

Appendix D

Section 18.110.050 of Maple Valley Municipal Code

related to proposed future construction. For variance approvals that do not require a Building Permit, the variance must be recorded with the King County Assessor's Department within 60 days following the City's final action. Compliance with any conditions of a variance approval is the responsibility of the current owner of the property, whether that is the original applicant or a successor. (Ord. O-99-109 § 1).

18.110.050 Multiple Use Master Permits.

A. Purpose.

1. This chapter sets forth the procedure and decision criteria for review of applications for "Multiple Use" Master Permits within the "Multiple Use" zone. A "Multiple Use" Master Permit is the mechanism by which the City encourages and reviews the comprehensive development of land that contains multiple use types and phases of development, may gather input through an open record hearing, and may place special conditions on the use or development of land.

2. The "Multiple Use" zone is intended to encourage the comprehensive development of land as a single unit while allowing phased development. The "Multiple Use" zoning provides greater flexibility and, consequently, more creative and imaginative design than generally is possible under conventional zoning regulations. A mixed-use development within the "Multiple Use" zone promotes economical and efficient use of the land by providing coordination of necessary infrastructure, site amenities, and protection of natural systems.

B. Applicability. The provisions of this chapter apply to all "Multiple Use" Master Permit applications within the "Multiple Use" zone.

C. Procedure – Multiple Use Master Permits. The City Council may approve, approve with conditions, or deny "Multiple Use" Master Permits using Process 4 under the circumstances set forth in this chapter.

D. Uses.

1. Land Use Area Mix Requirements. Development or redevelopment of land in "Multiple Use" zones shall contain a mix of

land use types. Land use proportion calculations are based upon the ground floor land use across the entirety of the master permit area. Land use area mix requirements are as follows:

a. Residential uses: Minimum of 20 percent of the land area, up to a maximum of 35 percent of the land area;

b. Commercial uses: Minimum of 30 percent of the land area, up to a maximum of 40 percent of the land area; provided, that a maximum of 50 percent of the land area may be developed as commercial uses, if at least 10 percent of the land area is developed as office uses;

c. Business Park uses: Maximum of 15 percent of the land area;

d. Community services and open space uses: Minimum of 15 percent of land area, with open space comprising no less than 15 percent of the land area.

2. Permitted Residential Density.

a. Residential Land Area. Land area planned for residential use may be developed at up to 12 units per acre.

b. Commercial, Business Park, and Community Services Land Area. Land area planned for commercial, Business Park, or community services uses may be developed with residential use above or within the same structures as those uses up to a density of 12 units per acre. Additional units may be constructed up to a total of 16 units per acre if the transfer of density option is utilized.

3. Transfer of Density.

a. Transfer of density from land planned for open space uses shall be at a rate of four units per acre. Land qualifying for such transfer must be in separate open space tracts and shall be designated for permanent open space. Trails through land designated for other use, or isolated open areas such as pedestrian plazas fully integrated in other use areas shall not qualify for transfer of density.

b. Transfer of density from land planned for community services uses that do not also accommodate residential uses in a mixed use building shall be at the rate of four units per acre.

E. Development Standards.

1. Commercial Uses.

a. Commercial uses are limited to those specifically identified in the MU column of the table in MVMC 18.30.040(A).

b. The gross leasable floor area of commercial uses above the first floor of any mixed use building may be a maximum of 30 percent retail uses.

2. Business Park Uses. Business Park uses, including light manufacturing uses, are allowed. For the purposes of this chapter, limited light manufacturing means the creation, assembly and/or packaging for redistribution or resale of goods routinely associated with the permitted use. Such light manufacturing uses will not produce excessive noise, dust, odors, light and glare, heavy vehicular traffic, or contaminants released to the environment.

3. Residential Uses. Residential uses are permitted including single-family detached, single-family attached, apartment/condominium, or townhouse units. Residential or open space uses must be provided along common property lines with existing single-family development, except when there is separation by an intervening right-of-way, public thoroughfare, utility corridor, trail, etc., of at least 45 feet in width. Appropriate residential type and density within these "Multiple Use" zoned areas shall be determined on a case-by-case basis.

