

ENCLOSURE A

Proposed changes from draft 2.0, Part 1

GMA Item #13772

For Discussion of Freeland Zoning Code
at Planning Commission 12/10/18 Workshop

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Proposed Changes from Draft 2.0, Part 1

000 – GENERAL PROVISIONS

- Minor edits

100 – ZONING DISTRICTS

- Updated to add reference Parks district

105 – Implementation of Urban Density

- Renamed to Incremental Growth Provisions, added the context language (from Commerce, etc.) that we added into the Subarea Plan, including WAC references for phasing septic and sewer.
- Added more to the Future Development Plan section to say what needs to be included (open space and parking calcs), also added provisions to allow some less than 100% of the minimum density and additional option for cottage housing (increased flexibility).
- Added Density Shifts section (Commerce really liked this as a way to balance slow growth now with faster growth provisions later).
 - As written in the current draft, density shifts are only available if growth in Freeland is higher than anticipated and sewer is available, include a density cap (maximum density shall be 150% of the base zoning district density)
 - **Discussion item:** Location of Density Shifts. In the first draft of the Subarea Plan edits we just put the limitation on locations as “where adjacent to a higher density district where transitional uses are allowed” but we received feedback that this needed to be revised to be more clear. Transitional uses are discussed in section 205 (see page 3 of this document), with similar questions on location, so staff will discuss these together. I.e. only LD & MD adjacent to BD, MD, etc.; only at intersections; etc.

110.A – Low-Density Residential (LD)

- Reduced the rear and side yard setbacks in response to resident request (to not be significantly more than required for RR properties) and added a max site coverage
- Building Heights - Resident request to provide additional protections for view corridors to limit building and/or building height on those properties.
 - **Discussion item:** Instead of limiting building altogether or limiting height on the entire property, staff is proposing for consideration a height “step-back” which would decrease the allowed height on the view corridor frontage but increase height on the interior of the property. For LD district, this would result in a one-story massing along the street, but could go up an additional 10 ft in height after a 10-ft step back.
 - **Discussion item:** The previous draft included a base max height of 25 ft, with an allowance to increase height by an additional 5 ft for structures 40 ft or more from any property line (max of 30 ft). This was limited to properties 1 acre or greater not along a view corridor. Staff is proposing that this be increased to 10 ft and extended to all properties, and a table would replace the text to make it easier to understand.

Changes from Draft 2.0, Part 1

Building Height table (proposed):

Building Height (Max) in LD	< 40 ft from property line	≥ 40 ft from all property lines
Along a View Corridor frontage	20 ft	30 ft *
Outside of a View Corridor area	25 ft	35 ft *

* This increased height allowance does not apply to accessory buildings.

110.B - Medium-Density Residential (MD)

- Same revisions as LD section as applies to building heights and setbacks
- Building Height table (proposed):

Building Height (Max) ⁽³⁾	< 40 ft from property line	≥ 40 ft from all property lines
Along a View Corridor frontage	25 ft	35 ft *
Outside of a View Corridor area	35 ft	35 ft
<i>* Increased height allowance does not apply to accessory buildings.</i>		

120.B, 120.C & 130 – Business General, Non-Residential Mixed-Use & Light Industrial

- Building Height table (proposed) – same for all:

Building Height (Max) ⁽³⁾	< 40 ft from property line	≥ 40 ft from all property lines
Along a View Corridor frontage	25 ft	35 ft *
Outside of a View Corridor area	35 ft	35 ft
<i>* Increased height allowance does not apply to accessory buildings.</i>		

- Note: not proposing a similar table for Business Village because there are no view corridors in the BV district and the district has other height variations included (additional height allowed on Main St & Harbor Ave and additional height allowed for affordable housing).

17.06.140 - Zoning Amendments.

- Previous draft only allowed rezoning to adjacent zoning districts. Staff added language to allow for rezoning from LD to MD when a LD property is adjacent to Mixed-Use (a lesser intensity increase).
- Restructured the language to a format that will be easier to use in a checklist.

