

ORDINANCE NUMBER 89-06

**INTERIM MASON COUNTY ZONING CODE AMENDMENT FOR
THE ALLYN URBAN GROWTH AREA**

AN ORDINANCE amending interim Mason County development regulations and zoning map, Mason County Code Chapters 17.10 to 17.17, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Allyn Community Association had prepared the draft zoning code over a period of nine months, worked on it with county staff, advertised it locally, distributed it to the community, held a workshop on it attended by at least 25 citizens, and approved it at public meetings;

WHEREAS, the Allyn Community Association submitted the zoning code proposal to the Board on April 13, 2004, by a letter urging prompt action by the county;

WHEREAS, the zoning code divides the urban area into a number of districts (residential, commercial, and industrial) and set standards for those areas in order to guide the growth of Allyn consistent with the community vision for Allyn, which is adopted in the Mason County Comprehensive Plan;

WHEREAS, the zoning code advances a number of public purposes as stated in the code in various sections titled "purpose" and relevant to the code as a whole and the individual chapters and zoning districts;

WHEREAS, a zoning plan is necessary for planning for the capital improvements necessary to provide for urban growth as the zoning plan provides for substantial more predictability for the demand for services and improvements, and the existing regulations did not provide this guidance;

WHEREAS, the proposed amendment will facilitate more creative development proposals than the present interim code allows, and promote and encourage flexibility in design, a more efficient and desirable use of land, and greater preservation of open space;

WHEREAS, the Mason County Planning Advisory Commission held a public hearing on June 19, 2006, to get comment on and consider this issue;

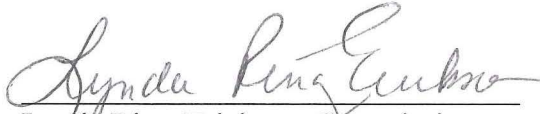
WHEREAS, the Mason County Board of Commissioners held a public hearing on August 22, 2006, to amend the interim code, and to get comment on and consider this issue; and

WHEREAS, the interim regulations would remain in effect to allow time for additional detailed planning for the urban area and revised regulations based on that work.

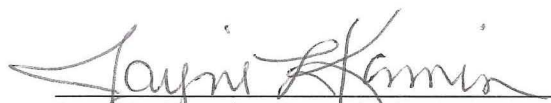
NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends the Allyn Urban Growth Area Interim Zoning Code with the addition of Chapter 17.11.700, and the Allyn Urban Growth Area Zoning Map dated June 2006, as interim Ordinance No. 60-04 as amended, effective until December 31, 2006.

DATED this 22nd day of August 2006.

Board of Commissioners
Mason County, Washington


Lynda Ring-Erickson, Commissioner

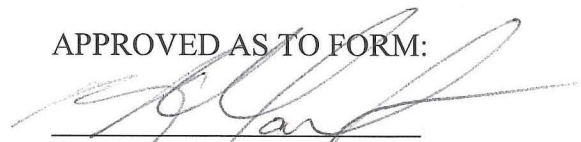

Tim Sheldon, Commissioner


Jayni L. Kamin, Commissioner

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Deputy Prosecuting Attorney

17.11.700

"PD"- PLANNED DEVELOPMENT OVERLAY DISTRICT

Sections:

17.11.710 Purpose: The intent of the Planned Development (PD) Overlay Zoning District is to encourage creative, imaginative new development that would not otherwise be allowed under the strict application of this title. Specifically, it is the purpose of this chapter to:

1. Encourage flexibility in design and development that will result in a more efficient and desirable use of land and greater preservation of open space;
2. Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, off-street parking areas, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape;
3. Provide for maximum efficiency in layout of streets, utility networks, and other public improvements;
4. Produce an integrated or balanced development of supportive uses that might otherwise be inharmonious or incongruous; and
5. Provide a guide for developers and county officials who review and approve developments meeting the standards and purposes of this chapter.
6. Encourage the use of Low Impact Development (LID) practices to reduce stormwater runoff, and promote the use of credits or incentives to achieve this purpose.

17.11.720 Overlay Zoning District: Planned development, approved in accordance with the procedures of this chapter, shall be an overlay zone and the uses are limited to those which are allowed in the underlying zoning district. ~~Planned developments shall be required where this overlay zone appears on the Allyn Urban Growth Area (UGA) Zoning Map.~~ Planned developments are also permitted in all zoning districts within the Allyn UGA except Public Open Space (POS), Highway Commercial (HC), Commercial Manufacturing (CM) and the Residential – Platted District (R-1P). The approval of a planned development shall modify and supersede the regulations of the underlying zoning district, except in the case of allowable residential density and uses, and the specific design standards within Mason County Code Title 16, Plats and Subdivisions. Where the PD Overlay Zoning District is shown on the Allyn UGA Zoning Map, use of a PD is required pursuant to this chapter.