4. Affordable Housing. Affordable housing within the context of the applicable Comprehensive Plan goals and policies must be provided.

5. Mixed Use Buildings. Vertical integration of uses in a multiple storied building is considered mixed use for the purposes of this chapter. Horizontal mixing of uses on the ground floor of a building is also considered mixed use. The term "use" refers to the broad categories of land uses in the use charts, as well as distinctly different types of uses in the same category. For instance "office" and "retail" are both commercial uses that may be an appropriate combination for a mixed use building.

6. Open Space.

a. All critical areas and associated required buffers in separate tracts are considered open space.

b. Trails separated from streets in a minimum 15-foot wide easement or tract are considered open space for the purposes of calculating the minimum land area requirement, but may not be eligible for transfer of density.

c. Storm water detention tracts suitable for recreation purposes are considered open space if the tract meets the criteria of MVMC 18.40.080.

d. Yard areas associated with individual residential units are not considered open space for the purpose of land area calculation.

e. Perimeter landscape buffers in separate tracts are considered open space if the tract is a minimum of 20 feet in width.

f. Landscaping internal commercial areas is not considered open space.

7. Modification of Zoning Standards.

a. Perimeter and Street Setbacks. Perimeter and street setbacks may be modified from the zoning requirements to allow for creative site design that meets the intent of developing a pedestrian-friendly environment.

b. Other Dimensional Standards. The applicant may request modification of standards contained in the development regulations, provided such modifications shall be applicable only to the area of the site not within 50 feet of the site perimeter boundary. Such modification is limited to interior areas of the site, and is primarily for the purpose of allowing flexibility between internal lot divisions, parcel dimensions and individual lot standards. Height limitations may be modified only for specific design elements such as entry locations, observation decks, clock towers and similar architectural features. An increase of height for general floor area is allowed under this provision only through the amenity incentive system.

c. Amenity Incentive System. The applicant may request modification to maximum building height and individual retail use footprint size through the amenity incentive

system in accordance with the amenity incentive system chart.

d. Amenity Incentives System Chart. The amenity incentive system chart describes the development bonuses offered by the City for specific amenities from which the general public would derive a long-term benefit. Both height bonus and footprint bonus may be awarded for the satisfactory design of an ame-

nity. The "Height" incentive is the additional building height above the maximum allowed height for the building to which the amenity is related. The "Footprint" incentive is the additional number of square feet for an individual retail use above the maximum allowed footprint for that use.

AMENITY	AMENITY INCENTIVE		DESIGN CRITERIA
	HEIGHT	FOOTPRINT	
Underbuilding parking	5 feet 8 feet 10 feet	3,000 square feet 4,000 square feet 5,000 square feet	Incentive is offered in a graduated scale according to the percentage of the parking requirements placed underground: 1. 30% 2. 40% 3. 50%
Structured above-ground parking	10 feet	5,000 square feet	1. Parking must accommodate at least 50% of the parking requirements of the building's users. 2. Ground floor street frontage of a parking structure must be retail.
Residential use in a mixed use building	10 feet		1. Ground floor street frontage must be retail, except for residential lobby. 2. Residential use must comprise at least 50% of the gross floor area of a mixed use building.
Theater	10 feet	5,000 square feet	Bonus only offered for a theater in a mixed use building.
Administrative office	10 feet		1. Office use must comprise at least 50% of the gross floor area of a mixed use building. 2. At least 50% of the office parking spaces are under the building or above ground in a structure.
Hotel/motel	10 feet		1. Ground floor street frontage must be at least 50% retail use. 2. At least 50% of the hotel/motel parking spaces are under the building or in a structure.
Public meeting rooms or performing arts auditorium		1 square foot of retail space for each square foot of public meeting room space, up to 5,000 square feet of bonus.	May include a fixed seat auditorium or a multipurpose meeting facility. Must provide seating for at least 50 persons. May be operated under a reservation or nominal fee system.
Child care services		1 square foot of retail space for each square foot of child care space, up to 5,000 square feet of bonus.	Child care must be located within a mixed use building on the site, not necessarily attached to the retail space receiving credit.