17.06.150 - Overlays.

- Added a statement to clarify that where there is a conflict between this section and other sections of this chapter, the overlay criteria contained in this section shall apply.

Changes from Draft 2.0, Part 1

- Revised the map for the view corridors to reflect feedback from Community Conference (based off topography instead of zoning district boundaries to make it more intuitive)
- Referenced step back concept introduced earlier. Added an allowance for green roof and rooftop deck within step back area.
- Added language from WSDOT related to signs along Hwy 525 (subject to Highway Advertising Control Act, Chapter 47.42 RCW and Chapter 468-66 WAC).

17.06.160 - Setback Encroachments and Height Exceptions (PROPOSED NEW)

- Provides for encroachments for ADA accommodations, rain barrels/cisterns, etc. and some types of architectural features.

17.06.200 - PERMITTED USES

17.06.205 - Residential 205 - Transitional Uses (PROPOSED NEW)

- Added language from Subarea Plan revisions (part of the incremental growth provisions / scenario planning and phasing growth plan) allowing limited uses to be “borrowed” from immediately adjacent higher density/ higher intensity properties in lieu of a rezoning. Limited to those uses specifically called out on the use table. Transitional uses do not change the underlying zoning district requirements related to lot sizes, building setback, and building heights.
- Purpose:
 - To create distinct zoning districts with smooth transitions between districts.
 - To provide for small commercial and mixed-use live/work units that offer an opportunity for small local businesses that serve the neighborhood needs (small restaurant, doctor’s office, etc.) in close proximity to residential, areas without disrupting residential neighborhoods.
 - To allow transitional uses to be utilized in lieu of zoning amendments to increase flexibility in the community while still protecting the integrity of the character of the existing neighborhoods.
 - May be used in conjunction with density shifts (see ICC 17.06.105) as a part of phasing of future growth to accommodate additional housing units as a Reasonable Measure in lieu of expanding the boundary of the NMUGA.
- **Discussion item:** Location of Transitional Uses (see discussion item of density shifts on page 1)

17.06.210 - Residential Uses.

- Modified chart to allow single-family attached (2 – 4 units) in the Business Village district, just not allowed on Main St and Harbor Ave frontages.

17.06.240 - Temporary Uses.

- **Discussion item:** Legal recommended that we consider a cut-off date for the allowance of a temporary residence
 - Only allowed “When fire or natural disaster has rendered a dwelling unit unfit for human habitation or during rehabilitation or remodeling of a dwelling unit or construction of a new dwelling unit”

Changes from Draft 2.0, Part 1

- Allowed for only 6 months, but extensions can be granted with approval of Planning Director, but no max timeline is given. Do we want to allow for 2 years? 3 years?
- **Discussion item:** Temporary use of mobile/manufactured home for caretaker residence. Legal recommended we simplify and ease some of the requirements as well as adding a line to limit “temporary” use.
 - Staff is proposing adding the language “The temporary unit cannot be used for a long-term housing solution (greater than 5 years.” – as this section of code is a temporary use to be renewed each year and alternatively an ADU or guest house permit may be obtained for all long-term situations and would not require yearly recertification.
 - Legal recommended striking the limitation that the family member or caretaker occupy the mobile/manufactured home. In some cases it will make more sense for the family for the qualifying infirm person to use it instead (privacy/independence).

17.06.250 - Non-Conforming Uses, Structures, and Lots.

REVISIONS PENDING – Will review minor revisions for clarity with the Planning Commission at a future work session.

17.06.300 – LAND USE STANDARDS

17.06.310 - Home Based Businesses.

