of recording is received by the Development Services Department. See Chapter 20.45 LUC for recording requirements of Planned Unit Developments merged with subdivisions.

B. Planned Unit Development in the Critical Area Overlay District.

Where a Planned Unit Development within the Critical Area Overlay District is not merged with a subdivision, the Planned Unit Development recorded under this section shall have designated on the face of the final document a Native Growth Protection Easement(s) (NGPE). The NGPE(s) shall contain all critical areas, critical area buffers, and retained significant trees. The final Planned Unit Development shall contain the following restrictions for use, development and disturbance of the NGPE in a format approved by the City Attorney:

1. An assurance that: the NGPE will be kept free from all development and disturbance except where allowed or required for habitat improvement projects, vegetation management, and new or expanded city parks pursuant to LUC 20.25H.055; and that native vegetation, existing topography, and other natural features will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat;
2. The right of the City of Bellevue to enter the property to investigate the condition of the NGPE upon reasonable notice;
3. The right of the City of Bellevue to enforce the terms of the NGPE; and
4. A management plan for the NGPE designating future management responsibility.

20.30D.250 Planned Unit Development plan – Phased development.

If developed in phases, each phase of an approved Planned Unit Development must contain the required number of parking spaces, the required open space, recreation space, landscaping, and utility areas necessary to create a desirable and stable environment pending completion of the total Planned Unit Development as approved. Each phase must also contain any of the approved conservation factor project design features necessary to support bonus density constructed in that phase.

20.30D.255 Planned Unit Development plan – Map designation.

A. General.

Upon approval of the development plan the City will place the file number of the Planned Unit Development on the location of the subject property on the City of Bellevue Zoning Map.

B. Effect.

Redevelopment of property for which a Planned Unit Development has been approved must be consistent with the Planned Unit Development plan and any amendments to that plan.

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20.30D.280 Merger with Binding Site Plan.

A. General.

The applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Survey and Recording Required.

If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.

C. Effect of Binding Site Plan.

Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law.

20.30D.285 Amendment of an approved Planned Unit Development.

- A.** There are three ways to modify or add to an approved Planned Unit Development: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.
- B.** Except as provided in subsections C and D of this section, modification of a previously approved Planned Unit Development shall be treated as a new application.
- C.** Land Use Exemption for a Planned Unit Development.

The Director may determine that a modification to a previously approved Planned Unit Development is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

- 1. The change is necessary because of natural features of the subject property; and
- 2. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and
- 3. The change will not have the effect of increasing the density of the Planned Unit Development; and
- 4. The change will not add square footage that is more than 20 percent of the existing gross square footage of the Planned Unit Development; and
- 5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage of the Planned Unit Development; and
- 6. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
- 7. The change will not reduce any approved setback by more than 10 percent; and

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8. The change will not result in a significant increase in the height of any structure; and
 9. The change does not result in any significant adverse impacts beyond the site.
- D. Administrative Amendment of Planned Unit Development.
- The Director may approve modifications to an approved Planned Unit Development as an administrative amendment subject to the procedures set forth in LUC 20.35.200 et seq., if the following criteria are met:
1. The amendment maintains the design intent or purpose of the original approval; and
 2. The amendment maintains the quality of design or product established by the original approval; and
 3. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property.
- E. The Director may impose conditions upon any administrative amendment to ensure the proposal complies with the decision criteria and the purpose and intent of the original approval.