AMENITY	AMENITY INCENTIVE		DESIGN CRITERIA
	HEIGHT	FOOTPRINT	
Sit-down restaurant		1 square foot of retail space per square foot of restaurant space, up to 5,000 square feet of bonus.	Restaurant must be incorporated within a mixed use building on the site, not necessarily attached to the retail space receiving credit.
Pedestrian oriented frontage – small scale retail spaces accessible from the adjacent sidewalk		1 square foot of retail space per square foot of pedestrian oriented frontage, up to 5,000 square feet of bonus.	Pedestrian oriented frontage will wrap around the exterior of a large retail space, creating the streetscape appearance and function of several smaller shops.
Pedestrian plaza	1 foot height bonus per 1,000 square feet of plaza for building on the north side of the plaza, up to 5 feet.	1 square foot of retail space per square foot of plaza, up to 1,000 square feet of bonus.	Generally hard surface public open space, with trees, benches, water features, etc.
Enclosed plaza	1 foot height bonus per 1,000 square feet of enclosed plaza, up to 5 feet of height bonus.	1 square foot of retail space per square foot, up to 2,000 square feet of bonus.	<ol style="list-style-type: none"> 1. Accessible to the public at least during normal business hours. 2. Readily accessible from a sidewalk. 3. Coordinated with pedestrian oriented frontage. 4. Design to admit substantial amounts of natural lighting.
Landscape area	1 foot height bonus per 5,000 square feet of landscaping, up to 5 feet of height bonus.	1 square foot of retail space per square foot, up to 2,000 square feet of bonus.	In addition to any landscape requirement of Maple Valley Development Regulations.
Sculpture or artwork	1 foot height bonus per \$1,000 appraised value, up to 5 feet of bonus.	10 square feet of retail space per \$100 appraised value, up to 5,000 square feet of bonus.	Displayed in a pedestrian plaza or landscape area and near the main pedestrian entrance to a building.
Water feature	1 foot height bonus per \$1,000 appraised value or actual construction cost, up to 5 feet of bonus.	10 square feet of retail space per \$100 appraised value or actual construction cost, up to 5,000 square feet of bonus.	Located in a pedestrian plaza or landscape area and visible at the main pedestrian access to a building.
Donation of park property	1 foot of height bonus per 10,000 square feet of park, up to 5 feet of bonus.	1 square foot of retail space per square foot of park land dedicated without restriction to the City, up to 5,000 square feet of bonus.	In addition to any park or open space requirement of Maple Valley Development Regulations.
Active outdoor public recreation	1 foot height bonus per 10,000 square feet of active public recreation, up to 5 feet of bonus.	1 square foot of retail space per square foot of park land developed for active outdoor public recreation purposes, up to 5,000 square feet of bonus.	Soccer fields, softball/baseball diamonds, tennis courts, and the like. Must be available for public use but may be operated under a reservation or nominal fee system.

e. Recording. The total amount of bonus building height and retail use footprint earned through the amenity incentive system must be recorded with the King County Division of Records and Elections, and filed with the Maple Valley Department of Community Development.