17.11.730 Development Standards: The following standards shall govern the interpretation and administration of this section:

1. Relationship of PD Site to Adjacent Areas. The design of a planned development shall take into account the relationship of the site to the surrounding areas. The perimeter of the PD shall be so designed as to minimize undesirable impact of the PD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PD.
2. Site Acreage Minimum. The minimum site shall be one acre.
3. Minimum Lot Size. The minimum lot size provisions of other sections of the Zoning Ordinance are waived in a planned development.
4. Density. In a PD, the density allowed within the underlying zoning district shall determine the dwelling unit density of the PD.
5. Maximum Coverage. Building coverage and development of the site shall not exceed the percentage permitted by the underlying zone.
6. Landscaping Required. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the Hearing Examiner. Natural landscape features which are to be preserved, such as existing trees, drainage ways, rock out-croppings, etc., may be included as part of the required setback buffer and landscaping.
7. Setback and Side Yard Requirements:
 - a. Building and parking setbacks along the exterior boundary line of the PD area shall meet the required setbacks within the underlying zoning district, or, if the abutting properties are

undeveloped, a reduction of up to 20 percent of the minimum required setback is allowed. In no event shall such setbacks be less than five feet.

b. Setbacks or Side Yards between Buildings. The standard setbacks and yard requirements between buildings may be waived in a PD. Buildings may have common walls and, therefore, built to the property line as in townhouse construction. Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings.

8. Off-Street Parking. Off-street parking shall be provided in a PD in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 17.10 to 17.17.

9. Commercial developments are subject to Binding Site Plan Review procedures as described in the Mason County Development Regulation 1.03.031.

17.11.740 Open Space Standards: The following standards shall govern the interpretation of this section:

1. Common Open Space. Each planned development shall dedicate not less than twenty percent of the gross land area for common open space for the use of its residents.

2. Location.

a. The area proposed for open space shall be within the PD and within reasonable walking distance of all dwelling units in the PD.

b. Where practical, the proposed dedicated open space shall be located adjacent to other established or planned park and recreational areas in adjacent developments, schools, or county parks; provided, that such dedication would increase the overall benefit to the residents of the subject PD and conform to other criteria in the section.

3. Access.

a. All dwelling units within the PD must be provided legal access to the proposed area for dedication. Private or common access roads, trees or other landscaping may separate the area proposed for dedication. However, access should not be blocked by major obstacles such as State Routes, arterial roads, or canyons and/or ravines where pedestrian trails cannot be established.

b. Areas dedicated for active recreational open space shall have reasonable access from street frontages. Design measures should accomplish the purposes of access and security.

4. Types of Open Space.

a. Land dedicated for open space should be usable for either (i) greenbelts that serve as a buffer, using native vegetation, or an aesthetic amenity such as boulevard trees; (ii) active or passive recreational activities; or (iii) for protecting environmentally sensitive areas such as wetlands.

b. Except as provided in subsection (4)(c) or (d) below, thirty percent of the dedicated open space area shall be suitable for active recreation. The topography, soils, hydrology, and other physical characteristics of the area proposed for active recreation shall be of such quality as to provide a dry, obstacle-free space in a configuration which is suitable for active recreation.

c. The percentage of active recreational areas may be increased to as high as fifty percent to meet anticipated recreational needs.

d. The percentage of active recreational area may be decreased to as low as zero if it is determined that: (i) inclusion of buffers or environmentally sensitive lands such as wetlands would better meet the open space needs of the residents of the subdivision; or (ii) meeting the standard would require detrimental grading or other disturbance of the natural setting.

5. Structures. Common open space may contain complimentary structures, such as a gazebo or maintenance equipment shed, and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PD, provided that the building coverage of such building or structure combined with the building coverage of the residential structures shall not exceed the maximum permitted by the underlying zoning district.