- **A. Home Occupation**
 - Removed certain uses without off-site impacts from a Type I review and allowing them as exempt from a land use permit.
 - Ⓐ = Allowed use exempt from a land use permit when no off-site impacts occur. Where office is not open to the public (no on-site sales or services offered and/or where no client consultations or instruction occurs on-site), and therefore there is no customer/client traffic anticipated, no permit is required. Where open to the public and customer/client traffic is anticipated, a Type 1 permit is required.
 - Per comments from the public added certain uses to chart to make it clear they are home occupations: yoga or personal fitness for 1 – 6 persons, counselor or psychologist
 - Added considerations for smells, chemicals, and vibrations
- **B. Home Industry**
 - Clarified the table and notes to clarify that some uses are a Type III
- **Both sections**
 - **Discussion Item:** Per legal suggestion to consider, removed the requirement for the business owner to be the owner of the residence to allow a resident (family member or tenant) to have a home based business with written property owner consent.
 - Removed a lot of text and added a reference to 17.03.180.K & J to simplify this section and future updates for home based businesses

17.06.320 - Additional Standards for Residential Building Types.

A. Guest cottages and accessory living quarters.

- **Parking and access**

Changes from Draft 2.0, Part 1

- Moved some language to top to apply to both ADU & Guest Cottage to reduce duplication
- **Discussion Item:** Revised to allow on-street parking (1 space)
- Revised to allow access from an alley (if available)
- **Guest Cottage**
 - At resident request, removed the allowance to exceed 1,000 square feet (20% of primary residence, up to 2,000)
 - At resident request, added language to state that guest cottage shall not exceed footprint of primary residence
 - Added language to clarify that guest cottage is not required to meet building frontage requirements of primary residence and must be a min of 10 ft of separation (fire code)
- **ADU**
 - Added language that if ADU is an addition it must be consistent with the style, materials, and color of the primary residence (appearance is integrated and does not create appearance of duplex)
- **Mobile / manufactured homes.**
 - Per public comment received, revised requirements for connections to electrical and plumbing, with strike through “provided with” and replace with “connected to”
 - Per public comment received, added language to clarify that sewage may be community septic (an individual system is not required)
- **Mobile / manufactured home parks.**
 - Added language to clarify that internal park roadway design must meet the block design standards in 17.06.410
 - Added internal lot line setbacks to clarify that each individual lot does not need to meet the park exterior property line setbacks
 - Per public comment received, reduces the space per unit to national standards (vs. the large lot requirements found in 17.03.180 in the rural area)
 - Added language that open space needs to be distributed throughout the development so that all lots are within 600 feet of existing or proposed open space. Also added language that a community building shall count towards open space requirement (up to 50% of required open space)
- **Cottage Housing**
 - Minor clarifications
 - Allowing application to choose either 1 or 0.5 dwelling unit per cottage for calculating the capacity of future units on a Future Development Plan (increase flexibility, consistent with change made in 17.06.105)
 - Removed the minimum slope requirements
- **Townhouse**
 - Clarifications
 - Added language for open space requirements to require a minimum of 50% of open space must be common open space (vs. private open space) – per previous conversation with the Planning Commission and Board

17.06.330 - Overnight Lodging.

- **Bed and breakfast (1 and 2 rooms)**
 - Clarifications
- **Bed and breakfast inns (3 to 6 rooms)**
 - **Discussion Item:** Allow on-site manager vs. live-in owner
 - Added language to require all bed and breakfast facilities to be registered with the local fire district, including the number of beds, to ensure proper response in case of an emergency. (same language for country inn and hotel/motel)
- **Country inns (7 to 40 rooms)**
 - Added language to require all country inns to be registered with the Island County Health Department to assure that Health Department standards are met (same language as B&B inn and hotel/motel)
- **Hotel/Motel**
 - Removed requirement for sustainable construction practices
 - Replaced landscaping requirements with a reference to the landscaping section (for consistency)
 - Replaces language related to sea water intrusion policy to simpler language that states that a hotel/motel must be tied into a public water system.
 - Added language to require all hotels/motels to be registered with the Island County Health Department to assure that Health Department standards are met (same language as B&B inn and country inn)
 - Added language to require all hotels/motels to be registered with the local fire district, including the number of beds, to ensure proper response in case of an emergency. (same language for B&B inn & country inn)

NOTE: All other sections to be reviewed at later work sessions.