8. Plan Requirements. A "multiple use" development must include the following elements designed to meet or exceed City of Maple Valley Development Regulations:

a. A circulation system that supports the entire proposed development, and connects to surrounding properties. An internal road, bicycle and pedestrian design plan will provide design elements and standards to establish consistency of design elements throughout the development and between phases of development.

b. Public sanitary sewer infrastructure for the entire proposed development. The sanitary sewer system may be constructed in phases, upon approval of the local utility provider.

c. Domestic water infrastructure for the entire proposed development. The water system may be constructed in phases, upon approval of the local utility provider. Each phase of construction must provide adequate pressure and flow for safety requirements for the first phase as required by the Uniform Fire Code.

d. Storm water management infrastructure designed for the entire site concept. Phased installation is permissible, upon approval of the City.

e. A conceptual grading plan for the entire development to support the conceptual road, trail and site utility engineering plans.

f. Clearing and grading of the site must coordinate with development of structures. Mass grading and clearing is limited to the extent necessary to develop each phase.

g. A critical area management plan to address the type and extent of critical areas surveyed on the site.

h. A landscape design plan setting forth the design principles for the landscape elements for the entire development. This plan will establish consistency of design elements

throughout the development and between phases of development and address the functional intent of spaces, materials, and standards. Landscaping may be constructed in phases.

i. An architectural design plan for the entire development to set forth the design intent, building scale and mass, style elements, material selections, colors, and standards necessary to establish compatibility of building design throughout the development and between phases of development.

j. A signage and lighting plan for the entire development to set forth the design standards for lighting, and specific design guidelines for signage.

9. Phasing. Development proposed in each phase must be supported by the following:

a. Adequate pedestrian, bicycle and vehicular circulation to provide permanent facilities within the development phase, any permanent facilities off site necessary to mitigate impacts for the phase, and temporary pedestrian and bicycle facilities through other phases to off-site connection locations.

b. Public sanitary sewer service to the phase and connections to other phases adequate to support future phases, upon approval of the local utility provider.

c. Domestic water and adequate fire flow, upon approval of the local utility provider.

d. Storm water management system.

e. Designation and protection of critical areas.

f. Open space landscaping and screening needed for the phase, including off-site elements needed to mitigate impacts.

F. Development Controls and Maintenance Requirements. Provide adequate and enforceable conditions, covenants and restrictions recorded on the property to enforce special design and site requirements for development imposed by approval of a "multiple use" master plan, and to assure maintenance of commonly owned areas, features and amenities.

G. Merger of Subdivision Requirements, Consolidated Review and Procedure. Preliminary subdivision of land, Conditional Use Per-

mit review, binding site plan, and design review may be merged and a consolidated report and hearing held on the proposal. No additional hearings or separate approvals contingent on approval of the "multiple use" master plan approval are required if processed as a consolidated review. The Director determines whether to process merged land use applications together or separately, thereby requiring phased review. The Director's decision is based on consideration of the complexity of the proposal, level of potential for changes to the proposal due to the conceptual nature of a proposal, and whether permit review can be accomplished more efficiently through phased review.

H. Decision Criteria – Multiple Use Master Permit. The Council may approve or approve with conditions a "Multiple Use" Master Permit only when all the following criteria are met. If no reasonable conditions or modifications can be imposed to ensure the application meets each of the criteria, then the application shall be denied.

1. The proposal is an efficient use of the land providing an appropriate mix of land uses, site amenities, open space, and protection of critical areas; and

2. The proposal clearly demonstrates superior site design by incorporating the following:

a. Provisions for public facilities or amenities; and

b. Innovative site design that complies with the standards of this chapter; and

c. Preservation of critical areas and significant natural features of the site; and

d. Placement of buildings, streets, pedestrian facilities and other design elements of the site to minimize impervious surfacing, grading, and alteration of natural features of the site; and

e. Provision of a complete network of pedestrian and bicycle (nonmotorized) facilities that connect to the community and regional facilities in the area; and

3. The proposal is consistent with the Comprehensive Plan; and

4. The proposal complies with applicable requirements of this code; and

5. The proposal complies with applicable urban design guidelines; and

6. The proposal is compatible with and incorporates specific features or conditions that ensure it responds appropriately to the existing or intended character of the site and surrounding property; and

7. The proposal will not be materially detrimental to uses or property in the immediate vicinity; and

8. The proposal will be served by public facilities within standards for concurrency including but not limited to streets, water, sewer, schools, and fire protection. If the proposal will be phased, each phase of a proposed development must meet concurrency requirements as if no future phases will be constructed.