7. Implementation.

a. The area proposed for open space shall be dedicated in common to the lot owners within the plat or to a lot owner's association. Maintenance and operation of the dedicated open space shall be the responsibility of the lot owners.

b. The county may choose to accept dedication, maintenance and operation responsibilities when the area to be dedicated is either one or a combination of the following:

- i. Greater than ten acres;
 - ii. Adjacent to an established or future parks or school grounds;
 - iii. Is an access to a body of water greater than three acres in size;
 - iv. Is an environmentally sensitive area;
 - v. If the county feels it is in the public interest to accept dedications.
- c. The dedication shall be identified on the PD.
- 8. Improvements. The removal of septic systems, and abandoned cars, construction debris, and other forms of solid waste within the area proposed for dedication shall be required prior to final approval of the PD.
- 9. Stormwater Detention Facilities. Stormwater detention ponds may be allowed by the county as part of dedicated open space subject to the following criteria:
 - a. The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e., no standing water may be left) unless the pond is designed as an aesthetic amenity.
 - b. The side slope of the detention pond shall not exceed thirty-three percent unless slopes are existing, natural and covered with vegetation.
 - c. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition.
 - d. The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected.
 - e. Use of a dedicated open space area for stormwater detention shall not be acceptable if the detention area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather.
 - f. In the case of joint use of open space for detention and recreation, the lot owners or owners' association shall be responsible for maintenance of the detention facilities.
- 10. Rights and Duties. The owners of open space shall have the following rights which may be exercised in respect of such land, subject to restrictive covenants or other restrictions:
 - a. The right to locate recreational facilities, such as tennis courts, swimming pools, picnic tables, and fireplaces accessory to picnic tables designed to be used exclusively for the use of residents of the development and their guests;
 - b. The right to locate pedestrian paths, bicycle paths and bridle paths;
 - c. The right to take whatever measures are reasonably necessary to protect and maintain such land, or land or property adjacent thereto, or to correct a hazardous condition posing a threat to life or limb;
 - d. The right to conduct agricultural activities, including the selective harvesting of mature trees;
 - e. The right to regulate access to or entry on the open space land and duty to maintain such land.

17.11.750 Procedure for initiation--Application--Fee.

Planned development projects may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as agent for an owner or group of owners. Such application shall be made on the forms provided by the department, together with a filing fee as established by resolution of the Board of County Commissioners.

17.11.760 Application--Supporting documentation.

An application for a planned development shall include the information provided in Section 16.16.040 and 16.16.050.

At a minimum, the following items shall be submitted in a written statement:

- 1. The acreage contained within the proposed planned development; the total number of dwelling units being proposed; and the average number of dwelling units per acre of land;
- 2. The number and acreage of each type of dwelling units proposed;
- 3. The acreage of open space to be contained in the planned development and the percentage it represents of the total area;
- 4. The total acreage of each type of nonresidential use, including the approximate floor area and type of commercial and industrial uses;

17.11.770 Public hearing--Criteria for decision.

The application for a planned development shall be heard before the hearing examiner in accordance with the procedures in Title 15. The hearing examiner's decision to approve or deny the development shall be based on at least, but not limited to, the following criteria:

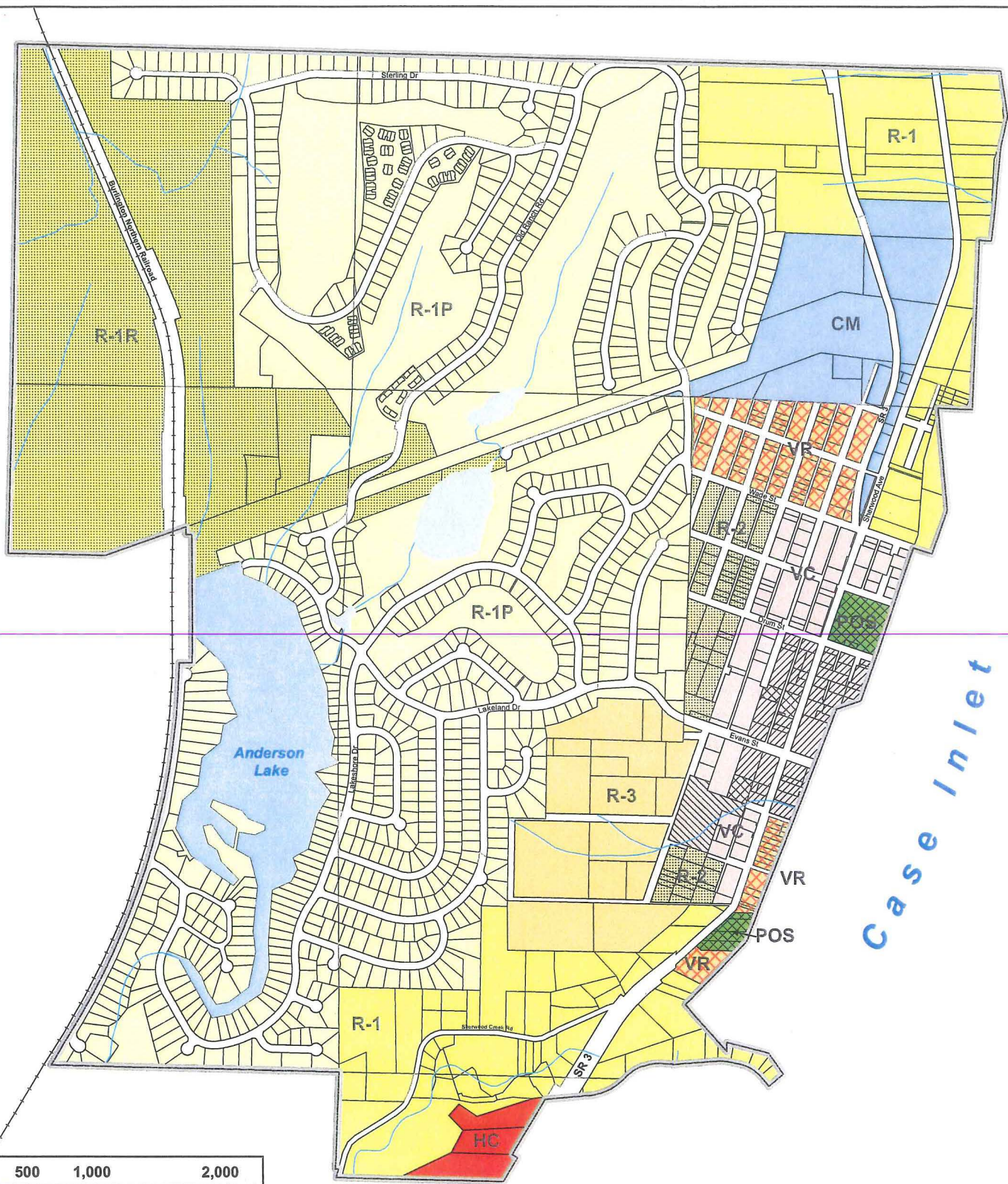
1. Substantial conformance to the Adopted Allyn UGA Plan;
2. The proposal's compatibility with the surrounding area or its potential future use; and
3. The proposal shall be designed to minimize impacts on adjacent properties and, conversely, to minimize impacts of adjacent land use and development on the proposal.

17.11.780 Appeal.

The decision of the hearing examiner shall be final unless appealed in accordance with the provisions of Title 15.

17.11.790 Implementation.

1. Building permits and other permits required for the construction or development of property under the provisions of this chapter shall be issued only when the work to be performed meets the requirements of the approved planned development.
2. Amendments to the approved planned development. The hearings examiner may allow changes to the approved planned development provided the changes are consistent with all applicable county plans and policies. Such changes shall be considered pursuant to the procedures provided in Title 15.
3. Minor Administrative Alterations. Once a PD has been reviewed and approved by the hearings examiner, it shall not be altered unless approved by the Community Development Director or his/her designee upon a ~~determination that the alteration is not substantial enough to constitute a change to the approved planned development.~~



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Legend

	Allyn UGA Boundary		POS - Public Open Space
Zoning Overlay Districts			
	MHP - Mobile Home Overlay		R-1 - Single Family Residential
	PF - Public Facility Overlay		R-1P - Residential Platted
	T - Tourist Commercial Overlay		R-1R - Residential Recreational
	No Zoning or Outside UGA		R-2 - Multi Family Medium Density Residential
	CM - Commercial Manufacturing		R-3 - Multi Family High Density Residential
	HC - Highway Commercial		VC - Village Commercial
			VR - Village Residential

Allyn Urban Growth Area Interim Zoning Map

Revised June of 2006

Produced By: Mason County Public Works GIS Department
Project File: Allyn-Zoning_Final-Map.mxd
Publication Date: 6/08/06

Map Data Sources:

Hydrology is from the WA Dept. of Natural Resources. Zoning information comes from the Mason County Planning Department. Parcel boundaries and Road Names come from Mason County Public Works.

This map was produced using ArcGIS 9.1