I. Revision of Multiple Use Master Permit. An approved "Multiple Use" Master Permit may be revised in one of three ways, depending on the magnitude of the changes proposed.

1. Major Amendments. A new "Multiple Use" Master Permit is required for major changes, including but not limited to, expansion of site area, expansions of gross floor area of 15,000 square feet or more, or expansions of 10 percent residential units or 15 units, whichever is greater.

2. Administrative Amendment. An application for an administrative amendment to the prior approval may be made if the Director determines the changes are moderate but still within the general scope of the original approval. Moderate revisions to an approved "Multiple Use" Master Permit may be reviewed as an administrative amendment using Process 2. Administrative amendments must meet all of the following criteria:

a. The amendment maintains the design intent or purpose of the original proposal;

b. The amendment does not change vehicular access points or increase anticipated peak hour vehicle trips by more than 10 percent;

c. The site area is not expanded and gross floor area is not increased by more than 15,000 square feet;

d. The amendment results in no significant adverse environmental or land use impacts.

3. Limited Amendment. An application for a limited amendment to the prior approval may be made if the Community Development Director determines the changes are minor and more technical in nature and if all conditions of the prior approval continue to be met. Minor revisions to an approved "Multiple Use" Master Permit may be reviewed as a limited amendment using Process 1. Limited amendment must meet all the following criteria:

a. The amendment maintains the design intent or purpose of the original proposal;

b. The amendment does not change vehicular access points or increase anticipated peak hour vehicle trips by 15 or more trips;

c. The site area is not expanded and gross floor area is not increased by more than 4,000 square feet;

d. The amendment results in no significant adverse environmental or land use impacts;

e. All conditions of the prior approval are met.

J. Time Limit.

1. Ten-Year Approval. A "Multiple Use" Master Permit and any merged approvals are valid for 10 years from the effective date of approval by the Council. Additional time for phased review may be specified at time of approval.

2. Two-Year Extensions. Extension of the approval beyond the initial time period may be granted by the Council, at the Council's sole discretion. Such extensions are valid for a maximum of two years, and no more than two such extensions will be granted. Requests for extension must be in writing to the Director prior to the expiration of the approval, and must detail the reasons for the extension request. The request must include a timeline of significant events in the development of the master plan since the date of initial approval. The specific time of extension requested must be supported by a development schedule for those items that cannot be completed prior to the expiration date. General extensions due to

economic conditions may be granted, but will not preserve vesting of the original approval.

3. Revisions and Amendments. Revisions that trigger a new "Multiple Use" Master Permit are granted a 10-year approval time and, upon Council concurrence, up to two two-year extensions. Administrative amendments and limited amendments receive no additional time.

K. Use and Development Agreement. City Council may require, as a condition of approval of the "Multiple Use" Master Permit, a property use and development agreement to ensure that conditions of approval are understood and to establish any and all special conditions of the approved permit. The property use and development agreement shall be recorded as a development covenant to run with the land. (Ord. O-00-133 § 1).

18.110.060 Amendment of the comprehensive plan.

A. Purpose and Applicability. The purpose of this section is to establish the procedure and criteria to amend the City's comprehensive plan, including both policy amendments and amendments to the future land use map. An amendment to the comprehensive plan is a mechanism by which the City may modify its land use, development, or growth policies in order to respond to changing circumstances or needs of the City. This section applies to each application or proposal affecting the comprehensive plan.

B. Who May Initiate.

1. The City Council or the Planning Commission may initiate consideration of an amendment to the comprehensive plan map or goals and policies.

2. A property owner may file an application for an amendment to the comprehensive plan future land use map affecting only his or her own property.

3. Any resident, property owner, or business owner in the City may file an application to amend the goals or policies of the comprehensive plan.

4. Any person may request that the City Council or Planning Commission initiate an